



REPUBLIC OF MAURITIUS

**SIXTH NATIONAL ASSEMBLY****PARLIAMENTARY****DEBATES****(HANSARD)****FIRST SESSION****TUESDAY 21 JUNE 2016**

## **CONTENTS**

**PAPERS LAID**

**MOTION**

**STATEMENT BY MINISTER**

**BILLS** (*Public*)

**E.S.E (6 months ended 30 June 2015) of 2016**

**ADJOURNMENT**

## THE CABINET

**(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)**

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Pravind Kumar Jugnauth	Minister of Finance and Economic Development
Hon. Seetanah Lutchmeenaraaidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Youth and Sports
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Local Government
Hon. Prithvirajsing Roopun	Minister of Social Integration and Economic Empowerment
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Technology, Communication and Innovation
Hon. Ravi Yerrigadoo	Attorney General
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Santaram Baboo	Minister of Arts and Culture
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Mrs Marie-Aurore Marie-Joyce	Minister of Gender Equality, Child Development and

Perraud	Family Welfare
Hon. Sudarshan Bhadain, GCSK	Minister of Financial Services, Good Governance and Institutional Reforms
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

**PRINCIPAL OFFICERS AND OFFICIALS**

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Duval, Hon. Adrien Charles
Deputy Chairperson of Committees	Hurreeram, Hon. Mahendranuth Sharma
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Adviser	Dowlutta, Mr Ram Ranjit
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin (Temporary Transfer to RRA)
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

**MAURITIUS**

**Sixth National Assembly**

-----

**FIRST SESSION**

-----

**Debate No. 13 of 2016**

**Sitting of 21 June 2016**

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

**The National Anthem was played**

*(Madam Speaker in the Chair)*

**PAPERS LAID**

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

A. **Ministry of Education and Human Resources, Tertiary Education and Scientific Research –**

The Annual Report 2014 of the Rajiv Gandhi Science Centre.

B. **Ministry of Local Government –**

- (a) The City Council of Port Louis (Central Market) Regulations 2016. (Government Notice No. 120 of 2016)
- (b) The Auction Sale Site Regulations 2016. (Government Notice No. 121 of 2016)
- (c) The City Council of Port Louis (Decaen Market/Fair) Regulations 2016. (Government Notice No. 122 of 2016)
- (d) The Ibrahim Abdoollah Market/Fair Regulations 2016. (Government Notice No. 123 of 2016)
- (e) The Jinnah Market/Fair Regulations 2016. (Government Notice No. 124 of 2016)
- (f) The City Council of Port Louis (Marie Elyata Potou Market) Regulations 2016. (Government Notice No. 125 of 2016)
- (g) Père Robert Giraud Market/Fair Regulations 2016. (Government Notice No. 126 of 2016)

- (h) Pointe aux Sables Market/Fair Regulations 2016. (Government Notice No. 127 of 2016)
- (i) The City Council of Port Louis (Pont de Paris Open Market) Regulations 2016. (Government Notice No. 128 of 2016)
- (j) The City Council of Port Louis (Ruisseau du Pouce Open Market/Fair) Regulations 2016. (Government Notice No. 129 of 2016)
- (k) The City Council of Port Louis (Transportation Centre Fair) Regulations 2016. (Government Notice No. 130 of 2016)
- (l) District Council of Grand Port (Fees for Classified Trades) Regulations 2016. (Government Notice No. 131 of 2016)

C. **Ministry of Agro-Industry and Food Security –**

The Annual Report 2012 of the Small Farmers Welfare Fund.

D. **Ministry of Financial Services, Good Governance and Institutional Reform –**

The Securities (Brokerage Fee for Government of Mauritius Securities and Bank of Mauritius Securities (Amendment) Rules 2016. (Government Notice No.132 of 2016)

**MOTION****SUSPENSION OF S.O. 10(2)**

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

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

(11.32 a.m.)

**STATEMENT BY MINISTER****ACP SUMMIT OF HEADS OF STATE - EMINENT PERSONS GROUP REPORT**

**The Minister of Agro-Industry and Food Security (Mr M. Seeruttun):** Madam Speaker, at the sitting of the National Assembly on Tuesday last, the hon. Leader of the Opposition, in his Private Notice Question addressed to the Rt. hon. Prime Minister, raised a number of issues concerning the ACP Summit of Heads of State and Government held on 30 May and 01 June this year in Port Moresby, Papua New Guinea.

He made reference in particular to the Report of the Eminent Persons Group, the Economic Partnership Agreement, and the Post 2020 Cotonou Partnership Agreement.

I would like, at the outset, to inform the House that Brexit was not on the agenda of the Summit and was never discussed. The Brexit issue was also not raised at the Joint Meeting of the ACP/EU Council of Ministers in Dakar, Senegal in April last.

Madam Speaker, the Eminent Persons Group chaired by the former President of Nigeria, Chief Obasanjo was tasked to undertake a critical assessment of ACP Group's performance over the four decades of its existence. The EPG was also asked to recommend how to restructure the Group as a contemporary international organisation with a new vision for an ACP fit to serve its people in a new global reality.

The EPG Report was presented to the Summit as a basis for discussions on, *inter alia*, the following -

- a) a review of the areas of focus of the ACP Group;

- b) the need to improve the structures and work methods of the Group, and
- c) shaping future relations between the ACP countries and the EU.

The Summit deliberated on the report which contains a number of recommendations for reform in order to re-orient the ACP Group to deliver more effectively on the development ambitions of its member states. The Summit accepted the EPG Report, with an implementation plan expected by the end of 2016, subject to further analysis and reflections at national and regional levels. I am tabling a copy of the EPG Report.

Madam Speaker, with regard to the Economic Partnership Agreement with the EU, the Summit observed that the EU was no longer showing a keen interest vis-à-vis the ACP countries, and, in fact, seeking new trading partners. Representatives of the different regional groups expressed concern that the EPAs were not functioning effectively and they were not deriving the benefits expected from the Agreement. On the Interim Economic Partnership Agreement signed by four of the eleven members of the Eastern and Southern Africa region to which Mauritius belongs, I voiced out our concern that the negotiations for a full and comprehensive EPA have been installed since 2011, following the condition imposed by the EU to the effect that negotiations would resume only if it receives market access offers from the other 7 members which have not yet signed the Interim EPA. I highlighted, in this regard, that the ESA Ministerial Council at its meeting in Lusaka, Zambia in December 2015 has agreed that the four signatories of the Interim EPA should urgently proceed to negotiate the deepening and broadening of the Agreement and other ESA members can join in when they are ready.

Madam Speaker, the upcoming negotiation on a partnership framework with the EU after the expiry in 2020 of the ACP-EU Cotonou Partnership Agreement was a key concern of the ACP Group. In this regard, the Summit expressed its determinations to review and enhance the ACP –EU Partnership with a legally-binding document, building on the experience and gains obtained under the Cotonou Partnership Agreement. The Summit resolved to jointly identify issues of common interest with the EU partners to ensure that the ACP-EU Cooperation takes into account the implementation of Sustainable Development Goals, the promotion of regional trade and integration, financing for development and other identified priorities.

Negotiations with the EU are expected to start in 2018.

Madam Speaker, I thank you.

## **PUBLIC BILLS**

### *Second Reading*

#### **THE SUPPLEMENTARY APPROPRIATION (2015) (No. 2) BILL**

#### **(No. XIII of 2016)**

*Order for Second Reading read.*

(11.37 a.m.)

**The Minister of Finance and Economic Development (Mr P. Jugnauth):** Madam Speaker, I move that the Supplementary Appropriation (2015) (No.2) Bill (No. XIII of 2016) be read a second time.

Madam Speaker, three weeks ago in my Speech on the Supplementary Appropriation (2015-2016) Bill, I stated that I would be coming forward with a Supplementary Appropriation Bill to cover the additional expenditure incurred during the six-month period 01 January to 30 June 2015.

The Bill before the House makes provision for the appropriation of an additional sum of one billion and six hundred and seventy million rupees (Rs1,670,000,000).

The National Assembly through the Appropriation (2015) Act voted a total sum of Rs40.71 billion for the six-month Budget. I wish to inform the House that the actual expenditure amounted to Rs40.45 billion, that is some Rs260 m. below the total voted provision.

Madam Speaker, although actual spending is below the total appropriated amount, a Supplementary Appropriation Bill is required as spending under nine Votes has exceeded the voted sums. The additional spending was met through reallocation of funds from Vote “Contingencies and Reserves” and from other Votes that had unspent balances.

The nine Votes of Expenditure are listed in the Schedule to the Bill, and the items of expenditure concerned are set out in the Estimates of Supplementary Expenditure (ESE).

I will now give the details on the supplementary expenditure.

First, an amount of Rs1.513 billion is required under Vote 28-1 Centrally Managed Initiatives of Government mainly in connection with equity investment made by Government during the six-month period.

These investments were as follows-

- Rs753 m. in the former Mauritius Post and Cooperative Bank Ltd (MPCB), and
- Rs700 m. in the former National Commercial Bank Ltd (NCB).

In addition, Rs30 m. was invested in the National Insurance Co. Ltd and Rs30 m. in the NIC General Insurance Co. Ltd as seed capital to enable the two newly set up companies to start their operations and meet their minimum capital requirements.

Madam Speaker, three weeks ago, we had, in fact, lengthily debated on the total amount of equity investment that was made by Government in MPCB, NCB and MauBank Holdings Limited. As I explained, a total amount of 3 billion and 53 million rupees (Rs3.053 billion) was injected in these companies over the two Budget periods. We have already appropriated Rs1.6 billion for equity investment that was made during the current fiscal year.

Today, we are seeking approval of the House for the balance of Rs1.453 billion of equity investment made in the MPCB and NCB during the six-month Budget ending on 30 June 2015. Approval is also being sought for the investment of Rs60 m. made in the two insurance companies during that period.

Second, Rs56.5 m. is required under Vote 27-1 Centrally Managed Expenses of Government essentially to cater for higher refund of accumulated sick leave and vacation leave due mainly to a higher number of public officers proceeding on retirement.

Third, Rs47.8 m. is needed under Vote 11-1 Ministry of Health and Quality of Life. The initial voted provision was not sufficient mainly due to higher spending on medical supplies, drugs, uniforms and high-tech equipment. Additional funds were also required to cater for a book entry in relation to the construction of a main operation theatre and wards at Victoria Hospital, financed from a grant from Government of China.

Fourth, Rs30.9 m. is required under Vote 3-2 External Communications to refund to the Cargo Handling Corporation Ltd outstanding claims in respect of subsidies on container and general cargo services to Rodrigues.

Fifth, Rs8.8 m. is required under Vote 1-7 Public and Disciplined Forces Service Commissions for completion of construction works for a New Wing.

The remaining supplementary provision of Rs13 m. is needed in respect of the following four Votes -

- Office of the President;
- National Assembly;
- Electoral Supervisory Commission and Electoral Boundaries Commission, and
- Office of the Solicitor-General

I wish to inform the House that the Budget deficit for the six-month period, after taking into account the above supplementary expenditure, is revised downward to 3.3% of GDP, compared to the initial estimate of 3.9%.

As at 30 June 2015, the Public Sector Debt, as per international definition, stood at 63.8% of GDP whereas the Public Sector Debt for the purpose of the Statutory Debt Ceiling, was 56.3% of GDP.

With these remarks, Madam Speaker, I now commend the Bill to the House.

**The Prime Minister rose and seconded**

**Madam Speaker:** Hon. Bholah!

(11.45 a.m.)

**The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah):** Thank you, Madam Speaker, for allowing me to intervene on this Bill. The consideration today, in front of the House, is the appropriation of an additional amount of Rs1.67 billion for the six-month period ended 30 June 2015.

It is highly understandable that the question of asking the House to vote an additional amount of money in order to meet the Budget that has been used so far, leads to a passionate debate as we are, after all, talking about public funds. Whether it be for Members of the Government or for those of the Opposition, we have all been elected by the people of this country. We are the unbridled advocates of our respective constituents, and through the presentation of the Supplementary Appropriation 2015 Bill by the hon. Minister of Finance and

Economic Development, we are precisely talking about the people's money. We peremptorily have the duty of handling and managing funds with a pronounced sense of reasonability and each and every additional expense is thus automatically questioned.

However, I must say that we are far from diving into an unfamiliar territory with the present configuration. Indeed, as it has been pointed out by hon. Bhadain and hon. Rutnay during their previous interventions, the Constitution and the Finance and Audit Act cater for supplementary appropriation whereby Governments are allowed to bring such legislation when any money has been spent for a purpose for which no amount has been appropriated.

This legislation is brought forward in a very fair and transparent spirit in the sense that it has been devised in such a way that explanations are meant to be given in the National Assembly regarding expenses incurred and amounts required. This is a normal procedure that is practised by Governments all over the world to accommodate timing of expenditures and unforeseen circumstances which cannot be mitigated within current appropriations.

We should be realistic and acknowledge that in all situations there is most of the time a gap between perceived needs and actual needs. On top of that, we may have items which are not expected that crop up depending on circumstances.

Madam Speaker, to the best of my knowledge, nobody, here, has a crystal ball that would enable him or her to transcend such limitations to have the ability of foreseeing the future. That is why any budget is called an estimate. And by definition an estimate is an approximation of a quantity based on experience and/or information available at the time with the recognition that other pertinent facts are unclear or unknown. It is what we commonly call 'an educated guess'.

We experience the fact that we can only go to some extent to estimate expenditure for the future, even at micro level when compared to Government business. How many people are in a way too familiar with the situation in which we go to the supermarket with the defined shopping list, only come out buying more than what expected to. It is, thus, fair to say that it is technically and humanly impossible to provide exactly the amount of money to be spent, not only for items that have been mentioned in the budget, but also as through different Governments in the past, those which are unpredicted.

This Government, being a responsible one, we feel concerned by such situations which justify that we deal with them promptly, even if this implies that we consequently have to spend public funds to find the most appropriate solutions to them. Such a line of argument is even more valid given that it has, up to now, been more difficult for us to accurately predict how much public expenditure will cost, given that we undoubtedly inherited a state of affairs left by a Government that was on a descending path.

As a matter of fact, for the period 2008-2013, the additional amounts appropriated were in the range of Rs2 billion to Rs4.2 billion, representing around 3% to 5% of the initial budget. In some cases, the amount, in relative terms, has been as high as 7% of the initial approved budget, as has been the case for the Fiscal Year 2008-2009.

Hon. Members of this Assembly will recall that, in that financial period, the then Government had to cater for, *inter alia*, the payment of PRB Reports. Madam Speaker, the main items concerned today are the expenses related to the Ministry of Health and Quality of Life and their equity injection in MPCB, NCB and the National Insurance Co. Ltd.

With regard to the Ministry of Health and Quality of Life, an additional amount of Rs41.5 m. is being required for medical supplies, drugs and equipment. The trend, when it comes to the cost of drugs, is clear and this issue has become a topic of international concern. Patients and institutions, across the world, are concerned about skyrocketing drug prices.

For instance, President François Hollande of France has called on world leaders to act regarding the issue of the exponential increase in the price of medicines over recent years, particularly, for new treatments, for cancer and hepatitis C. The Secretary-General of the United Nations, Ban Ki-moon, has also taken up the issue in November 2015.

Hon. Members will all agree that if developed countries are raising alarm at the situation and are feeling the strain on their health care systems, middle or low-income countries suffer relatively, even more from the increasing cost of medicines.

Another Rs45 m. is being sought by the Ministry of Health and Quality of Life to enable the booking of a grant settlement from the People's Republic of China, regarding the construction of a new operation theatre and was blocked over an area of about 90,000 square feet at the Victoria Hospital. China has agreed to fund the construction of health facilities in

Mauritius to the tune of USD 19 m. Following an agreement signed between the two countries in 2013, the Chinese Aid Project will be in the form of design, construction and provision of furniture and medical equipment. This includes laryngoscope sets electrical and orthopaedic operating tables, ICU beds and fowler beds, among others. It would, indeed, be incomprehensible if we miss on such a valuable collaboration from a friendly State and this Government is ready to do the investment required, to seek the best partners in the world, to enable us to provide quality, accessible and efficient health care to the population.

Madam Speaker, the second most significant item for which the hon. Minister of Finance and Economic Development is asking for supplementary appropriation is for the acquisition of the financial assets of MPCB, NCB and NIC to the tune of Rs1.5 billion. The first question that needs to be addressed is whether such expenditure could have been foreseen at the time of the preparation of the Budget for the period January to June 2015. Clearly, Madam Speaker, the answer is no.

No one had anticipated the extent to which the ex-BAI entities and the MPCB suffered from mismanagement and bad governance during the previous Government regime. It was a moral imperative towards the people, for us to act. Government deserves credit for having tackled those issues and, by doing so, that is, by saving people's money and some 750 jobs, we avoided an unprecedented financial and social crisis in the country. The issues have lengthily been exposed in this House as well as in the public. I will, therefore, Madam Speaker, not emphasise more on this matter.

Of the remainder of the Rs140 m., 83.6% has been spent for items, such as refund of sick, passage benefits and so on. These are statutory obligations which have to be incurred anyway. In addition, Rs56.4 m. has been spent as capital expenditure. Capital expenditure, Madam Speaker, by the public sector, is an important variable in the growth equation, amongst others. Such expenditure, as long as it does not crowd out private investment, helps to expand the productive capacity of the economy, create employment and, hence, generate income and wealth.

I would like to point out that while the extent of such expenditure matters, what matters more is how productive are such expenditure. Though the current figures of public sector investment is lower than previous years, this is not an indication that things have been better in the past. A close examination of the quality of public investment under the previous Government

would reveal otherwise. Allow me, Madam Speaker, to highlight some of these past figures and projects.

For the fiscal year 2007-2008, the amount of around Rs4.5 billion or 1.7% per cent of GDP was spent on capital expenditure. This, in both absolute and relative terms, is lower than their estimates for the Fiscal Year 2015-2016. The amount of capital expenditure then increased significantly during period 2007-2013 to reach around Rs15 billion in the Fiscal Year 2013. This amount includes Rs3.9 billion spent from the various special funds. The increase in capital expenditure over the period 2007-2013 represents an average annual increase of around 200%.

The key question is: how productive has been such significant increase in capital expenditure, financed at the expense of increasing public debts? Have we not seen the various projects mishandled from conception to completion during the same period? Some of them are, in fact, yet to be completed. Others have been delivered with major structural defects, resulting in additional pressure on public finances, while these inflated capital expenditure figures could be interpreted as achievements. This is definitely not the case from a qualitative point of view. Take the example of the Bagatelle Dam. The project was awarded for a contract value of Rs3.3 billion in July 2011. The project cost increased to Rs6.2 billion.

**Madam Speaker:** No, hon. Minister! I am sorry! Don't go to Bagatelle Dam! Come to the specifics of the Bill today!

**Mr Bholah:** Okay, Madam Speaker!

I believe we need to adopt the proper process for the conceptualisation, implementation and monitoring of projects, in the first place. This is what is being done at the level of Government. The emphasis is not on spending only, but rather on creating the most enabling conditions for the implementation of capital projects, that is, what is taking time and, thus, explains the lower figures for capital expenditure.

Hon. Members would also agree that our capacity to attract private investment is *sine qua non* to have balanced and sustained growth that will bring innovation, productivity and growth in the economy. The mandate of the previous Government was marked by stagnant or decreasing private investment. This has necessitated sustained public investment at the expense of increasing public debts at an alarming rate of over 60% of GDP, which is well beyond the target

of 15%. With a view to addressing the increasing public debt, this Government has come up with a number of initiatives to boost private investment, including the recently introduced Build Operate Transfer Framework for Public-Private Partnerships.

It is to be noted that things have started to move in the right direction with a number of projects in the pipeline. As a matter of fact, private investment for year 2016 is expected to grow by 1.2%.

Madam Speaker, variances in budget estimates are usual, but they should be fair, reasonable, and we should be able to justify those variances. We must know why there has been excess expenditure, and in this perspective, the hon. Minister of Finance and Economic Development has constantly provided the House with all relevant figures in a spirit of transparency and in good faith. What really matters is not the why of this Bill, but rather what the Bill is for. I would thus urge everybody in the House to give this endorsement to the proposal of the hon. Minister of Finance and Economic Development.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Sesungkur!

(11.59 a.m.)

**Mr D. Sesungkur (First Member for Montagne Blanche & GRSE):** Thank you, Madam Speaker, for allowing me to contribute in this debate. I am thankful to the Minister of Finance and Economic Development for presenting this Bill, which is, as per the provision of the Constitution, the Finance and Audit Act.

I think there is no issue about this Bill, because by convention this is the way funds are allocated from the Consolidated Fund whenever the Government needs finances. The Consolidated Fund is the bank account of the Government, and it is normal that the House approves any allocation of budget whenever this is required.

I think it is important to explain that whenever there is a Supplementary Appropriation Bill which is presented before the House, the impression that it gives to the public is that the Government is overspending. I am thankful to the Minister of Finance and Economic Development who has dissipated this doubt because he has confirmed that overall expenditure of the budget is not increasing. Only certain items of the budget - principally the nine items where

he requires the approval of this House – are having an excess, but overall the budget deficit has decreased, which means that Government is containing its expenses. This is very fundamental because budget deficit indicates that we are living beyond our means, but this Government knows well that we have to make special effort not to put additional burden on the people and to ensure that money is well spent and where it is important.

Madam Speaker, I think we have in Mauritius, in our country, a financial control architecture which is robust and which allows Members of this House to query any expenditure which they feel is in excess. There is a time where those expenses are queried. But over and above, we have the Auditor General, which normally carries out an audit on an annual basis and makes a report which is presented to the House and which is scrutinised by each Member. Members are allowed to put questions wherever they feel there are certain excesses or certain areas where they feel there have been abuses.

My hon. friend Bholah has made an elaborate speech on the whole issue of financial and budgetary matters. The only point which I would like to make, and I would be very brief, is the single item, which is on the Schedule, and which caters for over 90% of the appropriation which is required, is in relation to capital expenditure. Capital expenditure is money well spent because it is investment which Government is making, and those investments will generate return in the future. It will also provide capital gains in case we are to sell those investments in the future.

I heard the Minister of Finance saying that the bulk of the investment has gone into the shares of the MauBank and of the NCB. In addition to the investment aspect, I feel that Government had a duty to ensure social stability, because those two institutions were in a very bad shape and Government had to allocate funds to ensure that depositors were not deprived of their savings. So, it was meant to preserve social stability for us all to live in peace in this country. It was also meant to preserve the financial stability of our banking system because if Government had not intervened into the system, the collapse of those two banks could have created havoc and it would have caused Mauritius into disrepute, especially the financial services sector.

So, I think, on one side, we see that there is legal requirement for the Minister of Finance to get the approval of the House, but at the same time, we have had the opportunity to ventilate the other issues whereby why those additional funds were spent. I have explained that the largest

item was an item of capital nature and it is not money which goes to the drain, but it is an investment which will generate return in the future. It was well necessary for Government to do that for the social stability and maintaining the banking system into equilibrium. Everything having been said now, I am going to support this Bill.

I thank you very much for your attention.

**Madam Speaker:** Hon Bhadain!

(12.06 p.m.)

**The Minister of Financial Services, Good Governance and Institutional Reforms**

**(Mr S. Bhadain):** Madam Speaker, I shall restrict my intervention to vote 28-1, Centrally Managed Initiatives of Government, where an amount of Rs1,513,000,000 is being appropriated. Included in this amount, Madam Speaker, are two sums of Rs30 m., which relates to National Insurance Co. Ltd (NIC) and NIC General Insurance Co. Ltd.

Madam Speaker, the Central Bank took the decision to revoke the banking licence of Bramer Bank on the night of 02 April 2015, in accordance with section 17 of the Banking Act, for reasons which I have already been expatiated before this House. The next day, the Stock Exchange of Mauritius had no alternative, but to suspend the listing of the bank to protect the interests of investors trading on the Stock Exchange of Mauritius. In its communiqué dated 03 April 2015, it was stated, and I quote –

“The Stock Exchange of Mauritius Ltd (SEM) wishes to inform the shareholders of Bramer Banking Corporation Ltd (BBCL) and the public in general that, following the communiqué issued by the Bank of Mauritius, on 02 April 2015, on the revocation of the banking licence of BBCL in accordance with section 17 of the Banking Act 2004, the SEM has decided, with the approval of the Listing Executive Committee, to suspend dealings in the securities of BBCL, with immediate effect, pursuant to Listing Rule 3.9(a).”

On the same day, Madam Speaker, 03 April 2015, the Board of the Financial Services Commission met and took the decision to appoint Conservators as a result of the revocation of the banking license of Bramer Bank pursuant to Section 106 of the Insurance Act 2005. The FSC acted prudently and did not abruptly revoke the license of BAI Co. Mauritius Ltd., but rather

appointed Conservators with the objective of preserving the value of the insurance business and its related companies. At this stage, Madam Speaker, the first diagnosis which was made was that, the BAI had two major components: one was the recurring insurance policies, life insurance policies and pensions which affected 135,000 families in Mauritius. That was a vital organ.

On the other hand, there was the Single Premium Policies, commonly known as Super Cash Back Gold; that was the cancer which had already spread. That was the Ponzi. So, what was initially decided rightly, was, to take out the Ponzi as part of the financial surgery and the structural surgery which was being effected, take out the Ponzi, Super Cash Back Gold, park it on one side, deal with this problem separately, but protect the 135,000 families who had their life insurances and pensions into that organisation and it is for that reason that the National Insurance Company was quickly set up and also the general insurance side, and for that, as the hon. Minister of Finance has stated to the House, seed capital was required to meet the minimum capital requirements.

By law, when you set up an insurance company, you need to have the minimum capital requirement and those two sums of Rs30 m. represent the equity stake of Government in setting up those two insurance companies so that we could salvage that situation which was, as my friend hon. Bholah has stated, it could not have been anticipated those expenditure and, as hon. Sesungkur has mentioned, it is an investment which will generate dividends and capital gains going forward. But I believe it is very important at this stage, Madam Speaker, to realise what would have happened, had we not set up the NIC at this moment in time to conduct this surgery and take those 135,000 life insurance policies and put it in that vehicle.

What would have happened, Madam Speaker? Firstly, an inevitable crash of the banking and the insurance sector, with 300,000 depositors and 135,000 policy holders losing their hard earned savings and pensions. This is how bad it was! Unprecedented social crisis with over half of the working population, who, would directly or indirectly, suffer from significant financial losses as a result of that BAI scam!

Thirdly, the risk of 4,000 people losing their jobs, people who were employed in the BAI structure, the insurance company and all the related companies which fell under that group and then, of course, the risk of contraction in economic growth as a result of the BAI Ponzi and unscrupulous scheme which was designed to defraud innocent victims and, this week, we are

sitting down with all the victims and finding solutions to bring an end to the Super Cash Back Gold dilemma and go ahead and repay those victims to the extent possible.

So, as a responsible Government, there is no way that we could have allowed this situation to unfold in a manner which would have brought down the whole economy. Hon. Sesungkur was lenient in saying that the financial stability and the social stability would have been at stake. This would have brought down the whole economy. This is how bad it was and it is important that people in this country realise how this issue has been addressed and, today, with those two sums of Rs30 m. which have been injected by Government in NIC, NIC is working. Where has it reached, Madam Speaker? It is important also to know what NIC has achieved. So, with a minimum capital injection of Rs60 m., the staff of National Insurance Company Ltd., NIC General Insurance Company Ltd. have worked relentlessly to bring up the value of the insurance company with the following achievements as at date –

- Market leadership position with 38% of the market share of life insurance policies in Mauritius;
- NIC General Insurance Company Ltd. holds 11% market share of accident and health segment;
- NIC General Insurance Company Limited introduced new lines of business: motor insurance, travel insurance, property insurance, liability guarantee, engineering insurance and so on;
- Monthly recurring premiums of Rs112 m. every month is being contributed with an annual recurring premium of Rs1.3 billion for life insurance policies;
- increase in monthly life recurring premium of Rs9.2 m. Rs600 m. of total life insurance benefits paid out to date, and
- reduction in operational cost from Rs660 m. annually to Rs225 m. annually.

This shows, Madam Speaker, if you are to do things properly, how much money can be saved. This company was operating with a total expenditure of Rs660 m. every year. Staff cost, overheads! We have reduced that to Rs220 m. and it is achieving so much. Decrease in expense ratio from 36% to 11%, which is well within industry norms and, above all, Madam Speaker, NIC has been the recipient of the Africa best employer brand award in testimony of the bold business restructuring that it has undergone since August 2015. Best employer for Africa! How

did they achieve that, Madam Speaker? They wrote down what had happened to their company and how it had been salvaged. Because when we went there, we told these employees, look, we can't safeguard all the jobs unless we are to take salary cuts, wages cuts and if you are all willing to make a sacrifice we will be able to salvage those jobs. And they all agreed. When they wrote down their story and they sent it to the Committee in Africa, they were awarded the best employer of the year award for Africa.

Madam Speaker, both the National Insurance Company Ltd., NIC General Insurance Company Ltd. have turned into national jewels, with a mere capital injection of Rs600 m. and a lot of hard work and sacrifice which went down in that project. What is also very important, Madam Speaker, is that, very often, we hear that public funds are being utilised to repay Super Cash Back Gold or to repay Bramer Asset Management. This has never happened. Never! When Rs60 m. have been injected in those two companies, they were equity contribution to meet the minimum capital requirements so that insurance companies could operate and, through the hard work and everything which has been done, value has been created and this is now an investment.

Now, when we repay the other side, we have protected the life insurance policy holders - now when we are repaying the Super Cash Back Gold this week, it will be announced. At the end of the day, there are going to be two assets which are going to be left. One is the insurance company itself, National Insurance Company, the life side and then the general insurance side, and also the bank, MauBank. These two assets have value, regardless of what valuation exercise is conducted by whom, we know that it has value and, at the end of the day, whatever remains to be paid, the loan which has been taken by the then Minister of Finance and Economic Development from the Central Bank for Rs3.5 billion, will be repaid out of the capital of MauBank and the NIC with the value which has been created.

All of that, Madam Speaker, has been done in less than one year and everybody in Government has taken bold decisions, of course, at Cabinet level, but over and above everything, none of this would have been possible if the Rt. hon. Prime Minister had not taken swift decisions as and when required every single time he was asked to do so. And every time I went to see him and proposed a solution to a problem after having listened and assessed in the space of no time, he said to me: go ahead and do it. This is why we've achieved what we have achieved with NIC.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Minister of Finance and Economic Development!

(12.17 p.m.)

**Mr Jugnauth:** Well, let me thank all the hon. Members who have intervened on this Bill, who have expressed their views, in fact, their contribution has been very valuable and since there is no dissent, well, I shall end on this note.

Thank you.

*(Interruptions)*

*Question put and agreed to.*

*Bill read a second time and committed.*

## COMMITTEE OF SUPPLY

*(Madam Speaker in the Chair)*

## ESTIMATES OF SUPPLEMENTARY EXPENDITURE

**(6 MONTHS ENDED 30 JUNE 2015)**

**OF 2016**

*The following votes were called and agreed to -*

- *Vote 1-1 Office of the President (Rs4,800,000).*
- *Vote 1-3 National Assembly (Rs5,400,000).*
- *Vote 1-4 Electoral Supervisory Commission and Electoral Boundaries Commission (Rs500,000).*

*Vote 1-7 Public and Disciplined Forces Service Commission was called.*

**The Chairperson:** Yes, hon. Dr. Sorefan!

**Dr. Sorefan:** Thank you, Madam Chairperson. On page 7, under item 31112 *Non-Residential Buildings - Provision required to meet contractual obligations i.c.w. completion of construction works for the New Wing at the Public and Disciplined Forces Service Commissions*, there was no provision for this for the six months and we see an appropriation of about Rs10.8

m. Will the Minister concerned give us some idea as to why we have this Rs10.8 m.? Is it a claim after the contract, of this construction?

**The Prime Minister:** Madam Chairperson, I have been told provision was required to meet contractual obligations in connection with completion of construction works for the New Wing at the Public and Disciplined Forces Service Commissions. The contract for the construction of the New Wing of a project value of Rs35,075,000 was awarded to Kistnen Enterprises Company Ltd. on 21 August 2013. The construction was completed in June 2015.

As at to date, the total amount paid on the project amounts to Rs32,043,000. As no provision was made in the Estimates January 2015 to June 2015, additional provision is required to effect payment to the contractor.

*Vote 1-7 Public and Disciplined Forces Service Commissions (Rs8,800,000) was, on question put, agreed to.*

*Vote 3-2 External Communications (Rs30,900,000) was called and agreed to.*

*Vote 11-1 Ministry of Health and Quality of Life was called.*

**The Chairperson:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Thank you, Madam Chairperson. On page 11, item 22200 *Overseas Travel (Treatment & Incoming Medical Teams) Additional provision required to meet accommodation costs for medical teams from abroad*, may we know from the hon. Minister how many teams came and how many patients were operated by those teams?

**Mr Gayan:** Madam Chairperson, from the notes that I have, it appears that there were quite a number of foreign visiting teams and the amount was disbursed for hotel accommodations for the foreign teams.

There was also an item for Professor Owens for the period 12/03/14 to 15/03/14 which was paid in June 2015 and also another item for Professor Sood and his team for period 04 to 12 April 2015. But it was all in respect of additional provision which was required to meet accommodation costs for the medical teams from overseas.

**Dr. Sorefan:** The hon. Minister has not answered my question. How many patients were operated during that period?

**Mr Gayan:** I am afraid, I don't have this information.

**The Chairperson:** Hon. Ganoo!

**Mr Ganoo:** Madam Chairperson, I wish to intervene on item 22140 *Medical Supplies, Drugs and Equipment - Additional provision required due to increase in cost of drugs*. We are being asked today to vote Rs41,467,075.

Year in and year out, Madam Chairperson, this is an item which comes up even during Budget time and today for the supplementary expenditure, and we know that year in and year out also, the Director of Audit makes very severe criticisms about this item. In fact, in the last Director of Audit's report, there are so many nasty remarks which have been made against the Ministry. I know that even the Minister has, at one time, publicly expressed his concern about this item of *Medical Supplies, Drugs and Equipment*. We hear very often that the Central Supplies Division, the control at the CSD is not satisfactory in the report. Drugs were procured at higher prices at hospital level. Drugs were procured at different prices.

**The Chairperson:** Hon. Ganoo, can you ask your question? You have sufficiently explained, I think.

**Mr Ganoo:** So many severe criticisms are made year in and year out by the Director of Audit; can the hon. Minister, therefore, explain this supplementary expenditure?

**Mr Gayan:** Madam Chairperson, this supplementary amount was required, first of all, for the increase in the cost of drugs and there were also sub items on which money was spent: medicines, drugs and vaccines, CT scans and MRI fees and materials, dental materials and equipment, orthopaedic materials and equipment, medical disposables and minor equipment, Ayurvedic and other traditional medicines, renal dialysis consumables and fees, and the additional amount comprises an additional amount of Rs29,967,828 for the payment of medicines, drugs and vaccines. Again, it was due to the increase in the price of drugs and the fluctuation in foreign currencies and an additional amount of Rs11,499,247 was required for payment of outstanding contracts which had been awarded in 2014 with regard to Ayurvedic medicines.

**The Chairperson:** Hon. Ramano! No, hon. Dr. Sorefan, I give hon. Ramano the floor first!

**Mr Ramano:** Madame la présidente, à la page 13 sous l'item 31112, concernant la construction du *Main Operation Theatre*. Nous voyons que la dépense additionnelle a été augmentée de plus de 50%. Est-ce qu'on peut avoir des éclaircissements du ministre s'il vous plaît?

**Mr Gayan:** The additional sum, Madam Chairperson, was required for the adjustment in respect of the fluctuation in foreign currency for the grant/loan from the People's Republic of China for the construction of the Main Operating Theatre and the procurement of medical equipment. The loan agreement which was dated 17 February 2009 amounted to 93 million Renminbi which was equivalent Rs462,386,037. It consisted of a loan component and a grant component, but it was mainly as a result of fluctuation in foreign currency.

**The Chairperson:** Hon. Rughoobur!

**Mr Rughoobur:** Madam Chairperson, at page 12, under the same item as hon. Ganoo just mentioned, item 22140 *Medical Supplies*. May I know from the hon. Minister the procurement method used and whether there has been any part of it that has been effected through direct procurement?

**Mr Gayan:** Well, not from what I have, but I understand that most of the procurement is made by way of tender. Exceptionally when there is a shortage of drugs which are not available from the list of available drugs in the central stores, then local purchases are made.

**The Chairperson:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Page 13, item no. 31122 regarding *Additional provision required for the acquisition of High Tech Equipment*. May we know from the hon. Minister what are those High Tech equipment, please?

**Mr Gayan:** The additional amount, Madam Chairperson, was for the purpose of the purchase of contracts which have been awarded in 2014, but for which payment was made in 2015 namely –

- one autoclave for Flacq Hospital, Rs5.5 m.;
- automated defibrillator for JNH, Rs350,000;
- coagulator for Goodlands Mediclinic, Rs340,000;
- surgical table for new Souillac Hospital, Rs2.1 m., and
- other IT equipment Rs2.3 m.

**The Chairperson:** Yes, hon. Ramano!

**Mr Ramano:** Madame la présidente, toujours à la page 13, sous l'item 26313 concernant *The Trust Fund for Specialised Medical Care*. Il y a une augmentation du budget prévu de R10

million pour cette période de Janvier à Juin. Est- ce qu'on peut savoir du ministre la nature des *outstanding claims* et de quoi il en retourne?

**Mr Gayan:** Well, the additional amount was paid to make payments to outstanding creditors for the supply of drugs and consumables and for the increase in operational costs.

**The Chairperson:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Thank you, Madam Chairperson! On page 14, item no. 22090 *Security Services*. May we know if this process is still going on in the five Mediclinics?

**Mr Gayan:** Well, the Mediclinics are not opened 24 hours now, after the pilot period. Decision was taken to close them at about 20.00 hours.

**The Chairperson:** Hon. Rughoobur!

**Mr Rughoobur:** Thank you, Madam Chairperson. On page 13, item 31122. May I know from the hon. Minister what is the amount that has been provided for the maintenance out the sum that is being voted?

**The Chairperson:** Item 31122!

**Mr Gayan:** I have answered this!

**The Chairperson:** Page 13, item 31122.

(*Interruptions*)

**Mr Gayan:** There is no maintenance in this one.

**The Chairperson:** It is acquisition of High Tech Equipment.

**Mr Gayan:** Now I understand! I think your question is with regard to the maintenance of the equipment.

**Mr Rughoobur:** Yes.

**Mr Gayan:** I don't see anything here, but what I can say to the

House is that now instructions have been given that for the purchase of any new equipment, there must be a separate contract for the maintenance of that equipment.

**The Chairperson:** Hon. Ganoo!

**Mr Ganoo:** Madam Speaker, can I come back at page 13, item 26313, concerning *the Trust Fund for Specialised Medical Care*, the supplementary appropriation of Rs10 m. My question is different to the previous one. Can I ask the hon. Minister whether he can confirm if the Trust Fund for Specialised Medical Care caters also for the Cardiac Centre in Rose Belle Hospital, Victoria Hospital in addition to the one at SSR Hospital? Are angioplasty operations conducted at Jawaharlal Nehru Hospital and Victoria Hospital, and also is there still a waiting list for angioplasty operations?

**Mr Gayan:** Madam Chairperson, the Trust Fund for Specialised Medical Care deals only with neurosurgical operations, cardiac surgery, angioplasty and all these things, but I understand that there are no waiting lists at the cardiac centre because it is a referral centre. The maximum waiting time for cardiac surgery is now about two weeks. It used to be months before. There is also the provision for the opening of a branch of the Cardiac Centre in one of the operating theatres at Victoria Hospital and it going to happen once all the procurement problems are gone through.

*Vote 11-1 Ministry of Health and Quality of Life (Rs47,800,000) was, on question put, agreed to.*

*Vote 15-1 Office of the Solicitor General was called.*

**The Chairperson:** Hon. Ramano!

**Mr Ramano:** Madame la présidente, à la page 17 sous l'item 22120. Est-ce que je peux savoir de l'honorable ministre les cas précis qui sont concernés?

**Mr Yerrigadoo:** Madam Chairperson, the additional provision was required to effect payment to Royds Solicitors in respect of Privy Council cases. Payments were made in respect of the following cases –

- Rainbow Insurance Co. Ltd v Financial Services Commission and Ministry of Finance and Economic Development, the sum of Rs496,692,000;
- The second case is Sport Data Feed Ltd v Stevenhills Ltd in presence of the Gambling Regulatory Authority, the sum of Rs100,051;
- The third case is that of Compagnie Sucrière de St Antoine Limited against the State of Mauritius and the Ministry of Housing and Lands for the sum of Rs1,325,000;
- The fourth case is that Shophold (Mauritius) Ltd. against the Assessment Review Committee for the sum of Rs38,500, and
- the fifth case is that of Société des Chasseurs and State of Mauritius for the sum of Rs139,150.

That accounts for the Privy Council cases. That accounts up to Rs2,099,393. Rs600,000 were used as fees for training. Fees to Consultants, Rs500,000 and fees for legal outsourcing as and when required was Rs200,000.

*Vote 15-1 Office of the Solicitor General (Rs2,300,000) was on question put, agreed to.*

*Vote 27-1 Centrally Managed Expenses of Government was called.*

**The Chairperson:** Hon. Dr. Sorefan!

**Dr. Sorefan:** On page 21, under item *31121 Transport Equipment - Additional provision required for the purchase of official cars*, may we know from the Minister concerned how many cars were bought, for which department, from whom and whether it was by tender?

**The Chairperson:** Page 21, under item *31121 Transport Equipment*. It is on *Centrally Managed Initiatives of Government*.

**Mr Jugnauth:** Yes. These are additional provisions required for the purchase of official cars for Senior Civil Servants following promotion exercise and for Ministers. Civil Servants: 25 cars; Ministers: 4 cars.

**Mr Rughoobur:** On page 21, under item *32155055 National Commercial Bank Ltd*, may we know from the hon. Minister the amount of non-performing loans to date?

**Mr Jugnauth:** Well, I don't have these details, but they are available. I can circulate the amount maybe later on, I will not circulate details on the different account holders.

**Dr. Sorefan:** Madam Chairperson, on page 21, under item *32155033 Mauritius Post and Cooperative Bank Ltd, Provision required for equity injection in Mauritius Post and Cooperative Bank Ltd made up of Rs500 m. cash injection and conversion of a subordinated loan of Rs253 m.*, may we know from the hon. Minister about this subordinated loan and as to why there has been a conversion? Can he enlighten us on this issue, please?

**Mr Jugnauth:** Well, that was part of a loan that was still outstanding and, therefore, it was converted into equity.

**Dr. Sorefan:** Madam Chairperson, I would like to talk on item *32155055 National Commercial Bank Ltd.* On 13 April 2015, there was an equity injection of Rs200 m. and, at the same time, on 02 April, Bramer Bank lost its licence. May we know from the hon. Minister whether the NCB - at the time when Rs200 m. were injected, the adequacy capital ratio which Bramer could not satisfy, whether with this Rs200 m, the NCB could satisfy the adequacy capital ratio?

**Mr Jugnauth:** Well, I cannot say with precision at one time, but it is clear that in time that it could not meet its regulatory minimum capital adequacy ratio of 10% which is according to the regulations, to the banking law. Therefore, money had to be injected.

**Mr Ramano:** Madame la présidente, toujours à la page 21, sous l'item *32155033 Mauritius Post and Cooperative Ltd.*, nous parlons d'une injection de Rs 753 millions. Est-ce que je peux savoir du ministre si le montant de *toxic loans* a été recouvert ?

**Mr Jugnauth:** Well, for MPCB, as at 31 December 2014, the level of non-performing loans was to the tune of Rs3.078 billion and impaired assets to the tune of Rs1.7 billion. According to Ernst & Young, the accumulated loss as at 31 December 2014 was Rs1.2 billion. Just for being transparent, I can give some additional information that the value of security of Rs2.2 billion was not even enough to cover loan facilities of Rs3.1 billion.

**Dr. Sorefan:** Madam Chairperson, I will talk on the same item. The hon. Minister of Financial Services, Good Governance and Institutional Reforms mentioned that it will be a good investment. May we know from the hon. Minister of Finance and Economic Development whether this amount of Rs1.3 billion that has been given as equity to those two banks will be

recouped, in what way and whether it is a share or how come that will be recouped? Can the hon. Minister enlighten the House on this?

**Mr Jugnauth:** Well, again, time will tell. We have a very good management which is doing well. They have to work hard, they have to see to it that the bank is well managed so that it grows in size, in terms of its wealth and that, eventually, there comes a time when Government will decide, if it so decides, to sell either part or whole - I don't know - of the shares, whereby Government will be able to recoup that amount. So, keep fingers crossed, let's hope that it goes the way we expect it to go.

*(Interruptions)*

**The Chairperson:** Another question, hon. Dr. Sorefan!

**Dr. Sorefan:** Madam Chairperson, on page 22...

*(Interruptions)*

Last page. Anyway ! *Amount Underspent - Rs17.8 m.*

**The Chairperson:** No. Hon. Dr. Sorefan, we are still on Vote 27-1 and you are asking questions on Vote 28-1. You are a little bit ahead.

*Vote 27-1 Centrally Managed Expenses of Government (Rs56,500,000 ) was, on question put, agreed to.*

*Vote 28-1 Centrally Managed Initiatives of Government was called.*

**The Chairperson:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Madam Chairperson, I think we have gone a bit far. We have already talked about Vote 28-1, about the banks. That's why I went on the last page, page 22. There has been a confusion before. Anyway! On page 22, under the same *Vote 28-1 - Amount Unspent Rs 17.8 m.*, may we know from which code this has been underspent?

**The Chairperson:** On which specific item are you talking?

**Dr. Sorefan:** On page 22. There is no item number, just on the summary - *Amount Underspent.*

**Mr Jugnauth:** Well, I am told that there are under expenditure in various items of expenditure. Of course, we have all the details. I can provide...

*(Interruptions)*

Well, I think I will better circulate this document. Everybody can see how big it is.

**The Chairperson:** Yes, another question! No!

*Vote 28-1 Centrally Managed Initiatives of Government (Rs1,513,000,000) was, on question put, agreed to.*

**THE SUPPLEMENTARY APPROPRIATION (2015) (No. 2) BILL  
(NO. XIII OF 2016)**

*The Schedule was agreed to.*

*Clauses 1 and 2 were called and agreed to.*

*The Schedule was agreed to.*

*The title and enacting clause were agreed to.*

*The Bill was agreed to.*

*E.S.E. (6 Months ended 30 June 2015) of 2016 and the Supplementary Appropriation (2015) (No. 2) Bill (No. XIII of 2016) were agreed to.*

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

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

*At 12.52 p.m. the sitting was suspended.*

*On resuming at 2.31 p.m. with Madam Speaker in the Chair*

*Second Reading***THE ANTI-PERSONNEL MINES AND CLUSTER MUNITIONS (PROHIBITION) BILL  
(NO. VIII OF 2016)**

*Order for Second Reading read.*

**The Prime Minister:** Madam Speaker, I move that the Anti-Personnel Mines and Cluster Munitions (Prohibition) Bill (No. VIII of 2016) be read a second time.

The main objects of the Bill are to domesticate the Convention on Cluster Munitions and at the same time to have a single legislation which incorporates both the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, and the *Convention on Cluster Munitions*.

The existing Anti-Personnel Mines (Prohibition) Act which incorporates the prohibition of anti-personnel mines only, will consequently be repealed.

Antipersonnel mines are explosive devices designed to incapacitate, injure or kill one or more persons.

Anti-personnel mines are “victim-activated”, meaning they are designed to be detonated by the presence, proximity or contact of a person. According to experts in the field, more than 80 countries worldwide, including African countries, are affected by anti-personnel mines and other explosive remnants of war which have incapacitated hundreds of people including children, women and old persons.

Mauritius ratified the Ottawa Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, in December 1997. However, it is only in 2001 that the Anti-Personnel Mines Act was enacted to domesticate the Convention so as to make it effective under our law.

As regards the Convention on Cluster Munitions, it is an international Treaty that prohibits the use, transfer and the stockpile of cluster munitions. The commonest type of cluster munitions takes the form of air-dropped or ground-launched explosives weapons that eject explosive bomblets which are dispersed over a wide area and are used to hit several targets through one launch. Certain cluster munitions are even designed to destroy runaways and electric power lines whilst others can disperse chemical and biological weapons. Therefore, the risk of

excessive loss of life and injury to civilians and civilian infrastructure is very high with these types of weapons.

Madam Speaker, the Convention on Cluster Munitions is yet another International Convention which was lying in the drawers, for I do not know, how many years. It is only after I took Office in December 2014 that I was made aware, of several conventions related to disarmament, regional peace and security that Mauritius has not acceded to, or if they have been acceded to, then they have not been domesticated, making them ineffective under our national law. I get the impression that the interest of the previous Government was elsewhere rather than striving to protect the interest and security of the country and the region.

As soon as I was made aware of the situation, and given my Government commitment to national and regional peace and security, I gave the necessary instructions that all the relevant conventions be processed without delay with a view to their adoption and domestication. And as you know, one of them, namely, the Arms Trade Treaty has recently been domesticated by the introduction and passing of the Firearms (Amendment) Act, in this August Assembly. This present Bill will domesticate yet another Convention which Mauritius has acceded to last year, upon my instruction.

Madam Speaker, in Mauritius, we are very fortunate not to possess or manufacture any cluster munitions; however, my decision to accede to this Convention follows the continuous encouragements from friendly countries, like France and Zambia, as well as international and regional organisations such as the International Committee of the Red Cross and the African Union to do so, with a view to promoting the universal adherence of this international Humanitarian Law Instrument and as a sign of solidarity towards several countries of sub-Saharan Africa which are affected by this scourge due to many years of internal and cross-border conflicts.

This adherence is also in line with my Government policy on disarmament and support to the promotion of peace and security in Africa, as I am convinced that the promotion of peace in the region also means securing our own peace and security.

It is in this context that I personally deposited the instrument of Accession to the Convention on Cluster Munitions on 01 October 2015 at the United Nations' Headquarters in New York, during my participation in the UN General Assembly. The Convention has entered into force in Mauritius as from 01 April 2016, but given our dualist legal system, for the

Convention to become effective under our law, we need to incorporate its provisions into our national legislation.

Madam Speaker, we have, moreover, thought it fit to incorporate the provisions of the Convention on Cluster Munitions and the Anti-Personnel Mines Ban Convention in a single legislation because, according to available reports from international experts, both cluster munitions and anti-personnel mines have been found to cause similar humanitarian consequences in the immediate and long-term.

In fact, studies have revealed that a significantly large number of the sub-munitions dispersed by a single cluster munition fail to explode on impact and thereby endangering the lives of civilians long after the conflicts ended.

Handicap International, the founder of the *Landmine and Cluster Munition Monitor Programme* which monitors the implementation of these two international treaties, has stated that there is evidence that land mines, including anti-personnel mines and cluster bombs, are a significant cause of disability. These weapons instil fear in whole communities and act as a barrier to socio-economic development, thereby worsening the problem of poverty in many countries.

Madam Speaker, let me now highlight some of the provisions that are being proposed in the Anti-Personnel Mines and Cluster Munitions (Prohibition) Bill -

Under clause 1 - Short title

The short title will be the Anti-Personnel Mines and Cluster Munitions (Prohibition) Act, as this Bill incorporates the provisions of both Conventions.

Under clause 2 - Interpretation

The definition of 'cluster munition' has been included in this clause as well as a description of those sub-munitions which are considered as cluster munitions under the said Convention.

Also the definition of the word 'transfer' has been extended in this new Bill to include, among others, the transfer of title to and control over cluster munitions, explosive bomblets or anti-personnel mines.

Under Section 4 - Prohibition acts

This clause has been inserted to include the prohibition to develop, produce, acquire, stockpile, retain, use or transfer to anyone, directly or indirectly, any anti-personnel mine, cluster munition or explosive bomblet.

Moreover, a few additional provisions are being proposed in the Bill to reinforce the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and cluster munitions. These are as follows -

**Clause 6 - Request for information**

This clause provides that the Minister may, by notice in writing, require any person whom he has reason to believe has any information or document relevant to the administration or enforcement of the Bill, to provide such information or document to the Minister within such period of time as may be specified in the notice.

**Clause 9 - Jurisdiction**

Under this section, a court in Mauritius shall have jurisdiction in respect of any offence committed under this Bill, if the person to be charged, *inter alia* -

- is a citizen of Mauritius;
- is ordinarily resident in Mauritius;
- was arrested in Mauritius or in its territorial waters or on board a ship or aircraft registered in Mauritius at the time the offence was committed, or
- is a company registered in Mauritius or operating in Mauritius.

I shall, at Committee Stage, be moving for minor amendments, as circulated.

Madam Speaker, with these words, I commend the Anti-Personnel Mines and Cluster Munitions (Prohibition) Bill to the House.

Thank you, Madam Speaker.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.**

**Madam Speaker:** Hon. Lepoigneur!

(2.40 p.m)

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** Madam Speaker, I must begin by saying how warmly I welcome this Anti-Personnel Mines and Cluster Munitions (Prohibition) Bill which is being presented by the Rt. hon. Prime Minister.

It is so welcome because the world is too little aware of the waste of life, limb and land which anti-personnel landmines are causing among some of the poorest people on earth. For the mine is a stealthy killer. Long after conflict is ended, its innocent victims die or are wounded singly, in countries of which we hear little. Their lonely fate is never reported.

Madam Speaker, now I would like to highlight some actions of Lady Diana, in her fight against anti-personnel mines, who was a prominent supporter to eradicate anti-personnel mines. According to her say, Madam Speaker, the world, with its many other preoccupations, remains largely unmoved by a death roll of something like 800 people every month - many of them women and children. Those who are not killed, around another 1,200 a month, suffer terrible injuries and are handicapped for life.

Madam Speaker, some people chose to interpret her action as a political statement. But it was not. She was not a political figure. As she said at the time, and she reiterated it, her interests were humanitarian. That is why she felt drawn to this human tragedy. This is why she wanted to play down her part in working towards a worldwide ban on these weapons.

During her days in Angola, she saw some aspects of this scourge in the hospitals of Luanda, the capital, and Huambo, scene of bitter fighting not long ago. She visited some of the mine victims who had survived, and saw their injuries.

Madam Speaker, what is so cruel about these injuries, is that they are almost invariably suffered, where medical resources are limited. One of her main objectives in visiting Angola was to forward the cause to those like the Red Cross, striving in the name of humanity to secure an international ban on these weapons. Since then, she was glad to see some real progress has been made. There are signs of a change of heart - at least in some parts of the world. For that, we should be cautiously grateful. If an international ban on mines can be secured, it means, looking far ahead, that the world may be a safer place for this generation's grandchildren. But for this

generation in much of the developing world, there will be no relief, no relaxation. The toll of deaths and injuries caused by the mines already there, will continue.

This tracing and lifting of mines in Angola is a desperately slow business. So, in her mind, a central question remained. Should we not do more to quicken the de-miners' work, to help the injured back to some sort of life, to further our contribution to aid and development?

The country is enriched by the work done by its overseas agencies and non-governmental organisations who work to help people in Africa and Asia to improve the quality of their lives. Yet mines cast a constant shadow over so much of this work. Resettlement of refugees is made more hazardous. Good land is put out of bounds. Recovery from war is delayed. Aid workers themselves are put at risk. The more expeditiously we can end this plague on earth caused by the landmine, the more readily can we set about the constructive tasks to which so many give their hand in the cause of humanity.

Madam Speaker, all honourable Members will be aware of the immense contribution made by Lady Diana, Princess of Wales, to bring to many countries the human cost to landmine. A few months after Diana's death in 1997, the international campaign to ban landmines won the Nobel Peace Prize. The best way in which to record our appreciation of her work and her campaign against landmine is to pass the Bill and to pave the way towards a global ban on landmine.

Thank you Madam Speaker.

**Madam Speaker:** Hon. Boissézon!

(2.45 p.m.)

**Mr E. Boissézon (Third Member for La Caverne & Phoenix):** Madame la présidente, merci de me permettre de participer aux débats relatifs au *Anti-Personnel Mines and Cluster Munitions (Prohibition) Bill*.

Le présent projet de loi remplace le *Anti-Personnel Mines (Prohibition) Act* de 2001 et inclut les obligations et les champs d'application de la Convention sur les armes à sous-munitions, aussi appelées bombes à sous-munitions, *cluster munitions*. Je remercie le Premier ministre pour l'introduction de ce projet de loi, qui démontre que ce gouvernement a aussi un

souci internationaliste et nous avons un devoir de conscience non seulement envers nos compatriotes mais envers tous les habitants de la planète terre.

Nous avons un devoir moral d'intervenir, dans la mesure de nos moyens limités, d'atténuer la souffrance là où elle se trouve, et surtout de prévenir tout acte pouvant amener la souffrance physique ou morale et de nous assurer de la sécurité dans la région.

En 1996, j'ai été en Afrique, plus précisément à Windhoek, quand j'ai rencontré des membres d'une organisation internationale qui militaient pour l'arrêt de l'utilisation, la fabrication, vente et stockage des mines anti-personnel.

Lors des 22ème et 23ème sessions de l'Assemblée paritaire des parlementaires ACP-UE, au nom du Parlement mauricien, j'ai voté pour l'adoption des résolutions conjointes pour le bannissement des mines anti-personnel. Le trois décembre 1997, j'étais heureux quand l'Etat mauricien signa et ratifia la Convention sur l'interdiction des mines anti-personnel à Ottawa, mais malheureusement nous dûmes attendre trois ans pour l'introduction d'une loi relative suivant les provisions de la Convention.

En 2001, les débats lors de la présentation du projet de loi furent d'un très haut niveau. Nous savons que, lors de la présentation de ce projet de loi sur les mines antipersonnel, beaucoup a été dit sur ces millions de mines enfouies. Des millions de personnes souffrent directement ou indirectement des méfaits de ces armes de destruction qui, aujourd'hui même, après la fin des conflits, sont aux aguets pour poursuivre la tâche morbide qui leur fut confiée lors de leur production.

Madame la présidente, les mines antipersonnel sont des engins non explosés qui sont un fléau pour le Moyen-Orient, l'Asie du Sud-Est, l'Afrique, l'Amérique du Sud et nombreuses sont les régions polluées par ces engins mortels. Il faut se rappeler qu'entre 2000 et 2010, une personne était blessée ou mutilée toutes les 20 minutes suite à un accident de mine. Pendant cette période, 117 pays furent pollués, plus de 82 000 morts, au Cambodge 35 000 amputations. Il y a encore des millions de mines antipersonnel actives restant enfouies dans le sol d'environ 70 pays. Certains sont particulièrement atteints, notamment plus de 20 millions en Afrique du Sud, posées surtout en Angola, dont le précédent orateur en a parlé,

que, l'Érythrée et le Soudan, 21 millions au Moyen-Orient, en Irak, en Afghanistan, au Cambodge, au Vietnam et en Birmanie.

Les pays les plus sévèrement touchés sont l'Afghanistan, où, sur une population de 20 millions d'habitants, nous avons répertorié cinq à sept millions de mines, soit une mine pour trois personnes. En Angola, 6 millions de mines pour une population de 11 millions de personnes, soit une mine pour deux personnes. En Bosnie-Herzégovine, 1 million de mines pour 3.5 millions de personnes ; au Cambodge, quatre à six millions de mines sur une population de 10 millions de personnes et plus de 35 millions d'amputations. Le Premier ministre, lors de sa présentation, a parlé de l'aspect social et économique des dégâts causés par les mines. Dans les pays africains, de vastes étendues de terres agricoles ne peuvent être exploitées parce qu'elles sont infestées de mines. Le déminage coûte cher et les Etats ne se bousculent pas pour le financer.

Madame la présidente, si une mine antipersonnel coûte entre 3 à 30 dollars, elle coûte 300 à 1,000 dollars pour son enlèvement.

Madame la présidente, où en est-on aujourd'hui, du chaud et du froid? Lors du *Mine Ban Treaty's intersessional meetings* à Genève du 19-20 mai 2016 et du suivi de l'action de Maputo, cette organisation a pris la décision de faire de la terre une planète sans mines en 2025 - *nine years to finish the job*. Un panel emmené par le Canada, comprenant l'Afghanistan, le Mozambique, la Nouvelle-Zélande et l'*International Campaign to Ban Landmines*, étudie les moyens de forger la motivation politique pour faire de la terre une planète sans mines. 91 Etats ont officiellement déclaré avoir complété la destruction de leurs stocks. Ainsi furent détruites plus de 50 millions de mines! Pour la première fois, un représentant du gouvernement de la Birmanie s'est joint au *International Campaign to Ban Landmines*. Le Sri Lanka a signifié son intention de signer la Convention. Mais quand je vois ce qui a été fait et ce qui est fait en ce moment, j'ai le cœur lourd, très lourd même; quand je pense que nous passons une loi sur notre territoire mauricien et que notre souveraineté sur Diego Garcia est refusée. Nous savons que l'océan indien est pollué de mines antipersonnel et nous devons lutter, sans relâche, pour qu'il n'y ait plus de mines et d'armes à sous-munitions dans l'océan indien.

Une étude est faite pour étudier les possibilités d'aide aux pays en situation économique et politiquement faible à maintenir leur obligation envers les victimes des mines et autres personnes dans le besoin. Le manque de ressources se fait sentir dans les Etats qui enregistrent

encore des victimes comme l’Afghanistan, la République du Congo, l’Angola, etc., de même que dans les Etats qui ont complété le nettoyage comme l’Albanie, l’Ouganda, le Mozambique. Il y a un effort à faire pour revoir le financement et s’assurer que le programme d’aide humanitaire atteigne les victimes. Bien souvent, les intentions sont bonnes mais quand le moment vient pour l’implémentation de la coopération, peu d’efforts sont faits pour atteindre les objectifs.

Madame la présidente, la Convention sur armes à sous-munitions fut adoptée à Dublin le 30 mai 2008 et a pris effet à partir du 01 août 2010. Lors de son adoption, le Secrétaire général des Nations Unies a dit ceci, et je cite -

*“(...) not only the world’s collective revulsion at these abhorrent weapons, but also the power of collaboration among Governments, civil society and the United Nations to change attitudes and policies on the threat faced by all humankind (...).”*

Nous aussi, en tant que nation, même si nous ne sommes pas touchés par les armes à sous-munitions, nous devons être solidaires avec les nations qui ont besoin d'aide. L'histoire se répète, comme le Premier ministre l'a dit auparavant. La Convention fut signée en 2008, rien n'a été fait. Heureusement que ce gouvernement a ratifié la Convention en octobre 2015 et son entrée en force en 2016 et, aujourd’hui, nous sommes présents dans cet hémicycle pour débattre de ce sujet.

Les armes à sous-munitions ont un large champ d'action, ce qui fait qu'elles sont fondamentalement imprécises lors de leur utilisation. De plus, les munitions ayant raté et non explosées, qui sont au sol, constituent des risques létaux pour les civils longtemps après le conflit. Les armes à sous-munitions sont pointées du doigt par les actions humanitaires comme *Handicap International*, la Croix-Rouge, les organisations internationales telle l’ONU. Selon *Handicap International*, parmi 13,306 victimes d’armes à sous-munitions recensées par ses soins, 98% sont des civils, dont 27% des enfants. Une proportion importante allant jusqu’à 30 % des sous-munitions n’exploseront pas à l’impact et constituent un danger durable pour les populations locales, surtout les enfants qui les prennent pour des jouets et ce jusqu’à plusieurs décennies après les conflits. Il y avait, en 2006, plusieurs millions de sous-munitions en stocks à travers le monde, représentant une menace de prolifération colossale. L’ONU estime qu’au Kosovo, en Afghanistan, en Irak et au Sud-Liban, se trouvent plusieurs millions de ces sous-

munitions sur les terrains qui sont aujourd’hui responsables de trois à quatre blessés ou décès quotidiennement, même en cas de cessation des hostilités.

L’OTAN, elle-même, est parfois mise en cause pour son utilisation massive de ces objets des morts. Celle-ci a utilisé massivement, pour le bombardement de la Yougoslavie, une proportion n’ayant pas encore explosé.

Madame la présidente, la convention sur les armes à sous-munitions est un instrument de prévention ainsi que de traitement pour les dommages dérivant de tels engins.

Aujourd’hui encore, en effet, nous assistons au grave et inacceptable impact humanitaire sur les armes à sous-munitions qui coûte la vie à plusieurs personnes et à plusieurs communautés. L’un des aspects les plus novateurs de la convention est celui de placer au centre de ses préoccupations la personne humaine et, en particulier, les victimes des armes à sous-munitions. En parcourant le projet de loi, c’est la première fois qu’une convention fait état d’assistance aux victimes.

L’Article 5 de la convention *on cluster munitions* fait mention et oblige les États à respecter les victimes du *cluster munitions*. Les États sont obligés de garder un registre des personnes qui ont été affectées, de leur âge, de leur genre et de noter toute assistance sensible qui leur est accordée, et ils doivent faire mention des besoins des victimes du *cluster munitions*. Ils doivent aussi mettre en place des lois et une politique de développement et s’assurer du bien de ces personnes. Cette convention ne tolère aucune discrimination entre les victimes de *cluster munitions* et de la population civile. C’est un grand pas en avant que maintenant nous prenons en compte, le besoin de nous occuper des victimes de ce fléau.

D’autre part, Madame la présidente, c’est la première fois qu’une convention fait mention de l’universalisation. L’Article 21 de cette convention parle des relations entre les États qui ne sont pas partis de la convention. C’est la première fois qu’une convention encourage les États membres qui ont signé la convention de faire de la promotion pour une convention et les Nations Unies pensent que ce faisant, les pays participeront à cette grande entreprise que nous avons de rendre le monde libre, sans mines et sans objet capable de tuer à n’importe quel moment.

Je terminerai en faisant référence à Mgr Paolo Borgia, Chef de la délégation du Saint-Siège, faite à Beyrouth, le 13 septembre 2011 lors de la première conférence sur le bannissement des armes capables de tuer les gens sur le terrain, et il disait ceci –

“La paix et la sécurité sont des préoccupations centrales et légitimes qui attendent continuellement une réponse adaptée qui va bien au-delà de la seule dimension militaire. Elles ne peuvent pas être stables et durables dans le temps si elles ne sont pas orientées vers la justice, vers la solidarité et vers la fraternité à l'intérieur et entre les États. Voilà l'esprit qui fonde la Convention sur les armes à sous-munitions, en plaçant la personne humaine au centre, et qui doit être à la base de nos délibérations dans son processus de mise en œuvre.”

Merci, Madame la présidente.

**Madam Speaker:** Hon. Mrs Selvon.

(3.03 p.m.)

**Mrs D. Selvon (Second Member for GRNW & Port Louis West):** Merci, Madame la présidente.

Madame la présidente, tout d'abord, je n'ai pas boycotté la séance parlementaire d'aujourd'hui avec certains collègues députés bien que je suis contre toute la violation de la liberté de la presse et je vous lance dans le contexte de cette conviction inébranlable un appel à revoir votre décision d'interdiction...

**Madam Speaker:** Hon. Mrs Selvon, please!

*(Interruptions)*

Hon. Mrs Selvon, please, please! I have to interrupt you on this issue. You are intervening on a Bill. The Bill which is before us is the Anti-Personnel Mines and Cluster Munitions (Prohibition) Bill. So, your intervention has to be on the clauses of the Bill and you cannot go outside the premises of the Bill. Please, bear with me!

**Mrs Selvon:** Thank you, Madam Speaker. It was only two sentences that I wanted to say.

Je suis présente à cette séance parlementaire parce que je vais soulever une question très importante concernant l'intérêt national à la veille de la signature par la Grande-Bretagne et les États-Unis d'un accord sur les Chagos, territoire mauricien où sont entreposées des armes en violation de deux conventions auxquelles Maurice s'est jointe aujourd'hui contre des armes extrêmement destructrices des vies humaines innocentes. Je prends la parole sur ces deux conventions internationales surtout que j'étais très choquée par l'attitude des États-Unis d'Amérique qui retrouvent toujours en 2016...

**Madam Speaker:** Hon. Mrs Selvon, sorry, I have to interrupt you again. Attached to the Bill, you have got a convention. Is your intervention based on the convention which is attached to the Bill?

**Mrs Selvon:** Yes, Madam Speaker.

**Madam Speaker:** Or are you going outside the premises of the Bill?

**Mrs Selvon:** No, it is not outside, Madam Speaker.

**Madam Speaker:** Because if it is outside, I will have to stop you.

*(Interruptions)*

**Mrs Selvon:** I have just started my speech, Madam Speaker and I think you need to listen to where I want to come.

**Madam Speaker:** If it is outside...

*(Interruptions)*

**Mrs Selvon:** Yes, Madam Speaker...

**Madam Speaker:** Please, sit down! Please sit down for one minute!

*(Interruptions)*

If it is outside the premises of the Bill, I will not be able to allow you to intervene on that. Please, come back to the clauses of the Bill and the convention which is attached to the Bill.

**Mrs Selvon:** Madam Speaker, I think that my speech is on the Bill and I will continue my speech.

Je demande formellement à l'honorable Premier ministre et au *All-Party Parliamentary Committee* sur les Chagos d'écrire aux Nations Unies et aux autorités responsables des deux conventions pour demander que soient bloquées les négociations actuelles entre Londres et Washington...

*(Interruptions)*

**Madam Speaker:** No! Hon. Mrs Selvon, I am really sorry. I am really sorry to tell you that I will not be able to allow you to continue on this issue. I have told you that we can give some leeway, but then you are intervening completely outside the premises of the Bill.

**Mrs Selvon:** No, Madam Speaker, I think that is...

*(Interruptions)*

I will continue my speech, Madam Speaker.

According to the Non-Governmental Network International Campaign to ban landmines, the United States has kept major quantities of anti-personnel landmines on supply vessels in the BIOT. Some 10,000 mines in cluster bomb units such as the Aerojet Gator, the use and stockpiling of which is strictly prohibited by the 1997 Ottawa Landmines Convention to which both the UK and Mauritius, though not the USA, are parties. The Foreign and Commonwealth Office claims, however, that there are no US anti-personnel mines on Diego Garcia. We understand that the US stores munitions of various kinds on US warships anchored off Diego Garcia.

Madame la présidente, à ces accusations, le *Foreign and Commonwealth Office* (FCO) a répondu -

*“Such vessels enjoy State immunity and are therefore outside the UK’s jurisdiction and control.”*

Mais, ce n'est pas vrai, selon Peter Sand qui ajoute –

*“Along the same lines, the UK representative at the Ottawa Convention’s Standing Committee meeting in May 2003 affirmed that landmines on US naval ships inside British territorial waters ‘are not on UK territory provided they remain on the ships’.”*

Cela n'est pas vrai selon Peter Sand parce que c'est là, je cite –

*“A unilateral interpretation flatly contested by the International Committee for the Red Cross (ICRC). As a matter of fact, much of the ordnance in the Diego Garcia lagoon (i.e., in British internal waters) is not stored on board US warships, but on commercial freighters time-chartered by the US Navy’s Military Sealift Command (MSC).”*

Sand ajoute –

*“The same is true for cluster bomb (sub-munitions ordnance) stockpiles prohibited under the new 2008 Dublin Convention (ratified by the UK on 04 May 2010, in force as from 01 August 2010). In response to parliamentary questions, however, the FCO has refused to disclose information on the amounts – I say on the amounts - of US cluster munitions in Diego Garcia, on the grounds that ‘disclosure would or would be likely to prejudice relations between the United Kingdom and the United States’.”*

**Mr Yerrigadoo:** Madam Speaker...

**Madam Speaker:** Mrs Selvon, sorry! Let me tell you, you are having an intervention. Can you say how what you are saying is related to the Bill, precisely?

**Mr Yerrigadoo:** Madam Speaker, if I may! I was about to raise a point of order under Standing Order 42 ‘Relevancy in Debate’ and I believe, Madam Speaker, has already ruled.

**Madam Speaker:** Look, hon. Mrs Selvon! When there is a Bill in front of us, we have to make our interventions on the Bill, on the clauses of the Bill. In this Bill, you will see there is attached to it a Convention which can be used as guidance. Okay! I can give you some leeway so that you can make mention of other countries, etc., but if you are going too much outside the premises of the Bill, I can’t allow you.

**Mr Ganoo:** Although there is a rule that Members of this House cannot criticise the conduct of friendly countries, but I think what the hon. Member is saying is that there are other countries which are not respecting the provisions of the Convention we are concerned with. I think she is allowed to do that.

**Madam Speaker:** Hon. Ganoo, let me say that whatever she is saying, the content of her speech today should be related to the Bill. If she has got a problem with other countries or things which are outside the premises of the Bill and, as the Rt. hon. Prime Minister has just said, she

can come and see the Rt. hon. Prime Minister for these other things, but I have given my ruling that she has to respect the premises of this Bill.

**Mrs Selvon:** Thank you, Madam Speaker. Then, I will end my speech because I think that my speech is related, as hon. Ganoo was saying.

So I will end my speech. Thank you very much.

(3.11 p.m.)

**The Minister of Health and Quality of Life (Mr A. Gayan):** Madam Speaker, after having listened to the previous orator, I think there is a rule in this House that when somebody has spoken, that person must stay and listen to the next orator, but I understand that this person is leaving.

But, for the sake of the record, Madam Speaker, I think it is important that we establish certain basic rules of international law. It is common ground that the United States is not a party to the Landmine Convention and is not a party to Cluster Convention. Under international law, it is only States that are parties to the Convention that are bound by the provisions of the Convention. So, I think this is something that has to be made very clear because there may be some misunderstanding on the part of some people that once there is a Convention everybody is bound by it. You are only bound if you sign it and ratify it, and this is the purpose for which this Bill has come to this House. In fact, the Rt. hon. Prime Minister was very clear. When introducing this Bill, he said that the purpose of this Bill is to domesticate in our law the provisions of this Convention. But anyway, let me come back to what I wanted to say.

*(Interruptions)*

Now, he understands.

**Madam Speaker:** No comment!

*(Interruptions)*

No comment! Hon. Soodhun, don't make any provocation, please!

**Mr Gayan:** I think, Madam Speaker, it is important that I mention that there was a recent report from the Global Peace Index which ranks Mauritius 10<sup>th</sup> on the list of peaceful nations.

We are lucky in a sense to live in a country where we do not have landmines and we don't have cluster munitions; and it is not because we are in that situation that we should not be concerned about what is taking place in other parts of the world. It is also interesting that in 2001, the same Prime Minister who introduced this Bill, introduced the Anti-Personnel Prohibition Treaty Bill.

*(Interruptions)*

In 2001! And the new Bill tried to incorporate both the Landmine Treaty and the Cluster Munitions Treaty. I think it is good that it comes under the umbrella of one single law. When the debates were held in 2001, lots of people spoke and I think it was a wonderful debate. We addressed the main concerns of the Landmine Treaty. I don't want to travel back in time, but Hansard is there for anybody to consult that it was a good debate on the issues and everybody addressed the House in a very responsible manner. Hon. Ganoo was there, he knows that.

*(Interruptions)*

**Madam Speaker:** Please! Don't make comments!

*(Interruptions)*

**Mr Gayan:** We are here, Madam Speaker, for this Bill because we know that landmines and cluster munitions kill and maim thousands and thousands of people every year. At this stage of the debate, it is right that we should pay tribute to the work of the International Red Cross and to other NGOs that have been campaigning relentlessly for the banning of these landmines and these weapons of mass destruction.

A lot has been achieved over the years with regard to the banning of landmines, but a lot has yet to be achieved and one of the achievements that we need to work towards and this is why we appealed in 2001 for all the States, particularly the major powers to become parties to the Convention. They have not! We have had to appeal again to them because landmines and cluster munitions are not really weapons of war that major powers really need because they kill civilians, they maim civilians and they destroy the livelihood of lots of farmers all over the world. The Rt. hon. Prime Minister said it is good business for them because it is easy to manufacture, it is easy to stock, it is easy to sell regardless of what damage and destruction it may cause. They must have a conscience and concern for the pain landmines keep causing.

Madam Speaker, I am sure that almost everybody in this House has been to Geneva. In front of the Palais des Nations, there is a wooden sculpture. That sculpture is a broken chair. One of the legs is broken. It is there for a symbol. It was put there in 1997 because that's when the Treaty was being signed - the then Land Mine Treaty and it was thought then that all the countries in the world were going to become parties to that Convention.

It was supposed to have stayed there for only three months to give time to States to become parties. It is still there today, but it symbolises the destruction that landmines can cause. I think it is a very vivid reminder of the havoc and carnage that landmines cause and have caused over the world. That sculpture was put there in 1997 only for three months, but its presence reminds us all of the fact that conflicts have not stopped in the world, and as long as there will be conflicts, countries will be tempted to use cluster munitions and also landmines to protect themselves and to delay the advance of the enemy army.

Landmines have caused a lot of damage in Africa and Asia. I am sure many hon. Members in this House who have been to Africa, have seen people who are crippled, people who are handicapped and they have lost the quality of life, not for what they did, but simply because they were walking in the areas or farms where they used to walk or they were travelling along a road where they used to travel and then there was an explosion with landmine and they got crippled or died.

*(Interruptions)*

It is a sad fact of life in Africa, in the Middle East, in Asia and in many countries of the world. It is disheartening to realise the damage and destruction that can be caused.

Landmines have been with us since the Second World War and all countries have used them in all the conflicts. I have said that manufacturing a landmine costs a maximum of 30 dollars, but it can cost between 3 dollars to 30 dollars. But if we need to demine and to make safe the place where the landmines have been planted and placed, it costs 1,000 dollars per mine. The UN has estimated that if they have to remove all the landmines in the world which have been placed at the present cost and provided that there are new landmines placed, it is going to take 1,100 years to clear. It is mind-boggling, but it is a fact. This is why we have to make sure that landmines are banned and totally eliminated as well as cluster munitions.

Hon. Boissézon spoke about gender-based disability. Last week, in this House, we debated the Protection from Domestic Violence Act. In countries of Asia, there are lots of people who get maimed by landmines, but what happens in the lives of those people is really appalling. It has been shown by evidence that when a man gets maimed or disabled by a landmine, the woman stays with him, but when it is the other way round, the man simply leaves the woman and goes away. This is again an unwanted consequence of landmines.

Madam Speaker, when somebody dies as a result of an explosion of a landmine, okay, that person is dead, that is the end of the matter. But it still has a toll on the family, on the relatives and on society. When that person does not die, he needs medical care, he needs to be hospitalised and if he needs to be given a prosthesis, it costs a minimum of USD1,000 and very often, the people who are maimed do not have money to buy this. Most countries do not have universal healthcare free of delivery that we have in Mauritius. So, it is also important that we bear all this in mind when we discuss the Anti-Personnel Mines. Nobody can undo the damage, which once done cannot be undone.

Unfortunately, it affects not only people, but it affects agriculture. In Cambodia, for example, Madam Speaker, half of the agricultural land cannot be used because there are still landmines and the clearance of the mines is going to take, I do not know how many years. So much of fertile land is not being put to any economic use because of what happened as a result of conflicts during the Vietnam War. This is why I believe that everybody must be careful in not doing what the previous orator did in beating about the bush and playing cheap politics. We have to be concentrated and focused on this campaign to ban landmines and cluster munitions.

The Rt. hon. Prime Minister said that cluster bombs are missile-like devices that upon being released fragment into multiple smaller explosive bomblets and since the bombs break apart before detonation, controlling where they land is impossible. It is also estimated that 98% of all cluster bomb victims are civilians and one third of those are children. They could be your children or my children, but they are the children of somebody. This is why we need to be concerned.

Again, it has been mentioned that the cluster munitions can be air-dropped or ground-launched and they cause two major humanitarian problems and risks to civilians. They are spread over a wide area and there is no distinction made between military targets and civilians,

especially when they are dropped near heavily populated areas. Many submunitions fail to detonate on impact and they become *de facto* Anti-Personnel Mines killing and maiming people long after the conflicts have ended and long after the cessation of hostilities.

Madam Speaker, the Bill that is before us contains, in my humble submission, all the ingredients of making sure that we can eliminate cluster bombs provided that all countries are committed to doing so. Countries under the Convention have the obligation to separate munitions and to mark them for destruction. There is a time limit that is given to countries to do so, eight years after the entry into force of the Convention. And if the countries are not able to destroy the munitions, then they can request for an extension and if they do so, then again the States parties or the Review Conference can have a look at the reasons for the request and they can propose benchmarks if they grant the extension. Apart from the cluster bombs, we also have, as the Rt. hon. Prime Minister mentioned, the remnants of the cluster bombs. These also can cause a lot of damage and this is strictly regulated under the Convention.

The transfer of cluster munitions from one State to another is also covered in the Regulation. There are compliance requirements and countries have to comply with International Mine Standards. There is also a time limit for the destruction of cluster munitions remnants which have to be destroyed within ten years after the entry into force of the Convention.

There is also provision for victim assistance. There is an obligation to provide assistance, medical care, rehabilitation and psychological support. There is International Corporation for those countries that do not have the means or the equipment or the technology to destroy cluster bombs. In the event that there is a problem, the United Nations Secretary-General is called upon to ensure compliance or is the body to whom representations can be made for the monitoring of compliance for this particular Convention.

Madam Speaker, I said earlier on that, as long as we will have conflicts, the likelihood of cluster bombs and also landmines staying with humanity will be there. We all know that all the refugees fleeing from Syria are trying to find refuge in Europe. In Afghanistan, in Iraq and in other parts of the world, there are conflicts. So, what we should try to do is to ensure that the major powers do not use this kind of munitions or weapons whenever there are risks to civilians. It has been said that these landmines and cluster bombs are weapons of mass destruction in slow

motion. In fact, they are a terrible danger to anybody who, unfortunately, can come into contact with them.

Madam Speaker, assuming that we resolve the problems in the Middle East, there will be other areas where there will be problems and we should be careful also about not letting what is happening in the South China seas to get out of hand. Maritime disputes in the south China seas can degenerate into conflicts and that will be another hot spot for international relations, but we need to be careful that we do not allow any small dispute to degenerate into a major conflict. Arms trafficking is another problem that we need to face. We, ourselves, in Mauritius, know about the risk of arms trafficking. In fact, there is a case ongoing regarding some Russians, but I don't want to say anymore on that except to say...

**Madam Speaker:** Please don't! Don't go into it.

**Mr Gayan:** Except to say that arms trafficking is part and parcel of what we are talking about. So, that also has to be banned and I am sure that this Bill contains provisions regarding violations under the Convention to be visited by the punishment for 15 years imprisonment and all this. It is possible with this kind of punishment to deter anybody who might be thinking of getting into the arms trade.

Madam Speaker, let me end by saying that weapons will be with us forever. In Orlando last week 50 people got killed as a result of the use of a gun, but let us, at least, work towards a world where there will be zero land mine and zero cluster munitions. I thank you, Madam Speaker.

(3.30 p.m.)

**Mr R. Dayal (First Member for Flacq & Bon Accueil):** Madam Speaker, I am the selected few in this country who had the opportunity, thanks to the Rt. hon. Prime Minister, to be trained in the handling of live anti-personnel mines and land mines together with cluster bombs and I can tell you that it is damn dangerous and if we can get rid of them, it is the best solution. This is what we, as a Government, are trying to do.

This Government under the leadership of the Rt. hon. Sir Anerood Jugnauth is displaying its political will and vision to enhance the safety and security of the people of Mauritius through this Bill. The object of which is to give effect to –

- (a) the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and
- (b) the Convention on Cluster Munitions.

This Government is addressing numerous issues pertaining to an *État De Droit* in terms of its international and regional obligations within the United Nations. The International Committee of the Red Cross (ICRC), and I am a consultant at the ICRC and the Cluster Munition Coalition and numerous other non-governmental organisations. The banning Convention was activated on 18 September 1997, it was done in Dublin on 30 May 2008. It was high time for the Republic of Mauritius to harmonise its legal framework for safeguarding the highest interest of mankind.

More so, with the urgency imposed by cross-border crime and terrorism in our region, we all know that Mauritius is a gateway to Africa. To protect the rights and liberties of the average citizen and democracy, it aims to harmonise existing legal framework at national level in terms of its credibility for sustainable development while managing manmade disasters to save life and property whilst prohibiting the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians. And that too consonant with the concern of the Convention on cluster munitions, remnants that kill our main civilians including women and children, obstruct economic and social development including the loss of livelihood, impede post conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons can negatively impact national and international peace building and humanitarian assistance and efforts and have other consequences that can persist from many years after use and here I have a photo of a munition that we found in Rodrigues.

It is now in our naval museum and so therefore, we have not made a survey in Mauritius, we have got various munitions depot in the country. So, keep our fingers crossed, we are not immune to that. Therefore, it was high time to put an end for all time to the suffering and casualties caused by cluster munitions at the time of the use when they fail to function as intended or when they are abandoned. The Republic of Mauritius is party to the Geneva Conventions of 1949 and its additional protocols and is an active player in enforcing the rule of law in the theatre of military operations by the ICRC as enshrined in the IHL (International Humanitarian Law) in Anglophone and Francophone countries throughout the world.

Therefore, it is of paramount importance to ensure proper capacity building at national level, empowering all stakeholders for the efficient discharge of dedicated roles and responsibilities in the community of nations. It is fitting to note that many Mauritian Officers have undergone training with the support of trainers from ICRC periodically with officer from friendly countries in peace keeping and enforcement of the various code of practice as spelt out in the Geneva Convention in conflict prone areas. Under the aegis of the United Nations, in Morocco, I was delegated by the Rt. hon. Prime Minister as the Chief Operation Officer for the referendum of Western Sahara, Darfur in Somalia, elections in Comoros, Kosovo, Sierra Leone, Haiti and Djibouti. Much goodwill has been gained in the community of nations in terms of our outstanding contribution in delivering the goods and this is thanks to the vision of the Rt. hon. Prime Minister of making capacity building the priority in our security forces.

It is opportune to request the Rt. hon. Prime Minister to provide avenues for such contributions, that more police officers benefit from operational capacity building in the national interest and here I have in mind hard energy of targets in terms of risk and vulnerabilities, is the order of the day in the fast changing security environment of the region and certain parts of the world. Strategically, with far flung territories, with a vast EEZ (Exclusive Economic Zone), Mauritius as a SIDS (Small Island Developing States) must make sure it has the protection of the law and, in this spirit, the Rt. hon. Prime Minister has to be commended for bringing the Bill to the National Assembly and this should comfort hon. Mrs Selvon.

In the wake of climate change, the reality is the threat posed by anti-personnel and cluster munitions to the environment by exacerbating the vulnerability of countries like Mauritius with limited land mass bearing in mind the technological improvement in the means of delivery of anti-personnel cluster munitions and Mauritius is not immune to it. The US never thought of an attack on its twin towers, but it happened.

Mauritius is not immune to what fundamentalists and terrorists are preaching and putting into practice, and the MV Benita scenario is there. Through enlightened legal framework like the amended Explosives Act in 1991, we have kept at bay the criminal use of explosives, so much so that the security experts have commended the Mauritian approach to protect life and property by stringent regulations.

It is important to highlight that several daring initiatives were taken by prominent personalities like our Prime Minister, and one of them was Lady Diana, to clear minefields that traumatised and created a sinister atmosphere of lurking danger in different parts of the world. This is, Madam Speaker, what we are striving, with our limited means, to achieve.

Thank you.

*(Interruptions)*

**Madam Speaker:** Hon. Prime Minister!

(3.39 p.m.)

**The Prime Minister:** Madam Speaker, I wish to thank all the hon. Members who have contributed to this debate. It seems that there is consensus that Mauritius, a Small Island Developing State, with all the vulnerabilities that characterise the SIDS, has no other alternative than to form part of the global movement for disarmament and the promotion of universal peace and security. This legislation will cover the whole territory of Mauritius, including Mauritian waters, which is defined as the territorial sea, internal waters, the Archipelago, the historic waters, the EEZ of Mauritius and the water adjacent to the continental shelf. So far as assistance to victims is concerned, it has not been included in the Bill as this is too far-reaching.

As the debates have proved that there is consensus, there is no dissent - I have a long speech for summing-up, I think I will end here and I say thank you to the House.

Thank you, Madam Speaker.

*(Interruptions)*

*Question put and agreed to.*

*Bill read a second time and committed.*

## COMMITTEE STAGE

*(Madam Speaker in the Chair)*

**THE ANTI-PERSONNEL MINES AND CLUSTER MUNITIONS (PROHIBITION) BILL  
(NO. VIII OF 2016)**

*Clause 1 ordered to stand part of the Bill.*

*Clause 2 (Interpretation)*

*Motion made and question proposed: ‘that the clause stand part of the Bill’.*

**The Prime Minister:** Madam Chairperson, I move for the following amendment -

“in clause 2, in the definition of “Cluster Munitions Convention”, to delete the words “set out in the Schedule”,”

**Mr Ganoo:** Madam Chairperson, I would like to ask the Rt. hon. Prime Minister just one question. In the Schedule of the Bill, the Convention on Cluster Munitions has been attached, as we can see, which is a very good thing. I think it is the first time that we are doing that when we are domesticating a Convention. So, we are including the Convention as a Schedule to the Bill. Can I ask the Rt. hon. Prime Minister, since the other Convention has also been included, why the first Convention, that is, the Anti-Personnel Mine Ban Convention, the 1997 Convention on the prohibition of the use, which we domesticated in 2001 and which was referred to by hon. Gayan, has also not been annexed in the Bill?

**The Prime Minister:** Well, I suppose it was not necessary to bring it in together.

**Mr Ganoo:** In clause 11, the 2001 Bill is now being repealed by the Bill the Rt. hon. Prime Minister is now introducing. So, this Bill is repealing the other Bill of 2001, which dealt with the 1997 Convention. This is why I am putting this question. It is a good thing that the new Convention on Cluster Munitions is there, but I was just willing to know why the other Convention has also not been included and attached in the Schedule.

**The Prime Minister:** The Schedule is being repealed. Frankly, we have not thought it necessary to bring it in here.

**Mr Ganoo:** In clause 2, Interpretation, reference is made to this 1997 Convention -

“Anti-Personnel Mine Ban Convention” means the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction;”

So, reference is made to this 1997 Convention in the Interpretation section. This is the purpose of my question.

**The Prime Minister:** Well, I understand there is no problem as regards this in the Interpretation section.

*Amendment agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clauses 3 to 11 stand part of the Bill.*

*Schedule*

*Motion made and question proposed: ‘that the Schedule stand part of the Bill’.*

**The Prime Minister:** I move that the Schedule be deleted.

*Amendment agreed to.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

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

*Third Reading*

*On motion made and seconded, the Anti-Personnel Mines and Cluster Munitions (Prohibition) Bill (No. VIII of 2016) was read the third time and passed.*

## **ADJOURNMENT**

**The Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 28 June 2016, at 11.30 a.m.

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo) rose and seconded.**

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

*At 3.50 p.m., the Assembly was, on its rising, adjourned to Tuesday 28 June 2016, at 11.30 a.m.*