



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**TUESDAY 21 MAY 2019**

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## THE CABINET

**(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 08 of 2019**

**Sitting of 21 May 2019**

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 Ag. Prime Minister (Mr I. Collendavelloo):** Madam Speaker, the Papers have been laid on the Table.

**A. Prime Minister's Office**

- (a) Certificate of Urgency in respect of the Disciplinary Bodies (Health Sector) (Miscellaneous Provisions) Bill (No. IX of 2019). (In Original)
- (b) Virement Warrant Return-Quarter 3 (January - March 2019) Nos 5-8 and 10-22. (In Original)
- (c) Virement (Contingencies) Warrant-Quarter 3 (January - March 2019) Nos 5-7. (In Original)
- (d) Virement Certificates Return - Quarter 3 (January - March 2019)  
Vote/Sub-Head (Certificates Nos.): 1-2 (3), 1-6 (1-2), 1-9 (3-4), 2-1 (2, 4-5), 2-4 (4), 2-6 (4), 2-8 (2-3), 2-9 (1-3), 4-3 (6), 4-6 (6-17), 5-1 (1,2A), 8-1 (1-3), 9-1 (1-5), 11-1 (5-12), 13-1 (1-2), 13-2 (3-8, 10), 15-1 (1-2), 16-4 (1-2), 18-102 (7-10), 23-1 (1), 25-1 (1), 26-1 (3-6) and 27-1 (3). (In Original)
- (e) The Statutory Bodies Pension Funds (Amendment of Schedule) (No. 2) Regulations 2019. (Government Notice No. 90 of 2019)

**B. Ministry of Energy and Public Utilities**

The Annual Report of the Central Water Authority for the period 01 January 2016 to 30 June 2017.

**C. Ministry of Industry, Commerce and Consumer Protection**

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 14) Regulations 2019. (Government Notice No. 89 of 2019)

## ORAL ANSWERS TO QUESTIONS

### SAFE CITY PROJECT - VIDEO SURVEILLANCE CAMERAS

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the installation of some 4,300 video surveillance cameras under the Safe City Project, he will –

- (a) state whether it has been exempted from the provisions of the Data Protection Act pursuant to section 44, and, if so, indicate when;
- (b) for the benefit of the House, obtain from the Commissioner of Police and table a list of the sites where the cameras are/will be installed and information as to –
  - (i) the dates on which the different components thereof are/will become operational;
  - (ii) the servers on which the information obtained is/will be stored, indicating for how long and where same are located, and
  - (iii) whether cameras have been stolen/vandalised and, if so, indicate the number of arrests effected in connection therewith, if any.

**Sir Anerood Jugnauth:** Madam Speaker, as the House is aware, the Safe City Project comprises the installation of 4,000 intelligent surveillance cameras, 4,500 trunking smart handsets, 350 vehicle-mounted radios, 150 fixed desktop terminals to be installed in various Police Stations/Posts and an Emergency Response Management System.

This Project will provide for an integrated and advanced technological system for ensuring safety and security of the public in general in Mauritius. It will act as a powerful and effective tool to combat crimes and drug proliferation and also assist in more effective traffic road safety management.

Since the Project entails national security issues, there are certain information that are highly sensitive and cannot be made public.

Madam Speaker, in regard to part (a) of the question, the Data Protection Act already provides for exceptions and restrictions under section 44. My Ministry has accordingly obtained legal advice to the effect that -

- (i) the Mauritius Police Force has a legal obligation by virtue of section 9 (1) of the Police Act to take all lawful measures for, *inter alia*, preventing and detecting offences;
- (ii) for the purpose of complying with its legal obligations as set out in the Police Act, namely in section 9(1)(b), the Mauritius Police Force can avail itself of



section 28 of the Data Protection Act which allows the lawful processing of personal data;

- (iii) in addition, section 44(1)(b) of the Data Protection Act provides for exceptions, *inter alia*, for the prevention, investigation, detection or prosecution of an offence, and reads as follows -

“(1) No exception to this Act shall be allowed except where it constitutes a necessary and proportionate measure in a democratic society for -

- (a) subject to subsection (4), the protection of national security, defence or public security;
- (b) the prevention, investigation, detection or prosecution of an offence, including the execution of a penalty;
- (c) an objective of general public interest, including an economic or financial interest of the State; (..)”

- (iv) section 44(3) of the Data Protection Act further provides that, in case of breach of section 44, a data subject or the Data Protection Commissioner may apply for a Judge’s order to protect the rights of individuals. As such, appropriate safeguards to the data subject by way of judicial control are provided. And this is consonant with the fundamental principle of the rule of law, namely that there can be no interference with the legal or constitutional rights of a citizen on recognised permissible grounds which require judicial control and sanction. As regards the question whether an exception constitutes a necessary and proportionate measure in a democratic society, the judgment of the Judicial Committee of the Privy Council (JCPC), in the case of *Madhewoo v State of Mauritius* [2016 PRV 6], provides essential guidelines.

The issue, *inter alia*, was whether the taking of fingerprints and extraction of minutiae, involving an interference with the right to privacy as per section 9(1) of the Constitution, could be permitted under section 9(2) and as being reasonably justifiable in a democratic society. In addressing this issue, the JCPC referred to the decision of the European court of Human Rights, *S versus the United Kingdom* [2009 48 EHRR 50].

**Mr X. L. Duval:** Madam Speaker, on a point of order. My question is very clear, whether a certificate has been issued under section 44, and we have now gone five/six minutes around the subject. I would ask the Rt. hon. Minister Mentor to kindly be precise and concise and respond to the question.

**Madam Speaker:** Hon. Leader of the Opposition, I am following very closely the reply of the Rt. hon. Minister Mentor. In fact, he is drawing attention to section 44 of the Data Protection Act. He has to provide that information so that everybody is clear on what section 44 of the Act says.

**Mr X. L. Duval:** There is no need to read the section. Madam Speaker. We know the section.

**Madam Speaker:** I have given my ruling on the matter.

**Sir Anerood Jugnauth:** No, I am reminding the Leader of the Opposition.

*(Interruptions)*

**Madam Speaker:** Please proceed, Rt. hon. Minister Mentor!

**Sir Anerood Jugnauth:** The measure pursued a legitimate aim, whether the reasons given by the national authorities for interference in pursuit of that aim were relevant and sufficient, and whether the measure was proportionate to the aim pursued. Similarly, the Mauritius Police Force can avail itself of the exception of section 44(1)(b) of the Data Protection Act if -

- (a) the operation of the Project by the Mauritius Police Force pursues a legitimate aim of preventing, investigating, detecting or prosecution of an offence;
- (b) the reasons for interference by the Mauritius Police Force with the rights of the data subject are relevant and sufficient, and
- (c) the interference is proportionate to the aim pursued.
- (v) further exemptions are provided under section 44(4) of the Data Protection Act, which reads as follows -

“(a) Personal data shall be exempt from any provision of this Act where the non-application of such provision would, in the opinion of the Prime Minister, be required for the purpose of safeguarding national security, defence or public security.

- (b) In any proceedings in which the non-application of any provision of this Act on grounds of national security, defence or public security is in question, a certificate under the hand of the Prime Minister

certifying that the non-application of the provision is required for the purpose of safeguarding national security, defence or public security shall be conclusive evidence of that fact.”

Madam Speaker, on the basis of this advice and for the reasons I just mentioned, on 15 February 2019, Government agreed to the Prime Minister issuing, pursuant to section 44(4) of the Data Protection Act, a certificate on grounds of national security, to exempt the Mauritius Police Force from the provisions of the Data Protection Act for the processing of personal data to be collected in the course of the operation of the Safe City Project. The Exemption Certificate will be issued shortly.

Concerning part (b) of the question, I am tabling a list of the number of cameras...

**Madam Speaker:** Can I know who whistled? Please resume your seat, Rt. hon. Minister Mentor. Can I know who whistled on this side of the House? Let me remind hon. Members that whistling is not in order.

*(Interruptions)*

If there are whistle-blowers, then whistle-blowers should come with the information they have and stand up. They should have the guts to stand up and say what they have.

*(Interruptions)*

Please, order! Keep calm! Rt. hon. Minister Mentor, please!

**Sir Anerood Jugnauth:** Concerning part (b) of the question, I am tabling a list of the number of cameras that are/will be installed region wise. The list of the sites cannot be disclosed for security reasons.

With regard to part (b) (i) of the question, I am informed that the contract for the implementation of the Safe City Project was signed on 19 December 2017 with Mauritius Telecom. As per the contract, the Project is due to be completed by 18 June 2019. However, due to problems encountered in obtaining clearances from different stakeholders, there has been a delay in the implementation of the Project. The Safe City Project is now expected to be completed and made operational by end of December this year.

In regard to part (b) (ii) of the question, all data will be stored on dedicated Police “Storage Servers” which have been designed to keep data for that purpose. These servers will be located in a Government building and access to these servers will be strictly controlled. Only trained and authorised Police Officers will be allowed access to the stored data.

Furthermore, the Commissioner of Police is currently working with the Data Protection Commissioner for the formulation of a Code of Practice to ensure strict compliance with all security aspects of data protection.

I am further informed by the Commissioner of Police that the data collected will be solely used by Police Officers who are responsible to take all measures for the prevention, investigation, detection or prosecution of an offence, including the execution of a penalty. The data will be stored for a reasonable time depending on the circumstances.

Madam Speaker, the Commissioner of Police is the Responsible Officer for the collection and use of data as well as controlling the operation of the Mauritius Police Force.

As regards part (b) (iii) of the question, Madam Speaker, I am informed by the Commissioner of Police that on 07 December 2018, whilst on patrol, Police Sergeant C. posted at Midlands Police Station noticed that one Intelligent Video Surveillance camera was missing on a pole located near a Kovil at Midlands. He reported the case to the Midlands Police Station. Following enquiry, one Mr R.S. who was arrested on 18 December 2018, admitted having picked a damaged camera which had fallen. He was charged with the offence of larceny by finding and prosecuted before the Curepipe Court on 19 December 2018. He was sentenced on the same day to pay a fine of Rs5,000 and Rs100 as costs.

I am also informed that eight cases of accidental damage have also been reported. I am tabling this.

**Mr X. L. Duval:** Madam Speaker, firstly, 900 sites have already been equipped around the island. The pictures are already available at the Command Centre of the Police in Ebène, and yet no certificate exempting the project has been issued by the hon. Prime Minister. Can I ask the Rt. hon. Minister Mentor when the certificate will be issued and, secondly, will he commit to tabling this certificate once it is issued?

**Sir Anerood Jugnauth:** I have just stated in the answer, which I made to the House, the reason why there has been the delay. As I said, the system is not yet operational.

**Mr X. L. Duval:** Madam Speaker, the system is operational, it is working, and a number of cameras are already at Ebène working and recording under, I presume, the control of Huawei or MT. But we will come to that in a moment. Firstly, the Rt. hon. Minister Mentor has not answered whether he will table a copy of the certificate. Can he answer, please? Will he table a copy of the certificate once it is issued by the hon. Prime Minister?

**Sir Anerood Jugnauth:** We will give consideration to that.

**Mr X. L. Duval:** Madam Speaker, given that this project has completely been exempted from the Data Protection Act, now the Safe City Project, which is a powerful surveillance, even spying instrument, will work in a complete legal vacuum. All sorts of abuse will be allowed through biometric surveillance. Will the Rt. hon. Minister Mentor not agree that it is urgent for a specific law to be passed in this House to prevent abuse, misuse, and provide for heavy sanctions for anyone who makes illegal use of the surveillance cameras?

**Sir Anerood Jugnauth:** Madam Speaker, let me remind the Leader of the Opposition that they, themselves, while they were in the former Government, started with the installation of 46 CCTV Surveillance cameras in Flic-en-Flac in 2009, and they were right in doing so as these cameras were useful in identifying and arresting the authors of a rape case that occurred on Flic-en-Flac beach.

The Leader of the Opposition who was then Minister himself launched the system when it went live. Subsequently, in his 2013/14 Budget Speeches, he announced that CCTV cameras have also been installed in Quatre Bornes, Port Louis and Grand Baie and that new regions were to be covered, including Beau Bassin, Rose Hill and Sodnac. Well, when they were doing it, it was right. When we are doing it, they find so many faults.

**Mr X. L. Duval:** Madam Speaker, the question was whether a law will be brought in this House to prevent abuse, misuse, surveillance of all types against civil servants, any politicians. Let me just remind the Rt. hon. Minister Mentor that, at that time, the then Data Protection Act applied to the CCTV cameras installed. There was a Code of Practice to cover the Police use of the CCTV cameras. This is not the case now. So, I revert, Madam Speaker, to the question, which is extremely important. Will there be a law, and will there be judicial supervision of any order to track persons, either forward or in the past? Will there be a requirement in the law that I am proposing so that there is a Judge's Order required before anyone is allowed to survey and track innocent Mauritian citizens?

**Sir Anerood Jugnauth:** We know how to take our responsibilities and we do not take any lesson from the Leader of the Opposition. The Code of Practice is already in progress.

**Mr X. L. Duval:** Madam Speaker, can the Rt. hon. Minister Mentor tell us under which law will the Code of Practice apply? Because the Data Protection Act has been completely taken out of the picture.

**Sir Anerood Jugnauth:** Nothing has been taken out; everything is still there.

**Mr X. L. Duval:** This is why, Madam Speaker, it is imperative that the Rt. hon. Minister Mentor supplies this House with the certificate of exemption that the hon. Prime Minister will eventually give to this project, Madam Speaker.

Madam Speaker, can I ask the Rt. hon. Minister Mentor whether he is aware that the Data Commissioner herself has submitted, in writing, advice to Government or even a request to Government that a specific law be passed to protect the innocent citizens from undue surveillance by Ministers, Police Officers, MT personnel, Sherry Singh or be it Huawei?

**Madam Speaker:** Please, do not mention names!

**Sir Anerood Jugnauth:** Madam Speaker, the advice of the Data Protection Commissioner has already been sought to that end.

**Mr X. L. Duval:** Exactly, Madam Speaker, confirming what I have said, that she has advised the Rt. hon. Minister Mentor to provide a law to protect citizens.

Madam Speaker, I would like to ask a question to the Rt. hon. Minister Mentor concerning the sites. Around my house, there are so many cameras, but in the hotspots of drug trafficking - I do not want to mention any places - in the North, I cannot see any cameras. In front of the French Embassy where someone fired a gun, there is no camera; around Port Louis, drug hotspots which we checked this morning, even one that was filmed by ION News, there is no Safe City camera. How come? Who has chosen these sites? Was there a survey before? Is it for political reasons that they are putting these cameras or is there some other reason?

**Sir Anerood Jugnauth:** For political reasons! Were they doing it for political reasons?

*(Interruptions)*

**Madam Speaker:** Hon. Dr. Boolell, not from a sitting position, please!

**Sir Anerood Jugnauth:** You, people, talk of national security! Nonsense!

**Mr X. L. Duval:** Madam Speaker, my question is a serious question and I will expect a serious reply from the Rt. hon. Minister Mentor. Was there a formal study of crime prone areas - I can, myself, point several to the Rt. hon. Minister Mentor - so that these cameras are sited there?

**Sir Anerood Jugnauth:** Well, nobody can know better than the Commissioner of Police what are the more sensible spots where these cameras should be placed.

*(Interruptions)*

**Madam Speaker:** Hon. Baloomoody!

**Mr X. L. Duval:** Madam Speaker, elections are expected anytime now and half of the cameras will be operational by June. I would like to ask the Rt. hon. Minister Mentor under whose control these pictures will be. Will they be handed over to the Police in June so that they take control? Will it be Mr Jhugroo, who knows everything in this country, or will it remain under MT control so that during the elections, these thousands of cameras will, in fact, be under the control of Mauritius Telecom?

**Sir Anerood Jugnauth:** I have said it will be operational by the end of December. In my answer, I have said that it will be under the control of trained Police Officers and in safe place. Well, I cannot say more than that.

**Mr X. L. Duval:** But the question is not that. The question is that the whole country can see that the cameras are there. They are recording and they are putting the pictures at the Command Centre in Ebène. Now, who is in charge of that Command Centre? Have the Police taken charge of the Command Centre or is it under the control of Huawei or MT? It is a simple question.

**Sir Anerood Jugnauth:** Well, I have already answered in the reply which I gave. He was complaining that it was too long. It will be under the control of the Police.

**Mr X. L. Duval:** Madam Speaker, there is a real danger that during the election campaign, all these cameras will remain under the control of Mauritius Telecom, which is probably even worse than under the control of MT.

Madam Speaker, Huawei - I do not want to pick on them - has offered no spy agreements to a number of countries that have installed their systems. I would like to ask the Rt. hon. Minister Mentor whether a no-spy agreement has been offered to Mauritius and, if so, what has happened.

**Sir Anerood Jugnauth:** Well, our system will be such that Huawei or no Huawei, nothing can interfere and get any information.

**Mr X. L. Duval:** What a good joke! Can I ask the Rt. hon. Minister Mentor whether he has tested the system himself and - this is a serious question - whether, in fact, the Government has asked for international audit advice to check the system that is being provided to us by a foreign company to see that there is no spyware installed, to see that there is no security problem, it is not hackable, it is not interferable, and whether it leaves a proper audit trail? Has an international verification other than Huawei been done and, if so, if it is not done by himself personally, can he tell us who would have done this audit, please?

**Sir Anerood Jugnauth:** We have felt no necessity, so far, for doing so.

**Mr X. L. Duval:** Madam Speaker, I have asked a lot of questions and I have got very few answers. That is a shame! I would like to ask the Rt. hon. Minister Mentor whether, in the name of democracy, Government would not think of setting up a Select Committee of this House - and I am not trying to play politics, I am being very serious - to cover all the aspects, whether it is the legal aspects, how the access is going to be, the Code of Practice that the Police will have and what legal effect this will have, including the risks of foreign interference in our country - whether it is not high time that a Select Committee of the House be set up, and we will certainly participate in the PMSD - so that we can ensure that the country, not only gets a system which protects against crime, which I fully agree, but also protects the innocent citizens from being terrorised by the Police or any Government Minister.

**Sir Anerood Jugnauth:** It makes me laugh. Greater terrorists than the PMSD, and they have been in this country.

*(Interruptions)*

**Madam Speaker:** Crosstalking is not allowed! You have asked your question and the Rt. hon. Minister Mentor will reply. Please, resume your seat when I am giving my ruling.

*(Interruptions)*

Hon. Dr. Boolell, again!

*(Interruptions)*

Hon. Hurreeram!

**Sir Anerood Jugnauth:** We see no need for doing all that is being suggested by the Leader of the Opposition. It is not hackable as it is a closed network. There is no internet or international connection for this network.

**Mr X. L. Duval:** Madam Speaker, may I ask the Rt. hon. Minister Mentor to give a guarantee that this system will not be used to spy on civil servants - say, a civil servant has taken sick leave, you will easily find where he is - whether this system will not be used to spy on parents for catchment areas for schools, whether it will not be used by MRA for tax purposes? Can he give us a statement, a guarantee that this system will not be used and abused in these specific ways?

**Sir Anerood Jugnauth:** Maybe, the Leader of the Opposition, when they were doing it, they had all of this in mind. But we do not have.



**Madam Speaker:** Hon. Leader of the Opposition, you have one minute.

**Mr X. L. Duval:** I want to tell the Rt. hon. Minister Mentor - I always use the word 'honourable' - that, in fact, the Code of Practice was issued by the then Data Protection Commissioner to cover the use by the Police, and it is not the case anymore, Madam Speaker. Therefore, I would again, Madam Speaker, ask the Rt. hon. Minister Mentor, given the dangers, to review where these cameras are sited so that the Police show some courage and site the cameras where the main drug trafficking is happening, that there will be a law to protect citizens of this country, and that citizens of this country are reassured, through the appointment of a Select Committee of the House to look into the whole issue.

**Sir Anerood Jugnauth:** There is no need for a Select Committee.

**Madam Speaker:** Time is over!

Hon. Members, the Table has been advised that PQ B/375, in regard to the proposed signature of a Free Trade Agreement with China, will be replied by the hon. Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade.

PQ B/406, in regard to the proposed renovation of the football playground at Pointe aux Sables and PQ B/412, in regard to VIPSU, will be replied by the hon. Ag. Prime Minister, time permitting.

Hon. Uteem!

**Mr Osman Mahomed:** Madam Speaker, can I?

**Madam Speaker:** You have a point of order?

**Mr Osman Mahomed:** No, I have just heard you mention that my question B/375...

*(Interruptions)*

I know what the Standing Orders say, Madam Speaker.

**Madam Speaker:** Please, resume your seat!

*(Interruptions)*

I will ask you a question! Please, resume your seat! Do you have a point of order or do you want to say or to protest that your question has been transferred? Because if you want to protest that your question has been transferred, I had replied last week that transfer of

questions rests with the Executive and that the Chair has no responsibility whatsoever and no control whatsoever on the transfer of questions.

**Mr Osman Mahomed:** What I am going to say is based on the Standing Orders itself, Madam Speaker. I am to refer you to section 21(1), which says -

“21. (1) The proper object of a question shall be to obtain information on a matter of fact within the special cognizance of the Minister to whom it is addressed.”

Now, my question has nothing to do with the nitty-gritty of the Free Trade Agreement. It has to do with the impact on the Mauritian finances and economy of signing such an agreement, which concerns the hon. Prime Minister and Minister of Finance.

**Madam Speaker:** Hon. Member, what you are saying comes back to what I have just said. You are protesting against the transfer of questions. I have already said that the transfer of questions is not the responsibility of the Chair. It is the responsibility of the Executive. The Chair has no control on transfer of questions and this should not be done to the Chair. So, we will proceed with questions. Hon. Uteem!

#### **STIMULUS PACKAGE & ADDITIONAL STIMULUS PACKAGE SCHEMES – BENEFICIARIES – REPAYMENT**

**(No. B/376) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Stimulus Package and Additional Stimulus Package Schemes, he will state, in each case, the names of the beneficiaries thereunder having defaulted the repayment obligations, indicating in each case the –

- (a) amount involved, and
- (b) actions taken, if any, to recover the amount due and the amount recovered as at to date.

**The Ag. Prime Minister (Mr I. Collendavelloo):** Madam Speaker, I am tabling a document containing the information requested.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** In answer to PQ B/453 in September 2015, the then Minister of Finance stated, and I quote -

“(...) there are ongoing procedures to recoup those lost funds.”

Meaning the funds that have been given to beneficiaries of stimulus package and not refunded. May I know from the hon. Ag. Prime Minister where matters stand as far as procedures for recouping those funds are concerned?

**The Ag. Prime Minister:** What I see is that two of the companies have refunded part of the amounts due. The others have closed down, have gone into receivership. Independent financial analysts were recruited and, apparently, they are holding discussions with the bank.

**Mr Uteem:** Precisely, about these financial analysts, answering to a PQ in 2013, the then Minister of Finance stated that before there was any disbursement made, there was a full due diligence exercise conducted by an independent financial analyst. So, may I know from the hon. Ag. Prime Minister whether any action has been taken against any of the independent financial analysts who gave a certificate of clearance for payment to these non-performing debtors?

**The Ag. Prime Minister:** Not that I am aware. I am not aware of any certificate of payment. I would not be able to answer further on this issue.

**Mr Uteem:** I refer to the document just tabled. Rs448 m. have been lost or as sunk cost. Answering again to a PQ in 2011, the then Minister of Finance had stated that all necessary precautions, maybe measures, are taken so as to ensure that funds disbursed are properly utilised and monitored. May I know from the hon. Ag. Prime Minister why is it that, despite the assurance given to this House that funds would be properly utilised and monitored, we are left with a slate of Rs448 m.?

**The Ag. Prime Minister:** We all know what happened at this period, and it is being agreed by everyone that there was a gross abuse of these schemes. How these were monitored, how this was done has always remained very nebulous. I am afraid I cannot be of greater assistance to the House than what I have said now.

**Madam Speaker:** Next question, hon. Bhagwan!

#### **AIR MAURITIUS LTD - SHARES**

(No. B/377) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Air Mauritius Limited, he will state –

- (a) the name of the representative of Government serving on the Board thereof;
- (b) the number and value of shares owned by Government therein and, for the benefit of the House, obtain from the State Investment Corporation and the State Insurance Company of Mauritius Limited, information as to the number and value of the shares they each own therein, and
- (c) if the issue of heavy losses recently incurred by the company has been discussed by Government.

**The Ag. Prime Minister:** Madam Speaker, with regard to part (a) of the question, Mr Nayen Koomar Ballah, Secretary to Cabinet and Head of the Civil Service, is the representative of Government serving on the Board of Air Mauritius Ltd.

With regard to part (b) of the question, Government of Mauritius owns 8,564,658 shares in Air Mauritius Ltd and also 11,433,138 shares in Air Mauritius Holding Ltd, which itself owns 51% of the shares in Air Mauritius Ltd.

The State Investment Corporation (SIC) Ltd holds 4,646,266 shares in Air Mauritius Ltd. The SIC Ltd also indirectly holds 435,165 shares in Air Mauritius Ltd through its associate company, namely, the Port Louis Fund Ltd. in which the Corporation holds 38.6% of shares.

The State Insurance Company of Mauritius Ltd (SICOM) holds 577,744 shares in Air Mauritius Ltd.

The price of shares of Air Mauritius Ltd on the Stock Exchange of Mauritius was Rs9.48 per share on 16 May 2019.

With regard to part (c) of the question, the answer is in the affirmative. However, in view of all statutory and regulatory provisions regarding listed companies, I am advised that it would not be prudent to disclose any information which may affect the share price of the company.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Thank you, Madam Speaker. May I know from the Ag. Prime Minister whether the Senior Adviser - if he is still Senior Adviser - Mr Maunthrooa is still a member of the Board of Air Mauritius?

**The Ag. Prime Minister:** Mr Ram Prakash Maunthrooa is a Director of Air Mauritius Ltd.

**Mr Bhagwan:** Can I know from the Ag. Prime Minister whether, through the representative of Government on the Board, he has been made aware that owing to heavy losses, - he has been travelling, I am sure he knows - magazines and newspapers are no longer circulated on board, whilst, at the same time, free air tickets are given to Board members for life? I raised this question once when the Rt. hon. Minister Mentor was then Prime Minister and he stated, even publicly, that he was going to give directives to his representative on the Board to review the situation. Can I know from the Ag. Prime Minister whether it is Government's intention - Government is a shareholder - to review this policy of giving to Board members, previous and present - I do not know future - free air tickets for life?

**The Ag. Prime Minister:** First of all, the newspapers, I do believe that there are ...

*(Interruptions)*

I do not know. If the hon. Member tells me there are not, there are not. I mean, I would not know. With regard to the free tickets, I am personally aware that the hon. Prime Minister has raised the subject. I am not saying that he has given directives. I do not believe that he has the power to give directives, but I know that he has made such a request. I get a note now that this is being reviewed at the level of Air Mauritius.

**Mr Bhagwan:** We have been receiving this answer. Government has nearly a few months remaining to stay in power. Can the Ag. Prime Minister give the assurance to the public at large, at a time when Government is a shareholder - public money - water is not made available, newspaper is not made available, that it is normal that Board Directors still receive these facilities and whether decision would be taken at the least possible time?

**The Ag. Prime Minister:** Is the hon. Member referring to the free air tickets again?

*(Interruptions)*

The matter is at the level of Air Mauritius, as I have said.

**Madam Speaker:** Hon. Henry!

#### **G NEWS - PUBLICATION & DISTRIBUTION - COST**

**(No. B/378) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the G News, he will state the expenses incurred in relation to the publication and distribution thereof as at to date.

**The Ag. Prime Minister:** Madam Speaker, in reply to Parliamentary Question B/404 on 13 June 2017, the Prime Minister informed the House that the publication of G News was to sensitise all stakeholders, including members of the public, on measures and projects being implemented by the Government as well as progress achieved.

Madam Speaker, since then, there have been six publications of G News, including a special issue of 40 pages in January 2019, which informed the public of economic, infrastructural, social and institutional developments and initiatives taken by Government from 2015 to 2018.

The costs for the publication and distribution of G News are as follows –

- Publication - Rs4,054,105.63.
- Distribution - Rs580,336.13.

**Mr Henry:** Madame la présidente, peut-on savoir la procédure et les critères pour l'obtention de ce contrat ?

**The Ag. Prime Minister:** May I know of which contract, Madam Speaker?

**Mr Henry:** Pour la publication et la distribution.

**The Ag. Prime Minister:** Madam Speaker, this is done by a tendering procedure.

The tendering procedures are as follows -

- There was a request dated 17 March 2017 from the Office of the Secretary to Cabinet and Head of Civil Service to print and publish G News.
- There was a selective quotation exercise from Precigraph Ltd, T-Printers, ICP ROTO, Caractère Ltd, Emboss Company Ltd and the Government Printer.
- Three bids were received for printing of G News. 25,000 copies, namely from Caractère Ltd - Rs258,750; T-Printers - Rs275,500, and the Government Printing Department for Rs507,000.

The contract was awarded to Caractère Ltd for the stated sum.

For distribution, quotations were asked from Le Défi and La Sentinelle Ltd. Two quotations were received as follows -

- Défi Plus Ltd - Rs63,250
- La Sentinelle Ltée - Rs92,000.

The contract was awarded to Défi Plus Ltd in the above sum, inclusive of VAT, that is, what was paid was Rs61,600 after tax deduction at source.

Let me take - or else it would be too long - January 2019. There was printing of a special issue of 40 pages outlining the projects and measures from 2015 to 2018. The contract for printing 55,000 copies was awarded directly to the Government Printing Department at a cost of Rs2,035,865.63. Payment was for overtime of staff of the Printing Department.

For distribution, contract was awarded directly to Le Défi Ltd for Rs124,387.30. There is other information for July 2017/September, if there is a specific question. In fact, I can table them now, if the hon. Member wishes.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Madam Speaker, may I know from the hon. Ag. Prime Minister who is accountable for all the logistic costs, transport charges or any other costs related to the publication of G News?

**The Ag. Prime Minister:** There is the Government Information Service which is accountable.

**Madam Speaker:** Hon. Dr. Boolell!

**Dr. Boolell:** Can I ask the Ag. Prime Minister whether the publication and free distribution of G News is part of the electoral rigging process? Those having a field, those who sell vegetables and greasy cakes use this to wrap their products.

**Madam Speaker:** This is a statement that the hon. Member is making. Hon. Bhagwan, next question!

#### **AIRPORTS OF MAURITIUS CO. LTD - CEO - POST**

**(No. B/379) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Airport of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to since when the post of Chief Executive Officer thereof is vacant, indicating –

- (a) when same will be filled, and
- (b) the name of the present Officer-in-Charge thereof, indicating the -
  - (i) allowances drawn in relation thereto, and
  - (ii) substantive post held.

**The Ag. Prime Minister:** Madam Speaker, I am informed by Airports of Mauritius Co. Ltd that the post of Chief Executive Officer is vacant since 24 August 2018 following the expiry of a three-year contract of employment of the former Chief Executive Officer.

With regard to part (a) of the question, the filling of the post of Chief Executive Officer is presently under consideration by the Board of Airports of Mauritius Co. Ltd.

As regards part (b) of the question, Mr Dewananda Chellen, who holds the substantive post of Head, Internal Audit, and who is also the most senior officer at senior management level is acting as the Officer-in-Charge of Airports of Mauritius Co. Ltd against payment of a monthly allowance of Rs40,000.

**Mr X. L. Duval:** Madam Speaker, can I ask the hon. Ag. Prime Minister whether he could circulate a copy of the CV of the Acting Officer-in-Charge?

**The Ag. Prime Minister:** I think I have seen it somewhere.

**Madam Speaker:** If you do not have it, hon. Ag. Prime Minister, you may circulate it at a later stage.

**The Ag. Prime Minister:** Yes, at a later stage, I will.

**Madam Speaker:** Yes, hon. Bhagwan!

**Mr Bhagwan:** Can I know from the Ag. Prime Minister whether he has been made aware of the strenuous industrial relations prevailing at the AML since that person has taken over? The president of the union was suspended for filthy reasons. He had to go to the Supreme Court, he won his case and now, again, they have suspended him. Is this not a case of great injustice for a president of a union who is fighting for his members?

**The Ag. Prime Minister:** I am aware that the president of the trade union was suspended. I am aware that an application for an injunction was lodged. I am aware that after the injunction was issued, they retrieved the letter of suspension, and I am aware that soon afterwards, the employer re-suspended the employee. Well, there is a mechanism for redress for all these matters, and I am sure that the due process of law will follow its course.

**Mr Bhagwan:** The Ag. Prime Minister has just given us facts. Can I again ask him whether this is not a case of great persecution and injustice towards the chairperson of a trade union who is fighting for his members, who went to the Supreme Court, won his case, and is again suspended for filthy reasons? *C'est de l'injustice!*



**The Ag. Prime Minister:** First of all, that is asking me to express my opinion about a given set of facts, which I cannot do, whether I am Prime Minister or whatever. I cannot do this.

Secondly, it is to provide a legal opinion on the same set of facts. I cannot do this, of course.

**Mr Bhagwan:** Madam Speaker, a last question.

**Madam Speaker:** Yes.

**Mr Bhagwan:** Can I know from the Ag. Prime Minister whether it is normal? It would be nearly one year; it has become an *habitude*. At the MBC, we have an Officer-in-Charge. There is no replacement, no filling of vacancy. Here, we have another Officer-in-Charge. Is it not the practice - at least, this Government is doing - to have *petits copains* at the head of parastatal bodies, of organisations just to do their own dirty work?

**The Ag. Prime Minister:** We are talking of an Officer-in-Charge.

**Mr Bhagwan:** It is already one year and elections are coming.

**The Ag. Prime Minister:** One year or elections are coming or whatever, we are talking of an Officer-in-Charge.

*(Interruptions)*

**Madam Speaker:** Please! Hon. Jhugroo!

*(Interruptions)*

Hon. Bhagwan, please!

*(Interruptions)*

Hon. Bhagwan, I am drawing your attention and I am calling you at least three times.

*(Interruptions)*

Hon. Jhugroo!

*(Interruptions)*

Hon. Bhagwan!

*(Interruptions)*

You seem to ignore that I am calling you to attention.

*(Interruptions)*

Hon. Jhugroo, I am drawing your attention to the fact that you should not make provocations because this causes interruptions in the House.

*(Interruptions)*

Hon. Bhagwan, it is the last time that I call you to attention.

**The Ag. Prime Minister:** Madam Speaker, the hon. Member asked a question just now, and I have the answer. The Officer-in-Charge, Mr Chellen, holds professional qualifications as follows -

- Institute of Internal Auditors, USA;
- Certified Internal Auditor (CIA);
- Association of Chartered Certified Accounts, UK;
- FCCA, ACCA Member, ACCA Affiliate.

I also have his salary. He earns a basic salary of Rs199,995 as Head of Internal Audit. He holds an acting allowance of Rs40,000 as Officer-in-Charge, making a total of Rs239,995.

**Mr X. L. Duval:** May I just ask the hon. Ag. Prime Minister whether he would not circulate a full CV? I am the one who asked for this. Can he give us a full CV, his schooling, so that we can see what it is all about?

**The Ag. Prime Minister:** Well, I do not have his full CV with me. I shall try and see what happens.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** *Sa chairman, li p assize lamem la.*

**Madam Speaker:** Hon. Bhagwan, no comments please! Your question!

**Mr Bhagwan:** I know what I am saying. He is sitting here and listening.

**Madam Speaker:** You may know what you are saying, but I said that you should not make any comments. You ask your question.

**Mr Bhagwan:** The Chairman is sitting here.

*(Interruptions)*

**Madam Speaker:** Hon. Hurreeram, you are making provocation?

### MBC - DIRECTOR GENERAL - APPOINTMENT

(No. B/380) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain therefrom, information as to if the post of Director General thereof has been filled and, if so, when and, if not, indicate if the Chairperson thereof has been assigned responsibilities by the Board thereof to oversee the day to day administration thereof.

**The Ag. Prime Minister:** Madam Speaker, section 13 of the Mauritius Broadcasting Corporation Act provides for the appointment of a Director General of the Corporation, and sub-section 2(a) reads as follows -

“The Director General shall be appointed by the Minister, with the approval of the Prime Minister, on such terms and conditions as he thinks fit;”

Since the hon. Prime Minister is the Minister responsible for matters pertaining to the MBC, it is, therefore, the hon. Prime Minister himself who appoints the Director General.

In reply to Parliamentary Question B/306 on 08 May 2018, the substantive Prime Minister had informed the House that he had appointed Mr Moonendra Nudhi Sharma Ramsurrun to act as Director General of the MBC, with effect from 29 April 2018.

Pursuant to sub-section 2(b) of the MBC Act, the acting Director General is responsible for the control and management of the day to day business of the Corporation. The assignment of such duties to the Chairperson of the Board, therefore, does not arise.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** It is clear that it is the intention of the hon. Prime Minister not to fill the job. The actingship of this gentleman is dragging on. So, can I know from the hon. Ag. Prime Minister if he will raise the matter with the hon. Prime Minister, stating that this question has been raised here in Parliament and *il y a une situation de malaise à la MBC*, and whether it is not urgent to have this post of Director General filled on a permanent basis?

**The Ag. Prime Minister:** Well, the hon. Prime Minister has decided to fill that post. He is the General Manager albeit in an acting capacity.

**Mr Bhagwan:** I am asking for the filling of the job on a permanent basis. It has become a habit by this Government to have Ag. Director, Ag. General Manager. So, my

question, through the Ag. Prime Minister, is when we will have a full-fledged permanent Director General, and if he can raise the question with the hon. Prime Minister.

**The Ag. Prime Minister:** That will depend on the hon. Prime Minister.

**Madam Speaker:** Hon. Ganoo!

***KREOL MORISIEN – NATIONAL ASSEMBLY***

(No. B/381) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed introduction of the Kreol Morisien language in the National Assembly, he will state where matters stand, indicating the –

- (a) measures taken regarding the technical and practical issues raised, and
- (b) expected date of introduction of proposed amendments to the Constitution and the Standing Orders and Rules of the National Assembly in relation thereto.

**The Ag. Prime Minister:** Madam Speaker, as the hon. Prime Minister explained in his reply to Parliamentary Question B/3 on 27 March 2018, there are numerous issues that have to be addressed before considering the introduction of Kreol Morisien into the National Assembly. One of the issues is the mastery of the language, as it is an essential prerequisite for editing and transcribing the proceedings of the Assembly. This process will take time.

Government is pursuing its sustained efforts in the promotion of Kreol in schools. As a matter of fact, Kreol Morisien, which was introduced in primary schools in 2012, reached the end of the primary cycle in 2017. It was subsequently introduced in Grade 7 with effect from January 2018.

The number of pupils studying Kreol Morisien in primary schools has shown a steady increase from 17,305 in 2017 to 18,102 in 2019. Moreover, 2,480 pupils of Grade 6 sat for Kreol Morisien at the Primary School Achievement Certificate Examination in 2017 and 2,830 in 2018.

Madam Speaker, due attention has also been given to the recruitment and training of Educators in Kreol Morisien, both in primary and secondary schools. At secondary level, the number of students currently studying Kreol Morisien stands at 1,500 at Grade 7 and around the same number at Grade 8 level.

Madam Speaker, in regard to part (a) of the question, I am informed that the Digital Recording System being used in the National Assembly is a customised system which uses an off-the-shelf component in the form of a Voice-to-Text software for the automatic transcription of the proceedings of the House in English and French. The technology being sensitive to accents, the supplier would have to be requested to develop a platform to recognise the Kreol language. Moreover, since the software uses artificial intelligence to build up its library, dictionary and User Profiles, the prerequisite will be a standardisation of the Kreol Morisien in terms of orthography, grammar and vocabulary.

Subsequently, the staff of the Hansard Unit and Members of Parliament would need to be trained to use the standard Kreol Morisien that is recognised by the software.

Madam Speaker, in regard to part (b) of the question, necessary amendments to the Constitution and the Standing Orders and Rules of the National Assembly will be brought, once all the necessary pre-conditions are fully satisfied.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** If I may be allowed, Madam Speaker. The answer given by the hon. Ag. Prime Minister is the same as has been given by the hon. Prime Minister since two years ago, when I first raised this question in this House, and this is why my question here is about the practical measures and regarding the technical issues which have been raised in the past by the hon. Prime Minister. May I, therefore, ask the hon. Ag. Prime Minister whether he can give to the House an idea about the time frame which will be needed to finally introduce the Kreol Morisien in this House? As we all know, the Government has six months to go before the end of its mandate. Will that be possible before the end of the mandate of this Government?

**The Ag. Prime Minister:** I am not sure about the six months. Parliament is dissolved in December. That is all that the Constitution provides.

With regard to the introduction of Kreol, to give a time frame would be difficult. We have to do what is being done. From what I have been told, it is an education process, but it is also a technical process. So, we will have to do all this before we are able to come to a decision on this.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** The officers of the Hansard Unit of the Assembly have to be trained in Kreol language according to the answer of the hon. Prime Minister and the hon. Ag. Prime Minister also said that just now. So, has the needful been done regarding that score, that issue, for example?

**The Ag. Prime Minister:** Not to my knowledge.

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

**Mr A. Duval:** With regard to the practical measures that can be taken if Government is so committed, first of all, retransmission by MBC of Parliament, may I ask the hon. Ag. Prime Minister why is there no subtitle in Kreol, at least even for the Kreol Journal? Secondly, with regard to the video recording of the House, why is it, when we go and access the link after, that we cannot have, again, subtitles in Kreol? That would allow a lot of Mauritians to understand what is happening. It is very practical.

**The Ag. Prime Minister:** That is a matter to be taken either with Madam Speaker or under the rules relating to the Standing Orders because there are specific rules with regard to the transmission over television. I have, myself, seen many defects in this video transmission. There is room for improvement, but they have to be taken up not through this PQ.

#### **FIU - ASSETS RECOVERY INVESTIGATION DIVISION**

**(No. B/383) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Assets Recovery Investigation Division of the Financial Intelligence Unit, he will, for the benefit of the House, obtain therefrom, since November 2017 to date, information as to the –

- (a) number of –
  - (i) restraining orders;
  - (ii) restriction orders
  - (iii) confiscation orders, and
  - (iv) recovery orders applied for, indicating in each case the outcome thereof ;
- (b) value of assets recovered, and
- (c) quantum of funds used therefrom to compensate victims of unlawful activities.

(Withdrawn)

**Madam Speaker:** The Table has been advised that PQ B/383 has been withdrawn. Time is over!

Hon. Members, the Table has been advised that PQ B/388 has been withdrawn. PQ B/424 in regard to the Public Officers sitting on boards and committees of parastatal bodies and Government-owned companies will be replied by the hon. Minister of Civil Service and Administrative Reforms.

Hon. Osman Mahomed!

### **CEB - OPEN CYCLE GAS TURBINE PROJECT**

**(No. B/385) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the cost of the next Kwh of electricity to be produced by the Central Electricity Board, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the estimated value thereof in case the Combined Cycle Gas Turbine/Open Cycle Gas Turbine Project does not materialize.

**The Ag. Prime Minister:** Madam Speaker, I have stated in this House how the implementation of the Open Cycle Gas Turbine was a long-standing project which was evoked as far back as 2003 in the Integrated Electricity Plan 2003-2012 of the CEB. It was again evoked in the Integrated Electricity Plan 2013-2022 as follows –

“(...) the use of Liquefied Natural Gas (LNG) as an alternative to heavy fuel oil. LNG is an interesting option to enable the diversification of the country’s energy sources.”

In 2013, the National Energy Commission chaired by Mr Manraj expressed the view that “natural gas plants are ideal backup capacity for renewable energy, are less polluting than coal, diesel and HFO, and will act also as anticipated investment for future semi base and peak load needs.”

The *Maurice Ile Durable* Strategy of May 2013 which the hon. Member himself piloted under the aegis of Professor Joël De Rosnay, recommended that –

“Whilst renewable energy will form an increasing proportion of the energy mix, it will still be necessary to use conventional power such as Liquefied Natural Gas (...).”

In 2015, in the assessment of electricity demand, the World Bank analysed two technological alternatives of capacity additions –

- (a) a 2 x 36 MW gas turbine thermal plant running initially on diesel, and
- (b) a 3 x 24 MW HFO-fired internal combustion engine plant.

These alternatives are compared based on their performance regarding the annual capacity utilisation costs (in USD per MW installed per year) and the alternative recommended was the gas turbine thermal plant running initially on diesel.

It pointed out that “it is clear that the costs of the gas turbine plant running on diesel are lower than those of the HFO-fired internal combustion engine for all plant utilisation factors below approximately 7%.”

The CCVT is an essential component of capacity expansion plan in the country and of critical importance for energy security. There is no question of the project not materialising.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Can I ask the hon. Ag. Prime Minister whether he will confirm to the House that the Financial Secretary has written to the CEB last week to the effect that MOFED is not approving the financing of the gas turbine project, as widely reported in the Press? I am here quoting *Le Mauricien* of 14 May 2019.

**The Ag. Prime Minister:** Oh, that according to the Press, the Financial Secretary has written a letter! If I have to rely on what the Press says, I will be sleeping all the time. I am not aware of such a letter. If such a letter had been issued, I am sure CEB would have talked to me about it.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Yes, but what is the Plan B for CEB at this point in time? Let us say, the different issues pertaining to this Gas Turbine Project, what is the Plan B for CEB? Is it a gas turbine of smaller capacity or other alternative production methods?

**The Ag. Prime Minister:** There is no Plan B.

**Madam Speaker:** Next question, hon. Osman Mahomed!

#### **ELECTRICITY PRODUCTION - COST**

**(No. B/386) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities



whether, in regard to the production of electricity from coal, diesel and Liquefied Natural Gas, he will state the cost comparison thereof.

**The Ag. Prime Minister:** Madam Speaker, I am informed by the CEB that it uses Heavy Fuel Oil and not diesel.

I am further informed that there is no direct comparison that can be made in the cost of production of electricity from coal and HFO in Mauritius as the cost varies depending on the prevailing fuel price, level of output and number of operating hours of the power plant.

Moreover, the coal plants of the IPP's and the HFO plants of CEB operate under different conditions.

I am thus, tabling the cost per KWh for coal and HFO for each of the power plants for the period July 2018 to March 2019.

With regard to LNG, in my reply to PQ B/1181 of 04 December 2018, I had informed the House that the estimated marginal cost for the Open Cycle Gas turbine would be around Rs7.95 per kilowatt-hour running on light fuel and Rs3.65 per kilowatt-hour operating on LNG. I am tabling the respective cost of each plant.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Can I have a copy of the document that has been tabled? While it is reaching my source, I know roughly coal is about Rs3.50; HFO, as rightly mentioned, is about Rs4.50 and the price of Rs7.95 has been mentioned, nearly Rs8. Can I ask the hon. Ag. Prime Minister and Minister of Energy whether there has been consultation with the business partners of the industry as regards their need eventually to fork out more for their prices of electricity going forward?

**The Ag. Prime Minister:** I am not too sure, I understand, what the hon. Member means by the partners of CEB with regard to the cost of electricity.

**Mr Osman Mahomed:** Business partners means clients. CEB's big clients in the industry which buy bulk electricity from CEB.

**The Ag. Prime Minister:** The hon. Member means customers, clients of the CEB! No, there has been no such discussion, not to my knowledge.

**Mr Osman Mahomed:** Well, I know there have been the World Bank Report and all. Has there been a study on the affordability and economic sustainability - I am all for LNG but

the prices are high, seemingly - of the impact that these higher prices of electricity will have on the development of the country?

**The Ag. Prime Minister:** Well, of course. I have myself, I am sure, tabled documents in this House, as from 2015, concerning the affordability. We have to cater for the future and that is what has been catered for. As I have said previously, many times, this is an old project. Of course, we are now advantaged with the technological advances which have been made on the cycle gas turbines, open or combined, and therefore the costs are getting better, more attractive and interesting. But these studies have been done for quite some time.

**Madam Speaker:** Next question, hon. Osman Mahomed!

### **TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING - POLICY**

**(No. B/387) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Technical and Vocational Education and Training, she will –

- (a) table copy of the policy of her Ministry in relation thereto, and
- (b) state the percentage of youngsters having joined same in each of the years 2015 to 2018.

**Mrs Dookun-Luchoomun:** Madam Speaker, at the very outset, I wish to highlight that the potential contribution of the TVET sector in the socio-economic development of the country is fully understood and my Ministry is deploying all efforts to boost up the important component of the education sector.

The strategic goal of the TVET is to create a vibrant sector, responsive to national economic needs so that all graduates emerging from the TVET stream are highly skilled and ready for employment. In this regard, a number of proactive initiatives have been taken, namely –

- (i) Upgrading of the infrastructure with state of the art technology;
- (ii) Reviewing TVET programmes for increased relevance to the emerging needs of the economy, and
- (iii) Capacity building at all levels.

Madam Speaker, with regard to part (a) of the question, the TVET sector has been catered for primarily by the MITD and the Polytechnics Mauritius Ltd which are the

implementing arms of my Ministry. I am tabling a copy of the MITD Strategic Plan as well as the Strategic Plan for Polytechnics Mauritius Strategic Plan 2018/2020. These, in fact, encapsulate the new policy orientation for the sector in line with Vision 2030.

With regard to part (b) of the question, it has been noted that there is a steady and progressive increase in the percentage of secondary age group students who are opting for TVET, the students in the public TVET sector, that is, the MITD, the Polytechnics and FDI, as a percentage of students enrolled in the secondary sector for the period 2015 to 2018 is as follows –

- Year 2015 - 15.09%;
- Year 2016 - 16.38%;
- Year 2017 - 17.39%;
- Year 2018 - 17.87%.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you, Madam Speaker. My question was about policy while strategy is about implementation; policy is about orientation, *les grandes lignes*. Can I take it that there isn't one at the Ministry right now?

**Mrs Dookun-Luchoomun:** Madam Speaker, I must inform the House that the Ministry has taken TVET as one of the major components of the Education sector. We are, in fact, working with the Harvard University to totally rebrand the sector. Obviously, we have a policy for the sector and we are stating that we intend to increase enrolment in the TVET sector by 2030 to 30% and that it would be a gradual one, we are expecting to increase it from the present per cent rate to 25% by 2025. So, Madam Speaker, we do have a policy and we are putting everything in place to ensure that the TVET sector gets rebranded and that people favourably opt to go for TVET instead of taking it or considering it as a second class training.

Madam Speaker, I would like to add that our strategy at the level of the Ministry, our policy is, as I've just mentioned, to increase the enrolment rate, and to be able to achieve this, we are building lifelong learning frameworks, creating pathways for career progression for an advanced vocational certifications, we are increasing the value of TVET and we are fostering innovative learning in the courses, and we want outreach programmes for effective information dissemination. We have been having a team from Harvard carrying out a survey, trying to find out how we can best proceed to rebrand the sector.

**Mr Osman Mahomed:** Fair enough! Their policy is being prepared by Harvard, but we are on the eve of the introduction of the five credits system at HSC. Can I ask the hon. Minister what provisions have been made for the different fields, the capacity and the facilities needed when the time will come? Because if we don't plan now there will be mayhem in a few months' time when these youngsters will come on the market.

**Mrs Dookun-Luchoomun:** Madam Speaker, we are fully aware of this and the Ministry has already started working on that project. Now, what is important to note is that we have been increasing our intake at the level of the MITD. The Polytechnics Mauritius has started increasing their enrolment and they are planning to go still further. What I need also to stress is that not only in terms of space for the students, we are also going through a major process of capacity building. At the MITD, only yesterday, we had a team from ITE, from Singapore, who were here to carry out a workshop over two weeks for the capacity building in curriculum development. So, we need to ensure that the links between the TVET sector and the industry is further strengthened. All this is being done along or simultaneously to ensure that by the time we reach the policy for five credits that we have sufficient space in all our TVET institutions for our students.

**Madam Speaker:** Hon. Abbas Mamode!

**Mr Abbas Mamode:** Yes. The Minister must be aware that right now we are having a problem of seats concerning panel beating and mechanics. So, as today these seats are available only for SC and HSC holders and we all know that people leaving school earlier, say, form 3, the question is that...

**Madam Speaker:** Ask your question!

**Mr Abbas Mamode:** The question is: does the Ministry have a policy for those who leave school earlier? What are the measures taken by the Ministry so that these students may have places in Technical and Vocational Education and Training to pursue their studies?

**Mrs Dookun-Luchoomun:** Madam Speaker, I have just mentioned that care is being taken to ensure that all our students do get the possibility to be trained in the TVET sector. I must add that we have courses for students leaving the secondary schooling, that is, after Grade 10, as well as from the age of 16. They can join the TVET training sector, that is, students leaving after Grade 9 also would be given the possibility of joining and are presently following courses at the level of MITD.

**Madam Speaker:** Last question!

**Mr Osman Mahomed:** We have now reached the Fourth Industrial Revolution: electronic and biotechnology, machine language, artificial intelligence and internet of things. Gone are the days of the brick and mortar days! Can I ask the hon. Minister whether the policy that Harvard is working right now is geared towards preparing our youngsters for the fourth industrial generation, which big conglomerates around the world now are favouring skills coming from these kinds of fields?

**Mrs Dookun-Luchoomun:** Madam Speaker, I must say that Harvard University is working with us for the rebranding of the sector; the policy is being determined by my Ministry. Certainly, we are aware of the advances being taken in the technological world and all the courses that are being provided by Polytechnics Mauritius are meant to cater for all these new requirements of the economy. As far as AI is concerned, Microsoft is already working with Polytechnics Mauritius with a certain number of courses. We are coming with a series of new courses to meet the requirements of this modern economy.

**Madam Speaker:** The Table has been advised that PQ B/389 has been withdrawn.

#### **SAVANNE DISTRICT COUNCIL – STAFF**

**(No. B/388) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the District Council of Savanne, she will, for the benefit of the House, obtain therefrom, information as to if it is fully staffed.

*(Withdrawn)*

#### **PHARMACIES – MEDICINES & DRUGS – SALE**

**(No. B/389) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Health and Quality of Life whether, in regard to medicines and drugs, he will state the number of contraventions booked by his Ministry against pharmacies for the sale thereof without prescription.

*(Withdrawn)*

#### **PONT FER/JUMBO ROUNDABOUTS – GRADE SEPARATED JUNCTION**

**(No. B/390) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the construction of the Grade Separated Junction at Pont Fer/Jumbo Roundabouts, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the name of the contractor therefor.

**The Minister of Agro-Industry and Food Security (Mr M. Seeruttun):** Madam Speaker, I would like to refer the hon. Member to the reply made to Parliamentary Question B/141 on 02 April 2019, whereby the House was informed that following a procurement exercise at the level of the Central Procurement Board, the project to the construction of the Grade Separated Junctions at Pont Fer/Jumbo, Dowlut Roundabouts and the A1-M1 Link Road was awarded to Transinvest-GCC-Bouygues TPVSLi Junction Pont Fer and A1-M1 Link Road JV Ltd.

I am informed by the Road Development Authority that works are progressing and are expected to be completed by November 2020.

**Madam Speaker:** Hon. Jahangeer!

**Mr Jahangeer:** Madam Speaker, in view of various problems encountered on several big projects going on, may I know from the hon. Minister if geotechnical studies have been done for such project and by whom?

**Madam Speaker:** You mean this project, the one which is in your question?

**Mr Seeruttun:** Madam Speaker, I know from the information that I have, there are two components on this project. One relates to the Pont Fer/Jumbo/Dowlut Roundabouts and the other one is the A1-M1 Link Road. The question relates to the Pont Fer Roundabout and as far as I am informed all the tests were carried out before the work started.

**Madam Speaker:** Not from a sitting position! You have a question, you stand up and ask your question!

**Mr Jahageer:** May I ask the hon. Minister by whom?

**Mr Seeruttun:** Well, I don't have that information with regard to who carried out this test, but the tests were done well before the work started.

**Madam Speaker:** Next question, hon. Baboo!

## BEACHES – EROSION – MEASURES

(No. B/391) **Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the beaches, he will state the measures being taken to prevent the rapid erosion thereof.

**Mr Sinatambou:** Madam Speaker, climate change is one of the world's most pressing environmental concerns of the 21<sup>st</sup> century. It remains one of the greatest challenges, if not the greatest challenge which Mauritius is facing.

The recent inter-governmental panel on climate change Special Report on Global Warming released in October 2018, in the context of the 24<sup>th</sup> Meeting of the Conference of Parties to the UNFCCC, confirmed that the global average temperature is rising fast with increase greenhouse gas emissions and has reached 1°C above preindustrial levels.

This rise in temperature will entail extreme climate-related risks, especially for Small Island Developing States like Mauritius, particularly in sectors such as coastal zones, tourism, fisheries, water, health, agriculture and infrastructure. I wish to highlight that coastal erosion is a phenomenal exacerbated by human interferences and climate change. The coastal areas of Mauritius are now under constant threat. Accentuated beach erosion has shrunk the width of the beaches around certain coastal areas by up to 20 metres over the last few decades.

As a result of climate change, accelerated sea level rise and extreme weather conditions, coastal erosion is being exacerbated. Consequently, continuous beach rehabilitation is warranted. My Ministry has, so far, taken several measures to address coastal erosion.

Firstly, there is now the imposition of a set-back for the construction of structures of the shoreline as per the planning policy guidance and through the EIA and Preliminary Environmental Report Mechanisms. My Ministry ensures that a 30-metre set back is strictly adhered to.

Secondly, is the elaboration of a policy on the replacement of casuarina trees within the dynamic beach zone.

Thirdly, beach rehabilitation works have been carried out at a number of eroded sites around Mauritius.

The following ten coastal sites have been rehabilitated between 2015 and 2017, namely

- Baie Du Cap public beach
- Bain Boeuf public beach
- La Prairie
- La Preneuse public beach
- Le Morne Village public beach
- Roches Noires open space
- Grand Port
- Trou-aux-Biches
- Grand Sable, and
- St Felix public beach.

Fourthly, coastal protection works in terms of rock revetment have been carried out at Rivière des Galets at the cost of Rs35 m. and works at Mont Choisy public beach are currently ongoing to the tune of Rs91.7 m.

Fifth, a number of public beaches have been rehabilitated following Cyclone Berguitta and works started there in 2018. The six beaches are –

- Flic-en-Flac public beach
- Blue Bay public beach
- Grand Port open space
- Bois des Amourettes public beach
- Bambous Virieux public beach, and
- Grand Sable public beach.

Sixth, thirteen critical sites around the island have been identified for coastal protection and rehabilitation for the period 2016 to 2020. These are at Grand’Baie, Case Noyale public beach, Résidence La Chaux at Mahebourg, Baie du Tombeau, St Martin/Bel Ombre, Providence, Deux Frères Waterfront, Deux frères Village, Pointe Aux Feuilles, Petit Sable, Bois des Amourettes, Bambous Virieux and Grand’Baie. There are a number of other measures, but I think these are the significant ones which I want to inform the House about.

**Madam Speaker:** Hon. Baboo!

**Mr Baboo:** Madam Speaker, the problem is not only beach erosion, but the degrading state of our beaches as confirmed by the latest report of Statistics Mauritius, the Survey of



Inbound Tourism. Therefore, can the hon. Minister advise the measures taken and amounts spent to remedy the situation?

**Mr Sinatambou:** I have just given a significant number of measures and I can also mention to the House that in the last Budget Speech, the hon. Prime Minister, Minister of Finance and Economic Development actually ascribed a sum of Rs2 billion, not all of which for beach erosion, but, surely, some of which were for beach erosion. May I also point out to the House, that, already for the period 2019-2020, a number of other beaches, apart from all those I have mentioned, have already been earmarked for further works.

**Mr X. L. Duval:** There was talk in the past of re-pumping sand which has been spread around back to replenish beaches. Is this being considered by the Government?

**Mr Sinatambou:** Yes, this is indeed being considered in particular at the moment. Government has actually just recruited a consultancy firm to carry out a survey and prepare design to address and prevent beach erosion over the whole area starting from Flic en Flac, from klondike to Baie du Tamarin and one of the matters to be considered is, indeed, sucking back the sand which has gone away back onto the seashore.

**Mr X. L. Duval:** May I ask also the hon. Minister to think about the islets around Mauritius. Many of these islets are now suffering considerable erosion, and whilst the sand goes, it is very difficult to get it back. I haven't heard the hon. Minister mentioned anything about the islets, whether it is Ile aux Bénitiers or Ile Plate, etc. or wherever. Can the hon. Minister tell us whether anything is being done about the islets?

**Mr Sinatambou:** I haven't because that matter is currently being looked into by an inter-ministerial committee which includes the Minister of Agro- Industry and Food Security, myself, the Minister of Housing and Lands, and it is under the chairpersonship of the Ministry of Tourism.

**Madam Speaker:** Hon. Baboo, last question!

**Mr Baboo:** Can the hon. Minister inform the House of the amount spent so far for the beach erosion from the year 2017 till now?

**Mr Sinatambou:** I don't have the exact figure, but I can say for two of those which I have in mind. Rivière des Galets was Rs35 m. and Mont Choisy, which is currently being done now, is Rs91.8 m. But what I can do, is find out the figures and hand them over to the hon. Member.

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

*At 1.07 p.m., the sitting was suspended.*

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

**The Deputy Speaker:** Hon. Baboo!

### **SIGNAL MOUNTAIN - HEALTH TRACK**

(No. B/392) **Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Health Track of Signal Mountain, he will state the expected date of re-opening thereof.

**Mr Sinatambou:** Mr Deputy Speaker, Sir, as mentioned in my reply to PQ B/895 of 23 October 2018, following adverse weather conditions in the aftermath of the severe tropical storm Berguitta and heavy rainfall events during the month of January 2018, site inspections were carried out and debut flow and rock falls were observed at several places along the Health Track of Signal Mountain. It was found that the slopes had been affected by soil erosion and also that the track had signs of subsidence at many places.

Furthermore, longitudes in all cracks were observed at some locations in the asphalted concrete of the track. The Ministry of Public Infrastructure and Land Transport further opined that from a civil engineering point of view, I quote –

“It is reasonably believed that the level of risk of rockfall is high as many boulders are exposed with their base partially eroded.”

Accordingly, the Health Track had to be closed on 04 January 2018. Since then, the Second Member for Port Louis South and Port Louis Central, hon. Mrs Roubina Jadoo-Jaunbocus has been doing a lot to try and get the Health Track to re-open.

Following a case of further rock fall reported by a jogger on 22 October during which a metal barrier and handrail along part of the track were damaged, the matter was reported to Line Barracks Police Station. Subsequently, on 23 October and 01 November 2018, site visits were organised with the Police, the Special Mobile Force, the Geotechnical Unit of the Ministry of Public Infrastructure and Land Transport, the City Council of Port Louis and the Conservator of Forests. A number of additional measures were accordingly taken by my Ministry.

In view of the high technical and complex nature of countermeasure works required at Signal Mountain on 30 November 2018, my Ministry wrote to the Ministry of Public Infrastructure and Land Transport suggesting that purging works of unstable borders at Signal Mountain be contracted out to specialised agencies based in Reunion Island.

Additionally, after consultation with the Attaché de Défense of the French Embassy on 13 February 2019, my Ministry communicated to the Ministry of Public Infrastructure and Land Transport, the particulars of the Director of the *Bureau de Recherches Géologiques et Minières* of Reunion Island which is known to be specialised in the field of rock fall.

On 07 March 2019, a project for the implementation of countermeasure works at Signal Mountain which consists of three phases, namely, urgent, short-term and long-term countermeasure works estimated at Rs264 m. was presented to the National Environment Fund Roundtable with development partners and donor countries. The different stakeholders present were the European Union, the World Bank, the *Agence Française de Développement*, the African Development Bank, the Commonwealth Climate Finance Access Hub, the United Nations Development Programme and the Japanese and Australian Embassies.

This roundtable was followed by sectorial consultations at the level of my Ministry with potential donor organisations on 04 April 2019 for disaster risk-related projects which include the project for countermeasure works at Signal Mountain. It is estimated that the Track could be re-opened after the completion of the first phase of the implementation of countermeasure works which are expected to last one to two years. However, this will first depend on whether the required funds are secured.

**The Deputy Speaker:** Hon. Baboo!

**Mr Baboo:** Thank you, Mr Deputy Speaker, Sir. Is the hon. Minister aware that so many people are being deprived access to use the Track and despite that, there are so many trespassing?

**Mr Sinatambou:** Well, if people are deprived of access to the Health Track of Signal Mountain, it is for their own interest. It is in order to preserve life because, as I said earlier in my reply, the risks of rock fall have been found by the Ministry of Public Infrastructure and Land Transport to be high.

However, access thereto is clearly not only prohibited but there has been the installation of additional signage subsequent to a question which was actually put by one of the Members on the other side. The installation of additional signage and public notice boards

have actually been done as far back as 15 November 2018 at the two main entrances of the Track, and the signage clearly mention the closure of the Track and of the car park to the public.

**The Deputy Speaker:** Hon. Jahangeer!

**Mr Jahangeer:** Thank you, Mr Deputy Speaker, Sir. Will the hon. Minister consider opening the parking with a sign board mentioning the risks of users using the parking, because you are depriving hundreds of people from jogging? Really, in the afternoon, it's a nightmare there.

**Mr Sinatambou:** Well, I believe that it would not be in the public interest to do any such things, because I would rather, as the Minister responsible for this particular matter, deprive people from parking there than being responsible for their death.

**The Deputy Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Mr Deputy Speaker, Sir. The hon. Minister mentioned that there was a report from the Ministry of Public Infrastructure and Land Transport saying that the risk is high. So, may I know from the hon. Minister whether there has been any monitoring carried out since that report because I know, as a matter of fact, a lot of joggers still go there and they reported to me there is absolutely no rock falling for the past one year?

**Mr Sinatambou:** That is correct. In fact, we have conducted, a walkover, I mean, our technicians and, in fact, I even asked one to be conducted just to be able to make sure that whatever has been found before, is still the case, I can quote the paragraph very quickly that the last one was carried out as early as 17 May, that is, on Friday and it was noted that the buffer zone grown with trees between the Health Track and the toe of the Mountain will minimise the risk of the rock fall affecting the neighbourhood and indeed I am informed that there has been no record of any rock fall since October 2018, but we do not want to tempt the devil, do we?

**The Deputy Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Can I ask the hon. Minister whether Phase I of the countermeasure works which include purging works of the rocks that are currently exposed, that is, that part that is going to be completed in two years' time and following which the Track will be reopened safely for users? Is that correct?

**Mr Sinatambou:** That is what the experts say. It would take one to two years to actually complete the first of three phases of the project.

**The Deputy Speaker:** Last question, hon. Baboo!

**Mr Baboo:** Thank you, Mr Deputy Speaker, Sir. Can the hon. Minister inform the House, how the Police and the Mauritius Telecom get access to the top of the mountain if the site is not secure? Are they not putting their lives in danger?

**Mr Sinatambou:** That is what first responders do. They have to put their lives in danger in order to protect ours. So, we should, in fact, thank them for doing that.

**The Deputy Speaker:** Next question, hon. Baboo!

*(Interruptions)*

Hon. Baboo, next question!

#### **PRIMARY SCHOOLS – CHAGOS ARCHIPELAGOS – HISTORY TEACHING**

**(No. B/393) Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Chagos Archipelagos, she will state if consideration will be given for the teaching of the history thereof to be included in the history subject in primary schools.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, the History of Mauritius figures on the curriculum of the primary sector as History/Geography. The aims of the History Curriculum being to –

- develop an interest and curiosity about the past;
- appreciate how people and events in the past have shaped the local community and the environment;
- understand the concept of time sequence and chronology, change and continuity;
- develop a range of inquiry skills in interpreting the past;
- develop a sense of personal and national identity, and
- understand the importance of their historical heritage and care for its preservation.

With the review of the National Curriculum Framework, components of the History of the Republic of Mauritius have been integrated in the textbooks incrementally from Grades 1 to 9.

Mr Deputy Speaker, Sir, in Grades 1 to 6, students are taught about the pre-independence period. In Grades 5 and 6 textbooks, the Chagos Archipelagos is referred to as a dependency of Mauritius.

History is taught in such a way that our young learners are exposed to the truth of the events leading to our present status. Some of these elements are considered at the primary level and it is noted that the curriculum is spread over nine years and is a continuum. The curriculum at the primary level addresses mainly the pre-independence period.

Mr Deputy Speaker, Sir, the post 1968 history of the Chagos Archipelago is considered at Grade 7 whereby students learn about the Chagossians and their claim to return to their homeland. Class activities are carried out to ensure that students are sensitive to the plight of the Chagossians and resulting from their deportation from their homeland. Teachers are now encouraged to refer to the latest reports on the matter to keep students informed about developments on the issue. In grade 8 textbooks, reference is made to the advisory opinion and the complete decolonisation of Mauritius from the International Court of Justice by the United Nations General Assembly. Teachers will now give information about the advisory opinion of the International Court of Justice to the students. The Mauritius Institute of Education will have to ensure that this issue is addressed in its teacher training programme. I wish to draw the attention of the House that the topic will be further elaborated in the textbooks of grade 9, which will be introduced as from next year.

**The Deputy Speaker:** Hon. Baboo!

**Mr Baboo:** Can the hon. Minister inform the House if the syllabus of history will be amended this year and the history behind Chagos Archipelago will be taught as from next year itself because what is stated in the booklets of grade 5 and grade 6 is only the departure of these people from the Chagos Archipelago?

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I have just said that we already have a new curriculum framework and this year, in grade 8, all these issues have already been included. It is obvious that, with the recent development, when teachers make reference to the Chagos Archipelago as a dependency of Mauritius, they will certainly make reference to the recent developments on that issue.

**The Deputy Speaker:** Hon. Dr. Boolell!

**Dr. Boolell:** Thank you very much Mr Deputy Speaker, Sir. Can I impress upon the Minister to see to it that the definition of 'State' in our textbook appears as it is in Section 1 of the first chapter of our Constitution?

**Mrs Dookun-Luchoomun:** I will see to it.

**The Deputy Speaker:** Next question, hon. Uteem!

#### **MANUFACTURING ENTERPRISES - CLOSING DOWN - LAID OFF WORKERS**

**(No. B/394) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the manufacturing sector, he will state the number of enterprises thereof having closed down since January 2015 to date, indicating the number of Mauritian and foreign workers, respectively, having lost their jobs.

**Mr Gungah:** Mr Deputy Speaker, Sir, the manufacturing sector has gradually evolved to become a strong production base capable to face global competition through a never-ending process of diversification, modernisation, expansion and innovation. During its successive phases of development, it has witnessed the entry of new comers, take-overs and mergers, as well as closing down of enterprises. This, however, is a common feature of any economy in constant evolution.

Mr Deputy Speaker, Sir, according to information provided by the Ministry of Labour, Industrial Relations and Employment, 34 manufacturing enterprises ceased operations since January 2015. This has resulted in 3,411 job losses, of which there were 2,427 Mauritians and 984 expatriates.

Mr Deputy Speaker, Sir, nevertheless, I should emphasize that several of the laid off workers have either been redeployed, started their own businesses, or opted for retirement. As at end April 2019, 1,059 Mauritian workers were under the Workfare Programme awaiting job placement of which 967 are from Palmar Ltd and Future Textile Ltd.

On a general note, I wish to point out that total employment in the manufacturing sector has remained more or less stable for the past three years at around 97,000 workers.

**Mr Uteem:** Thank you, Mr Deputy Speaker, Sir. In August 2015, in his Vision 2030, the then hon. Prime Minister said that the manufacturing sector share to the economy will increase from 18% to 25% and 5,000 new employment will be created. But looking at the

figures just provided by the hon. Minister, would not he agree that, as far as manufacturing is concerned, the Government policy has been a total utter failure?

**Mr Gungah:** Mr Deputy Speaker, Sir, I totally disagree with what my hon. friend has just said. In fact, I must say that there are new enterprises that are setting up. I do not unfortunately have the list with me. We have more than 12 new enterprises that have been set up lately and this has created jobs. I do not know the quantum of jobs that have been created but I can assure my friend that we are working to create jobs. And I must say that, today, youngsters prefer working, having jobs that are suitable to them and manual jobs do not attract them no more.

**The Deputy Speaker:** Hon. Ganoo!

**Mr Ganoo:** What I am going to ask the Minister, the number of new industries that have been set up since 2015, and in which sector these industries find themselves?

**Mr Gungah:** As I said, Mr Deputy Speaker, Sir, the question is specific to a number of enterprises that have closed down. I do not have the names of the new enterprises but I know that they are not traditional sectors like textile and others.

**The Deputy Speaker:** Hon. Barbier!

**Mr Barbier:** May I know from the Minister out of the manufacturing industries which closed down, can we know how much work solely for the local market and how much for foreign market? Does the hon. Minister has the number?

**Mr Gungah:** I said it. So there have been 3,411 job losses in total. Out of which there were 2,427 Mauritians and 984 expatriates.

**The Deputy Speaker:** Last question, hon. Uteem!

*(Interruptions)*

I have given the floor to hon. Uteem. It is his question and this is the last supplementary question.

**Mr Uteem:** May I know from the hon. Minister whether, at his Ministry or at the level of the Economic Development Board which now comprises Enterprise Mauritius, any serious study has been carried out to ascertain why are factories closing down and if this Government is, in the forthcoming Budget, coming along with a rescue package for all the companies in the manufacturing sector that are facing financial difficulties?



**Mr Gungah:** Mr Deputy Speaker, Sir, I must say that there is a Coordination Committee which comprises of relevant stakeholders and is co-chaired by my Permanent Secretary, that is, of the Ministry of Industry, and the Deputy CEO of EDB. In fact, they meet regularly each month, and they scan all these enterprises that encounter difficulties and remedial actions are proposed to them on a case-to-case basis. I must also say that there have been several workshops recently to evaluate the situation and see how we can come with better solutions for the future. As for budgetary measures, we have to wait for the Budget.

**The Deputy Speaker:** Next question, hon. Uteem!

#### **PRIVATE & PUBLIC INSTITUTIONS - SEPTICAEMIA CASES**

**(No. B/395) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Health and Quality of Life whether, in regard to death caused by septicaemia, he will state, for each of the years 2015 to 2018 and since January 2019 to date, the number thereof having occurred in –

- (a) private health institutions, and
- (b) public health institutions.

**The Minister of Arts and Culture (Mr P. Roopun):** Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed that all private health institutions have been requested officially to provide the required information.

With regard to part (b) of the question, I am further informed that the requested information is being compiled. Both will be tabled in due course.

**Mr Uteem:** I understand the hon. Minister is not the substantive Minister, but is he aware whether the Ministry has carried out any investigation to ascertain the reason for the high number of deaths arising out of septicaemia?

**Mr Roopun:** I cannot answer but when I talked with officers, this issue of high number of deaths had not been reported to me.

**Mr Uteem:** Has the hon. Minister's attention been drawn to declaration recently made in the press by the President of the Nursing Association which said and I quote –

*« La septicémie est un problème de santé national surtout avec la quantité de microbes qui traînent dans les salles d'hôpitaux. L'hygiène laisse vraiment à désirer. La situation ne fait que se détériorer. »*

A cry from the heart from the Nursing Association. So, is the hon. Minister aware of the degrading situation on which our hospitals are?

**Mr Roopun:** Mr Deputy Speaker, Sir, let us wait for the figures and then we will come with whatever conclusion we may have.

**The Deputy Speaker:** Hon. Mohamed!

**Mr Mohamed:** Thank you, Mr Deputy Speaker, Sir. The hon. Minister has said that he has asked for the private institutions to give the Ministry of Health figures, but it is, in fact, obligatory upon all private institutions and public health institutions to give figures to the Ministry at regular intervals. My question is: why is it that, first of all, the figures were not given since hon. Uteem has asked for figures between 2015 and 2018 and since January 2019 to date? Why is it that figures were not compiled in accordance with practice ever since 2015 and why is it that we have to wait for the question for figures to be asked from those institutions?

**Mr Roopun:** I cannot confirm whether these figures should, in fact, be given as stated by the hon. Member, but what I understand is that the cause of death is not being compiled and sent to the Ministry. It is now that the request is being made by the Ministry so that we can have those information.

**The Deputy Speaker:** Hon. Dr. Boolell!

**Dr. Boolell:** The question has already been put by my good friend, hon. Mohamed. But can I impress upon the Minister - I know he is not the substantive Minister - to see to it that the list is published because this is mandatory and since the last three years nothing has been done.

**Mr Roopun:** I take good note of whatever the hon. Member is stating. In fact, I know that he is himself a medical practitioner, but this information has not been imparted to me that, in fact, there should be regular returns, if I may put it like this. But I take good note of what is being stated and I will, in fact, convey it to the officer concerned and also to the hon. Minister.

**The Deputy Speaker:** Last question, hon. Ganoo!

**Mr Ganoo:** Can the hon. Minister confirm whether the sad death of this worker who is employed by Larsen and Toubro who died a few days ago, died from septicaemia and does he have details about the cause of that septicaemia?

**Mr Roopun:** Unfortunately, Mr Deputy Speaker, Sir, I do not have any information on that particular case.

**The Deputy Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Mr Deputy Speaker, Sir. The hon. Minister would know, a substantive Minister would certainly know how bad the situation is in public health institutions, that is hospitals. But may I impress also on the hon. Minister to ask the substantive Minister to see to it that inspections are carried out by people of his Ministry in various private institutions to ascertain why there is a high rate of death by septicaemia even in private health institutions.

**Mr Roopun:** I take note, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Thank you! Next question, hon. Uteem!

#### CONSTITUENCY NO. 2 – STATE LAND LEASE

**(No. B/396) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Housing and Lands whether, in regard to Constituency No. 2, Port Louis South and Port Louis Central, he will state the number of applications received for the lease of State Land thereat since January 2015 to date, indicating the number of successful applications and the number of applications received from the said leaseholders to acquire the said land and the outcome thereof.

**Mr Jhugroo:** Mr Deputy Speaker, Sir, I wish to inform the House that applications for lease of State land are processed on a district-wise basis.

As per my Ministry's records, as from 16 December 2015 till date, there are 907 applications for lease of State lands for various purposes in the district of Port Louis.

Out of these applications, one industrial site lease and two educational leases have been granted. No sale of State land was effected as no building site lease has been granted.

**The Deputy Speaker:** Hon. Uteem!

**Mr Uteem:** Mr Deputy Speaker, Sir, there are a number of people in my Constituency, in Port Louis, especially in Vallée Pitot and Tranquebar area, who have been occupying State lands for a number of years and whose situations have not yet been regularised. So, may I know from the hon. Minister whether these people have to reapply to

be considered or the fact that they had already applied in the past, his Ministry is going to consider their cases?

**Mr Jhugroo:** Mr Deputy Speaker, Sir, the main question has nothing to do with regard to the issue of squatters. However, 251 pre-July squatters have been regularised in the district of Port Louis and the reason why some cases cannot be regularised is either *in situ* or through relocation.

There are 30 cases at Eidgah. The site is above 20% slope region and which is again the PPG. The squatters have categorically refused to move out. There are seven cases where squatters are not submitting the necessary documents, there are 17 cases at Military Road, Valley Pitot and on Ring Road alignment, some have refused to move to Pointe aux Sables, the site which was identified for relocation. The site at Military Road is not appropriate for construction; these squatters have been requested to register with NHDC or NEF.

**The Deputy Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Mr Deputy Speaker, Sir, non-regularisation of many applicants was linked to the Ring Road alignment. Is there a *status quo* there or has there been a change of alignment and therefore would those people who were not regularised be regularised in the light of the new alignment of the Ring Road if any?

**Mr Jhugroo:** I have just explained, Mr Deputy Speaker, Sir, it has nothing to do with the alignment of the road.

**The Deputy Speaker:** Hon. Mohamed!

**Mr Mohamed:** The hon. Minister states that the land at Military Road is not appropriate for construction. Is he aware that it is his Ministry itself - all be it under the previous Government - that had at heart the problems of the squatters and had issued several Letters of Intent to those squatters for them to be able to build there? So, how is it that the very officers of that Ministry thought that it was appropriate for them to be obtain Letters of Intent under a previous regime of the Labour Government, but when the Government changes, the very same officers advise the Minister that now this very same land for which they had been given a Letter of Intent is no longer appropriate. Why the difference in opinion coming from the officers?

**Mr Jhugroo:** Mr Deputy Speaker, Sir, from the information that I have now, all the 250 cases have been issued with a Letter of Intent. For those who have been relocated *in situ*,

they are already residing on the site and there is no issue. For those who have been relocated, the Letter of Intent is sufficient for them if they did any application to CEB, CWA, anything they can do.

**The Deputy Speaker:** Last question, hon. Uteem!

**Mr Uteem:** Mr Deputy Speaker, Sir, my question was specific. I wanted to know the number of applications received from existing leaseholders to acquire land because there was a policy by this Government to give options to leaseholders to become the owner of State land. So, may I know from the hon. Minister how many applications are still pending for the people of my constituency?

**Mr Jhugroo:** The information that I have got is with regard to the policy. So, the House may wish to note that my Ministry issued a Press Communiqué on 16 December 2015, stipulating *inter alia* that all applications for lease of State land made and received prior to this Communiqué would not be considered.

Secondly, fresh applications will have to be made on the appropriate approved Application Form. So, the number of applications received for the lease of State land since December 2015 to date in Port Louis building site lease: 773; cases whereby lease has been granted is nil. With regard to commercial or industrial lease: 38; number of cases where lease has been granted is only one; socio-cultural and religious, educational or charitable purpose: 32; number of cases granted is 2.

**The Deputy Speaker:** Hon. Minister, I think, the question is specifically for Constituency No. 2.

**Mr Uteem:** How many leaseholders have been given the ownership of the land? Not how many have applied to get a lease. They are already owners of the lease, they have applied to become owners of the land. So, how many applications were received and how many are outstanding?

**Mr Jhugroo:** So, Mr Deputy Speaker, Sir, the number of applications received for purchase of State land is 599; the number of cases processed is 410; the number of cases approved for sale is 338; the number of cases cannot be sold is 72; the number of cases to be processed is 189.

**The Deputy Speaker:** Thank you. Next question, hon. Lepoigneur!

**COROMANDEL - POLICE HEADQUARTERS - LIGHTING PROJECT**

**(No. B/397) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the implementation of the Lighting Project of the Police Headquarters in Coromandel, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

**Sir Anerood Jugnauth:** Mr Deputy Speaker, Sir, I wish to refer the hon. Member to the reply made to Parliamentary Question B/666 at our sitting of 05 July 2016 wherein the House was informed that the Energy Services Division was conducting a survey for the upgrading of the lighting in the compound of the Police Quarters at Coromandel.

I am informed by the Commissioner of Police that the ESD had submitted its report in April 2017 for upgrading works to be carried out to the tune of Rs3.5 m. This project was not implemented as the Police had already committed funds for other priority projects at these Quarters, namely –

- (a) repairs to defective sewerage system;
- (b) replacement of three defective water pumps, and
- (c) repairs to cracks on wall and ceiling to prevent water ingress.

Request for funds has been made in the forthcoming budget for the upgrading of the lighting system.

However, I am informed by the Commissioner of Police that some in-house arrangements were made to provide lighting at strategic spots of the Quarters, including staircases and paths leading to each block, pending the implementation of the project.

**Mr Lepoigneur:** Thank you for the answer. This is a problem which the lighting yard has been made there since the construction of the building and it is a very important issue because for security of children who can't afford to have outdoor game after half past six and for children coming out from private tuition. Can the hon. Minister treat that as urgent for the security of the children?

**Sir Anerood Jugnauth:** Well, I think all that I can say that we must have some patience. Funds will be made available in the next budget and the project will be implemented.

**The Deputy Speaker:** Next question, hon. Lepoigneur!

**COROMANDEL - POLICE HEADQUARTERS - CWA BILL**

**(No. B/398) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the interruption of water supply by the Central Water Authority, which occurred on 15 November 2018 at the Police Headquarters in Coromandel for non-payment of the water bill, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the reasons for the non-payment.

**Sir Anerood Jugnauth:** Mr Deputy Speaker, Sir, I am informed by the Commissioner of Police that there is only one water meter through which water is distributed to the 288 flats occupied by Police Officers and their families at Montreal Police Quarters at Coromandel.

Since 2012, following an arrangement between the Police Department and the Central Water Authority, an amount of Rs450 is deducted from the monthly salary of the Police Officers occupying the quarters for payment of CWA and Wastewater Management Authority bill.

Under the above arrangement, the total amount of money collected from the Police Officers amounted to Rs127,000. This figure was significantly lower than the total amount of the bill to the tune of Rs210,000 monthly. Each month there was an outstanding balance of Rs83,000 which remained unpaid. Over the years, the sum has increased to an amount of Rs3,149,667.80, inclusive of surcharge.

Mr Deputy Speaker, Sir, the approval of the Ministry of Finance and Economic Development was obtained on 22 March 2019 and all arrears have been duly settled. Currently, there is no arrear and action has been initiated with the CWA for the installation of a water meter at each of the 18 blocks. This will enable receipt of the CWA and WMA bill per block. The residents of each block will be called upon to settle the bill.

**The Deputy Speaker:** Hon. Lepoigneur!

**Mr Lepoigneur:** There are two blocks at Montreal. In fact, there are two meter readers, one for each block. As the Rt. hon. Minister just mentioned, Rs450 are being deducted from the salary of each Police officer who lives there. So, how is it possible that there is overdue balance? This amount represents approximately Rs90,000 monthly and they are having water supply two hours in the morning and two hours in the evening. How is it that there is overdue or the amount is not sufficient to pay the bill?

**Sir Anerood Jugnauth:** Well, what I have just said in my answer are facts that have been provided by the Commissioner of Police. Well, I can't answer the question of the hon. Member.

**The Deputy Speaker:** Next question, hon. Lepoigneur!

**SPORTS FEDERATIONS - FINANCIAL STATEMENTS & INSURANCE POLICY  
CERTIFICATE**

**(No. B/399) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the National Sports Federation, he will state the Federations affiliated thereto having –

- (a) signed the Performance Agreements;
- (b) submitted the audited financial statements and Insurance Policy Certificate thereof for the period ending 30 June 2018, as required by the Sports Act and Guidelines issued by his Ministry.

**Mr Toussaint:** Mr Deputy Speaker, I am tabling the information requested by the hon. Member.

**The Deputy Speaker:** You have a supplementary question?

**Mr Lepoigneur:** *According to the audit report, d'après le rapport de l'audit, il y a 14 fédérations qui n'ont pas soumis leur insurance policy, 10 qui ont soumis leur insurance policy qui n'est pas complet et puis, il y a deux autres qui n'ont pas soumis. Dans la réponse du ministre, toutes les années, dans le rapport de l'audit, c'est la même chose qui est copy and paste, c'est-à-dire qu'on ne prend pas de sanctions par rapport à ces manquements, au niveau de ces documents, pour ne pas pénaliser les athlètes. Ma question est : est-ce qu'on va finir par prendre des actions sinon, tous les ans, cela va être la même chose, en prétextant que les athlètes vont être pénalisés.*

**Mr Toussaint:** M. le président, la question d'assurance, par rapport aux athlètes, est une question très complexe, c'est-à-dire que certaines fédérations, certaines disciplines se retrouvent devant des difficultés à assurer leurs athlètes, de par la nature de la discipline concernée, par exemple, les sports de combat se retrouvent devant des difficultés, et les montants d'assurance deviennent très chers. Oui, l'honorable membre a tout à fait raison, nous ne pouvons prendre des actions drastiques pour ne pas pénaliser les athlètes.



Cependant, s'il y a le moindre problème, au niveau du ministère de la SNU, nous faisons le nécessaire pour que les athlètes puissent être soignés et avoir tout ce qu'il faut par rapport à leur santé.

**Mr Lepoigneur:** Toujours par rapport à l'assurance, il y a eu beaucoup d'athlètes qui ont dû abandonner leur discipline préférée parce que les fédérations n'arrivent pas à les dédommager au niveau des assurances, et c'est pour cela que je pense que, si on applique la loi, comme c'est précisé dans le *Sports Act*, de ne pas déboursier tant que les documents ne sont pas *filed* comme il se doit. Je pense qu'il serait souhaitable, c'est là qu'on protège les athlètes, parce que les athlètes ne sont pas protégés n'étant pas couverts par l'assurance.

**The Deputy Speaker:** Can you put your question so that the Minister can reply?

**Mr Lepoigneur:** Est-ce que le ministère va appliquer le couperet par rapport à cela.

**Mr Toussaint:** Non, M. le président, je le redis, ce n'est pas aussi simple et direct que cela. Mais je réitère ce que j'ai dit, c'est-à-dire que nous faisons tout notre possible dans le cas où il y a un problème et qu'un athlète est blessé, nous faisons le nécessaire au niveau du ministère, s'il faut dépenser, s'il faut l'envoyer pour une opération, c'est-à-dire nous prenons en charge tous les soins possibles pour que l'athlète puisse retrouver sa santé, mais ce n'est pas quelque chose d'aussi simple et directe que cela.

**The Deputy Speaker:** Last question, hon. Lepoigneur!

**Mr Lepoigneur:** Il y a eu plusieurs athlètes, que je connais - je vais soumettre la liste au ministre après - qui ont dû abandonner leur discipline respective, parce qu'ils n'ont pas pu se soigner et ils n'ont pas les moyens de se faire soigner, et, de par rapport à leur blessure, ils ont dû arrêter le sport.

**Mr Toussaint:** Je crois, M. le président, que c'est un peu la même chose, et je peux assurer l'honorable membre que, moi, personnellement, depuis que je suis à la tête du ministère, j'ai un suivi total. Il y a eu, récemment, l'année dernière, une de nos athlètes du judo, qui avait eu une fracture à son entraînement, et les soins que nous lui avons donnés, aujourd'hui, elle est sur pieds, elle a repris l'entraînement et elle est une potentielle médaillée d'or pour les jeux des îles, mais je comprends tout à fait l'inquiétude de l'honorable membre.

**The Deputy Speaker:** We have understood your reply. Next question, hon. Quirin!

**NATIONAL SPORTS FEDERATION - REGISTRAR OF ASSOCIATIONS**

**(No. B/400) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the National Sports Federation, he will, for the benefit of the House, obtain from the Registrar of Associations, a list thereof which are –

- (a) recognized, and
- (b) awaiting the issue thereto of the recognition certificate, indicating in each case the –
  - (i) date of application, and
  - (ii) names of the executive members thereof.

**Mr Toussaint:** Mr Deputy Speaker, Sir, I wish to draw the attention of the hon. Member to the fact that the requirement for a certificate of recognition in respect of any sports organisation, including a National Sports Federation willing to be registered with the Registrar of Associations was provided under Section 11 of the Sports Act of 2013.

This Section has, however, been repealed in the Sports Act 2016 which came into force in December 2016.

The issues raised at parts (a) and (b) (i), other questions do not therefore arise. As regards part (b) (ii) of the question, the information is being compiled and will be placed in the Library of the National Assembly as soon as it is ready.

**Mr Quirin:** M. le président, puisque le *Sports Act 2016*, dont, vient de faire mention l'honorable ministre, ne fait plus provision du fait que le ministère des Sports doit donner son feu vert avant qu'une fédération soit reconnue, entre en opération, le ministre peut-il nous dire dans le cas des nouvelles fédérations, et nous pouvons prendre la section 4 et en particulier la sous-section 2 (c) qui dit que –

“No organisation shall operate as a National Sports Federation –

- (c) unless it has 50 licensees in an individual sport (...) or team sports participating in its annual competition.”

Peut-on savoir dans ce cas si cette section sera scrupuleusement observée avant que ces nouvelles fédérations aient le droit d'opérer ?

**Mr Toussaint:** Tout à fait, M. le président. Nous avons besoin de respecter la loi que nous-mêmes nous avons amené à l'assemblée.

**Mr Quirin:** Peut-on savoir, M. le président, s'il y a une demande de reconnaissance pour une fédération de tir, de *shooting* comme on dit, et d'après les informations qui me sont parvenues, il y a un officier du *National Coast Guard* qui serait le président. L'honorable ministre peut-il confirmer cette information ?

**Mr Toussaint:** M. le président, comme je viens de l'expliquer, n'importe quelle organisation, n'importe quelle nouvelle fédération. Bien sûr, cela se passe au niveau du *Registrar* ; il faut qu'elles s'organisent au niveau du *Registrar*. Et par rapport au ministère, nous n'avons pas eu cette requête et, moi, personnellement, je n'ai pas eu cette demande.

**The Deputy Speaker:** Next question, hon. Quirin!

### 1<sup>st</sup> AFRICA BEACH GAMES – MAURITIUS PARTICIPATION

(No. B/401) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the 1st Africa Beach Games to be held in June 2019 in Cap Verde, he will give the list of the disciplines in which Mauritius proposes to participate, indicating the number of athletes engaged per discipline and total cost of participation thereof.

**Mr Toussaint:** Mr Deputy Speaker, I am informed that the first African Beach Games will be organised under the aegis of the Association of National Olympic Committees of Africa from 14 to 23 June 2019 in Cap Verde.

Participation of Mauritius to the Games is under the sole responsibility of the Mauritius Olympic Committee. Nevertheless, as Minister responsible for Sports, I have requested the Mauritius Olympic Committee to submit details regarding the disciplines in which Mauritius will participate as well as the athletes concerned therewith.

I am given to understand that participation will be as follows –

- Beach Volley, 2 men and 2 women;
- Beach Tennis double men;
- Open Water Swim, 1 man, and
- Kite Boarding, 2 men.

I have been informed by the Mauritius Olympic Committee that registration of athletes has been made upon request of their respective National Federations upon condition that each Federation bears the cost of participation. The Mauritius Olympic Committee is meeting cost of equipment for each participant from its own funds.

**Mr Quirin:** M. le président, peut-on savoir de l'honorable ministre si ces athlètes qui vont participer à cette compétition pourront bénéficier d'un *out-of-pocket allowance*, un *per diem* comme on appelle généralement, - si, bien sûr, comme il a l'habitude de nous dire - si les demandes des fédérations parviennent à son ministère ? Est-ce qu'il est disposé à offrir un *out-of-pocket allowance* à ces athlètes ?

**Mr Toussaint:** M. le président, comme je l'ai dit dans ma réponse, cette compétition tombe sous la responsabilité totale du *Mauritius Olympic Committee*. Jusqu'à l'heure, il n'y a aucune demande qui a été faite au niveau de mon ministère.

**The Deputy Speaker:** Next question, hon. Quirin!

**Mr Quirin:** Une dernière question...

**The Deputy Speaker:** On the same question?

**Mr Quirin:** Oui, bien sûr.

**The Deputy Speaker:** Okay, last question then.

**Mr Quirin:** Donc, si on comprend bien, le ministère des Sports n'accorde aucun soutien à ces athlètes et il paraît que c'est eux-mêmes qui doivent faire les frais. Contrairement à ce que l'honorable ministre vient d'affirmer, j'ai appris, d'après les informations qui me sont parvenues, que ce sont les athlètes eux-mêmes qui doivent faire les frais de leurs billets d'avion. Et je le redis, M. le président, contrairement à ce que l'honorable ministre vient d'affirmer, les informations qui me sont parvenues, sont que les athlètes eux-mêmes doivent faire les frais de leurs billets d'avion d'afin de participer à cette compétition.

**Mr Toussaint:** M. le président, il a été très clair dans ma réponse initiale que le Comité Olympique de Maurice a demandé aux fédérations concernées si elles veulent participer à cette compétition, que les fédérations *should bear the cost of this activity*. Au niveau de mon ministère, il n'y a eu aucune demande, que ce soit des fédérations, aucune demande que ce soit de la part du Comité Olympique par rapport à cette compétition. Malheureusement, nous ne pouvons pas lire dans la tête des gens nous.

**The Deputy Speaker:** Next question, hon. Quirin!

**MAURITIUS SOCIETY OF AUTHORS – COPYRIGHT OWNERS - ROYALTIES**

**(No. B/402) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Arts and Culture whether, in regard to the royalties, he will, for the benefit of the House, obtain from the Mauritius Society of Authors, information as to the quantum thereof distributed to the local copyright owners per category in December 2017 and December 2018, respectively.

**Mr Roopun:** Mr Deputy Speaker, Sir, I am informed that as at now royalties are being paid to local copyright owners of musical works. For the distribution exercise of December 2017, the Board of the Mauritius Society of Authors had approved an amount of Rs9.1 m. and an amount of Rs4 m. was approved for December 2018.

I am, with your permission, circulating the amount distributed to the local copyright owners per category for those two occasions.

I wish further to inform that the MASA has, at its meeting of 10 May 2019, approved the distribution of Rs3.4 m. Payment to the beneficiaries has already started and will last up till end of May 2019.

**Mr Quirin:** M. le président, l'honorable ministre peut-il nous dire si son ministère a déjà mené une enquête afin d'obtenir des informations sur le pourcentage des œuvres musicales locales, diffusées à Maurice, par rapport aux œuvres étrangères ?

**Mr Roopun:** I know that some study has been effected, but I don't have the details right now.

**Mr Quirin:** Peut-on savoir, M. le président, quelles sont les actions que le ministère des Arts et de la Culture a entrepris pour optimiser l'utilisation des œuvres musicales locales sur les chaînes de radios à Maurice ?

**Mr Roopun:** Mr Deputy Speaker, Sir, we try as far as possible to encourage all radios, be it the MBC and private radios, to broadcast local songs and so on, but we can't impose anything, it depends on the market and the request of the public. But, of course, we try to encourage as far as possible such broadcast; we talk to them, we try to encourage them and also in certain cases we associate with them in events, which are broadcast live on the radio. It's a way for us to try to give our local artists some visibility.

**The Deputy Speaker:** Next question, hon. Henry!

#### **REGISTRATION MARKS - EXTENSION**

**(No. B/403) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the proposed implementation of new Registration Mark Series, as mentioned in the Budget Speech 2018-2019, he will state where matters stand.

**The Minister of Agro-Industry and Food Security (Mr M. Seeruttun):** Mr Deputy Speaker, Sir, following the announcement made in the Budget Speech 2018/2019 regarding the extension of Registration Marks, necessary amendments have been made to the Road Traffic Act and to the Road Traffic Registration of Motor Vehicles and Traders Regulations.

In fact, Registration Marks will be extended from FN1 to ZZ1,000, with some exceptions, as shall be determined by the National Transport Authority. I am informed that the Government Online Centre, which was approached by the NTA for data upload, opted for the migration all e-services on SharePoint 2019 platform for enhanced user experience. The system was tested by the authority in March 2019 and some technical defects were noted. A revised version was submitted to the authority in late April 2019.

I understand that the e-service is currently undergoing a final regression test before it can go live. The Authority intends to launch a new series of registration marks before the close of this financial year.

**Mr Henry:** M. le président, peut-on savoir le coût de l'implémentation de ce projet ?

**Mr Seeruttun:** Unfortunately, I do not have the cost. I do not think it entails a lot in terms of cost. It is a question of putting online these services and from thereon, those who are interested to have personalised number plate, will have to register, pay the fees and then have the registration plate in their own name.

**Mr Henry:** Quel service la NTA peut offrir aux gens qui veulent changer leur plaque en attendant que ce système soit mis en place?

**Mr Seeruttun:** As far as I know, there is already a service for existing registration marks. What we are doing with this new measure is to extend the registration marks from the serial number FN1 to ZZ1000.

**The Deputy Speaker:** Next question, hon. Henry!

**NATIONAL ART GALLERY/MAURITIUS MUSEUM COUNCIL -  
MERGING**

**(No. B/404) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Arts and Culture whether, in regard to the proposed merging of the National Art Gallery and the Mauritius Museum Council, as announced in the Budget Speech 2016-2017, he will state where matters stand.

**Mr Roopun:** Mr Deputy Speaker, Sir, following the announcement of the said merger in June 2016, my Ministry initiated action for the preparation of a concept paper for the implementation of this measure.

As per the established guidelines for merging of institutions submitted by the Ministry of Finance and Economic Development, several consultative meetings were held with the Mauritius Museum Council and the National Art Gallery. In a meeting held on 02 August 2017, the two Directors of MMC made representations for the alignment of their salary with that of the Director of NAG. Upon advice of the Ministry of Finance and Economic Development, on 10 August 2017, the Ministry of Civil Service and Administrative Reforms was consulted and the latter advised in November 2017 that an alignment of the salary of the post of Director of MMC with that of the post of Director of National Art Gallery cannot be envisaged at this stage.

Subsequently, after receiving the representation from the MMC, my Ministry requested the trade union to attend a meeting in December 2017. Due to unavailability of the representative of the trade union, it was only in September 2018 that the trade union submitted their views which comprised, *inter alia*, the following –

- option for the redeployment of the staff of the MMC and NAG to other institutions;
- payment of three increments as an incentive, and
- revision of salary.

A meeting was held in October 2018 with the Ministry of Civil Service and Administrative Reforms to discuss issues raised by the trade union. The issues were analysed and the representative of the Ministry informed that all the issues were not applicable for a merger, and the MMC was accordingly apprised in November 2018.

MMC informed my Ministry on 23 January 2019 that it was maintaining its proposal and that a reply will be made by the trade union. However, the trade unions have not yet reverted back to my Ministry to confirm their final stand. My Ministry is still in consultation

with the stakeholders concerned, including the Ministry of Civil Service and Administrative Reforms on the way forward.

**The Deputy Speaker:** Yes, hon. Henry!

**Mr Henry:** Est-ce que le ministre est au courant de la confusion totale qu'il y a dans ce comité ? On a vu six personnes du *Museum Council* démissionner. Est-ce que le ministre est au courant ?

**Mr Roopun:** May I correct the hon. Member, it is not members of the Museum Council but the National Art Gallery, three members recently...

*(Interruptions)*

I know three. There are three members who, in fact, submitted their resignation last month and I must say that this antagonistic relationship within the organisation has been here for quite some time. The Director General was suspended far back. In 2016, he was reinstated and members of the Board were not really satisfied. In addition, there were lots of serious labour relation problems within the organisation between the Director and the staff, and also my Ministry and officers of my Ministry tried to intervene to sort out matters but still now the situation is very tense within the organisation.

In addition, within the Board members also, many of whom are artists, there may be some conflicts of interest, whether they can participate in the activities and so on, but it is a fact that today three members of the Board resigned and, of course, we will take measures to appoint some other new members. But, at the same time, regarding the structural and administrative problem at a NAG, consultations are presently being held by my Ministry with the Ministry of Civil Service and Administrative Reforms and the Ministry of Labour and try to see how we can deal with the issues as quickly as possible.

**Mr Henry :** M. le président, vu la situation que vous êtes en train d'expliquer, il y a une totale confusion dans le public quant à l'avenir de nos musées, nos *Art Galleries*, qu'est-ce que le ministère compte faire pour éclaircir un peu les gens pour pouvoir comprendre qu'est-ce qui se passe réellement au ministère?

**Mr Roopun:** There has been a request to merge both museum and the National Art Gallery and, in fact, we are trying to revamp both institutions. At the same time, we are trying now to renovate quite a few museums. We just ended with the renovation of the Port Louis Museum. We are now working on that of Mahebourg. We just renovated the Peopling



Museum which is in process. We had also the other one in Mahebourg which was renovated. We will try to see how we can revamp the whole sector.

**The Deputy Speaker:** Next question, hon. Ganoo!

### **BLACK RIVER - VILLAS - CONSTRUCTION**

(No. B/405) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Property Development Scheme Project for the construction of villas in Black River, she will, for the benefit of the House, obtain from the Black River District Council, information as to the –

- (a) date of application for the issue of a Building and Land Use Permit therefor, indicating the outcome thereof, and
- (b) assessed impact thereof on Le Morne World Heritage Site, indicating if the views of the Ministry of Arts and Culture will be sought in relation thereto.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Mr Deputy Speaker, Sir, I am informed by the District Council of Black River that an application for a Building and Land Use Permit was made on BLUP online system on 14 March 2019 by Desai & Associates Ltd, the agent of the applicant, Le Morne Brabant IRS Company Ltd.

On 22 March 2019, the District Council of Black River informed the applicant of the list of documents missing to process the application and it had a delay of four weeks to furnish the documents. On 02 March 2019, having not received the requested documents from the applicant within the prescribed delay of four weeks, the online system automatically set aside the application. The Permits and Business Monitoring Committee rejected the application at its meeting held on the same day.

On 09 March 2019, the applicant was informed by the District Council of Black River that its application has been refused inasmuch as all documents were not furnished for the Council to determine the said application.

Part (b) of the question no longer arises as the online application has been rejected for non-submission of documents, including the clearances of the National Heritage Fund and Le Morne Heritage Fund, among others.

**The Deputy Speaker:** Yes, hon. Ganoo!

**Mr Ganoo:** Can I just ask the hon. Vice-Prime Minister whether Le Morne Heritage Trust Fund has to give its authorisation before the project is carried forward?

**Mrs Jeewa-Daureeawoo:** Yes, this is what I have been informed.

**The Deputy Speaker:** Next question, hon. Armance!

#### **NCSR FOUNDATION - NGOS - COMPULSORY CONTRIBUTION**

**(No. B/407) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the obligation of compulsory contribution of 75% of Corporate Social Responsibility funds to the National Corporate Social Responsibility Foundation, he will, for the benefit of the House, obtain from the Foundation, information as to if it is in presence of complaints from Non-Governmental Organisations complaining of the difficulties encountered in relation thereto and, if so, indicate if consideration will be given for a review thereof.

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, I am informed that as at date no complaints relating to the 75% compulsory contribution to the NCSR Foundation have been received at the level of the NCSR Foundation from Non-Governmental Organisations.

I am also informed that companies with the approval of the National CSR Foundation can utilise up to 50% of the CSR funds to finance CSR programmes started from January 2019 to date.

The National CSR Foundation has approved 28 such programmes for 24 companies for a total amount of Rs8.9 m.

Mr Deputy Speaker, Sir, as regard to part (b) of the question, it is not proposed to review the 75% contribution of CSR Fund at this stage.

**The Deputy Speaker:** Yes, hon. Armance!

**Mr Armance:** Thank you, I am just quoting from some newspaper laid down on the 01 February where several ONGs namely Caritas and Chrysalide have maintained that there have been many difficulties because of the contribution...

**The Deputy Speaker:** Hon. Armance, the Minister has replied that he has not received any complaint.

**Mr Armance:** That's what I am asking him, if he has received these documents?

**The Deputy Speaker:** Then you are referring to a newspaper, we have an official answer.

**Mr Armance:** Okay. I am going to reformulate my question. Is the Minister aware that Caritas, Chrysalide and many other ONGs have complained that they have received only 50% of the amount they have budgeted for the project from the NCSR?

**Mr Wong Yen Cheong:** I have just replied that I have not received any complaint but I can explain to the House that the fund they dispose is not the totality from the beginning they have received 50% and then when there is a monitoring of how they are using the fund...

**The Deputy Speaker:** Hon. Minister, the question is with regard to complaints, you have not received any complaints.

**Mr Wong Yen Cheong:** No.

**The Deputy Speaker:** Yes, hon. Rutnah!

**Mr Rutnah:** Thank you, Mr Deputy Speaker, Sir. Can the hon. Minister inform the House whether an NGO named Faith has benefitted from CSR Funds and indicate the amount of funds it has benefitted and the project that it has funded?

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, as far as I can recall, there is an NGO Faith that has benefitted funding from the NCSR Foundation. However, at this stage, it would be difficult for me to state the exact amount - I think it's around half a million when the project is being funded.

**The Deputy Speaker:** Next question, hon. Quirin, please!

**Mr Quirin:** Merci M. le président. Justement par rapport au CSR, l'honorable ministre peut-il confirmer à nouveau - je sais qu'il a déjà dit dans le passé ici dans cette Chambre – quels sont les secteurs qui bénéficient des fonds qui sont alloués par la fondation.

**Mr Wong Yen Cheong:** *M. le président, je pense que sur le site du NCSR nous avons toutes les priority areas comme on dit d'intervention comme il y a socio-economic development as a mean for poverty alleviation, educational support & training, social housing, supporting people with disabilities, dealing with health problems, family protection including gender-based violence, leisure and sports, environment and sustainable development, peace and nation-building, road and security safety.*

**The Deputy Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, can the hon. Minister confirm that hon. Patrice Armance is the Chairman of the NGO Faith.

*(Interruptions)*

I have a document...

**The Deputy Speaker:** Yes, please sit down. Last question hon. Armance!

*(Interruptions)*

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, he asked a question, it's my turn to answer.

**The Deputy Speaker:** If you have the reply, please reply hon. Minister.

*(Interruptions)*

No crosstalking in the House!

*(Interruptions)*

Hon. Mohamed, no crosstalking!

*(Interruptions)*

Yes. Let the Minister reply first and then you will give your personal explanation, because a question has been put.

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, I am not in possession of these information...

*(Interruptions)*

**The Deputy Speaker:** Hon. Mohamed, please! Hon. Armance, yes!

**Mr Armance:** Mr Deputy Speaker, Sir, on a point of personal explanation, what hon. Rutnah just mentioned I was the Chairman of Faith, I want to tell him that I was the founder member of Faith before the election of 2014, so my name is not mentioned in Faith and I have not benefited of any cent from the NCSR on my name.

*(Interruptions)*

**The Deputy Speaker:** Next question hon. Armance!

*(Interruptions)*

Hon. Armance, next question!

*(Interruptions)*

**Mr Armance:** B/408.

**The Deputy Speaker:** No, I am not giving the floor, hon. Armance, next question!

**Mr Armance:** B/408.

*(Interruptions)*

**The Deputy Speaker:** Hon. Armance, are you putting your question.

*(Interruptions)*

Hon. Armance!

*(Interruptions)*

Hon. Armance, are you putting the next question, please!

**Mr Armance:** B/408.

**The Deputy Speaker:** Hon. Minister, you have the floor now.

**Mr Wong Yen Cheong:** With all the noise, I didn't know if the hon. Member asked the question.

**The Deputy Speaker:** But I heard, you can reply now.

#### **SOCIAL REGISTER OF MAURITIUS - REGISTRATION**

**(No. B/408) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Social Register of Mauritius, he will, for the benefit of the House, obtain information as to the number of persons enrolled thereunder since November 2018 to date, indicating the number of –

- (a) social contracts established between the National Empowerment Foundation and the persons enrolled, and
- (b) such persons deemed to be out of the poverty threshold.

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, for the information of the House the registration under the Social Register of Mauritius is carried out by the Ministry of Social Security, National Solidarity and Environment and Sustainable Development which is also the custodian of the Register. Once the household is found eligible under the SRM, the Ministry of Social Security, National Solidarity and Environment and Sustainable

Development refers that household of my Ministry wherein the household is called upon to sign a social contract to become a beneficiary of my Ministry.

Mr Deputy Speaker, Sir, I am informed by the Ministry of Social Security, National Solidarity and Environment and Sustainable Development that, since November 2018 to date, 801 households applied for registration under this Social Register of Mauritius and only 230 households were found eligible.

As regards part (a) of the question, among the 232 households found eligible under the Social Register of Mauritius, 104 households have already signed the social contract with the National Empowerment Foundation and are benefiting from support under the empowerment support schemes. As regards to the remaining 128 households, the exercise for the signature of the contract is ongoing,

Mr Deputy Speaker, Sir, with regard to part (b) of the question, as indicated in the first part of my reply, out of the 801 households that applied for registration only 232 households have been found eligible and the remaining 569 households have not been found eligible because either the assessed income or the verified income of both exceed the poverty threshold and thus they are deemed to be out of the poverty threshold.

**The Deputy Speaker:** Yes, hon. Armance!

**Mr Armance:** On a very similar question, I think two weeks ago from hon. Quirin, the Minister mentioned that 2000 people were out of the Social Register. I would like to know from him what assessment has the Ministry carried out to determine that these people are not in the SRM anymore?

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, there is no assessment to be made because naturally the people do not come to sign to the contract anymore. That was in the period November 2018 to date where 2200 beneficiaries had been successfully empowered and graduated from poverty and I confirm this, thank you.

**Mr Armance:** Mr Deputy Speaker, Sir, I would like to know from the hon. Minister why some of these cases have been discontinued. If I refer back to the Social Integration and Empowerment Act 2016 section 9, I would like to know from the hon. Minister how many of these cases have been discontinued using section 9 which is about suspension, cancellation and termination of support.

**Mr Wong Yen Cheong:** At this stage, I do not have a detailed information with me, I will table it if I have to do, thank you.

**The Deputy Speaker:** Hon. Barbier!

**Mr Barbier:** Can the Minister recall us about the criteria actually used to be eligible to be registered in the Social Register of Mauritius.

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, there is a very long list of criteria and again if the hon. Member wants me to take the time of the House...

**The Deputy Speaker:** Can you table the criteria?

**Mr Wong Yen Cheong:** I can table, thank you.

**The Deputy Speaker:** Hon. Mohamed!

**Mr Mohamed:** Can the hon. Minister tell us why is it that he seems to be totally blind, his officers and him, to the plight of all the inhabitants of Constituency No. 3 when it comes to all those benefits and such great work that he is doing?

**Mr Wong Yen Cheong:** Mr Deputy Speaker, Sir, it is the opinion of the hon. Member to say that and I just explained...

**The Deputy Speaker:** You asked a question, can you listen to the answer, please thank you.

**Mr Wong Yen Cheong:** I just explained myself, I am not the custodian to determine the SRM, I have just been given the list from the Social Security so how can the hon. Member say that I am blind and my Ministry is blind?

**The Deputy Speaker:** Next question, hon. Armance!

#### **BEACH AUTHORITY ACT - AMENDMENTS**

(No. B/409) **Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the proposed review of the Beach Authority Act, he will state where matters stand.

**Mr Sinatambou:** Mr Deputy Speaker, Sir, the Beach Authority Act was enacted in 2002 to provide for a legal framework for the management and control of public beaches in Mauritius and Rodrigues.

In line with paragraph 53 of the Government Programme 2015-2019, the Beach Authority Act 2002 has been reviewed by my Ministry to respond to the needs of the dynamic environment as well as the objectives of the Government pertaining to beach management. Accordingly, my Ministry has worked out a number of amendments to be brought to the Beach Authority Act. The main amendments include the purpose of the Act, the functions of the Authority, the powers of the Authority, the composition of the Board, delegation of powers, notice of contraventions and consequential amendments to other Acts.

The House will also note that beach management plans are currently being developed and will be implemented to ensure a more rational development and sustainable use of our beaches. Indeed, reinforcing safety and security and the rational development of public beaches is one of the key priorities of this Government. In this context, I wish to inform the House that at its meeting held on 27 February 2019, the National Environment Fund agreed to the implementation of beach management plans at four beaches, mainly Mont Choisy, Belle Mare, Flic-en-Flac and La Prairie.

The beach management plans will provide guidance for actions which will regulate development including zoning for beaches which also encompasses the space between the low water and high water marks and also the surrounding waters up to a distance of 100 meters and dunes. The beach management plans will also provide a clear protocol and actions for beach management and maintenance, adaptation and protection measures for the future protection, preservation and regulation of beaches and dunes systems in the phase of coastal erosion and climate change challenges and they will provide the Beach Authority with complete plans for a new beach set up.

The final report of the consultant concerning beach management plans are expected by June 2019. Thereafter, the legal provisions relating to it will have to be drafted and consequential amendments will have to be brought to the existing Beach Authority Act, 2002. I expect the proposed review of the Beach Authority Act to be finalised before the end of the year.

**Mr Armance:** Mr Deputy Speaker, Sir, I had the same question of 09 May 2017 where the Minister - it was hon. Mrs Jeewa-Daureeawoo - mentioned that the Bill will be available soon. If I quote from the Annual Report of 2015 where the Board approved the various amendments to be made to the Beach Authority Act, may I know what has changed from 2015 to now and if the draft Bill was ready in 2015, why has it not been circulated?

**Mr Sinatambou:** As I just stated in my reply, Mr Deputy Speaker, Sir, the House should note that beach management plans are currently being developed and will be implemented to ensure a more rational development and sustainable use of our beaches. As I stated earlier, in February 2019, the National Environmental Fund agreed to the implementation of beach management plans at four beaches.



Now, the final report of the consultants regarding the beach management plans is expected by June 2019. Thereafter, the legal provisions relating to beach management plans will have to be drafted and introduced into the reviewed Beach Authority Act of 2002.

**The Deputy Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Does the hon. Minister agree that there needs to be more oversight of his Ministry with regard to projects? Oversight in terms of control through the Act, in terms of Government projects, public projects that are done along the beaches. For example, the case of Anse la Raie on which the hon. Minister has remained silent. Does he not think that there needs to be tougher control of his Ministry on overall Government projects and private sector projects that touch public beaches, that has an impact on public beaches and whether he proposes to bring same as amendments in the Act?

**Mr Sinatambou:** Well, there is already plenty of oversight being done by my Ministry, whether it be through the Environment Impact Assessment Mechanism, whether it be through the Preliminary Environmental Report mechanism, the beach authority is for his part responsible for 125 public beaches and actually has the relevant oversight.

I am not sure, unless the hon. Member has in mind something specific as regards Anse la Raie. If he refers to the bypass over there, maybe that is the project, there was oversight, there was an EIA. So, I believe there is plenty of oversight already.

**The Deputy Speaker:** Hon. Ganoo, last question!

**Mr Ganoo:** Can I ask the hon. Minister whether, in view of the fact that from time to time we hear of public beaches being de-proclaimed, is it possible to include in the amendments to be brought forward to this Act, the impossibility of any Minister or authority to de-proclaim any public beach, not to further curtail down the area available to our population to go to the beaches?

**Mr Sinatambou:** Maybe the first thing I should say is reassure the House and the population at large that there are now more public beaches than there have ever been in this country. Under this Government, this has happened. As for the de-proclamation, it however rests with the Ministry of Housing and Lands.

**The Deputy Speaker:** Next question, hon. Abbas Mamode!

#### **ADSU – STAFF & TECHNOLOGICAL TOOLS**

**(No. B/410) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Anti-Drug Smuggling Unit, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of Police Officers attached thereto, indicating if latest technological tools are available thereat to combat the proliferation of synthetic drugs.

**Sir Anerood Jugnauth:** Mr Deputy Speaker, Sir, I am informed by the Commissioner of Police that as at date, the Anti-Drug Smuggling Unit consists of 405....

**The Deputy Speaker:** No crosstalking, please!

**Sir Anerood Jugnauth:** ... 405 Police Officers posted to the main Office at Line Barracks, Port Louis and different subunits around the island.

From January 2015 to 15 May 2019, ADSU has established a total number of 2354 cases related to synthetic drugs and arrested some 2446 suspects in connection thereto.

Mr Deputy Speaker, Sir, I am informed that ADSU is equipped with the latest technological tools to fight illegal drugs including synthetic drugs. These are being used for effective communication during crackdown operations, gathering of digital evidence, profiling and tracking the movements of drug traffickers and identification and detection of synthetic drugs.

Equipping ADSU with the latest technological tools for combating proliferation of illegal drugs including synthetic drugs is a matter of priority for the Government. To this end, a sum of Rs25 m. was earmarked in this year's budget for the acquisition of modern specialised technological tools. Most of these have already been acquired.

**Mr Abbas Mamode:** Can the Rt. hon. Minister Mentor confirm to the House that we do have available detection machines to detect people consuming synthetic drugs?

**Sir Anerood Jugnauth:** Well, I do not know whether there is detecting machines for synthetic drugs. Well, in any case, Government is keen to do everything that is possible in order to fight this drug problem and if there is such a machine, certainly Government will be interested to get one.

**The Deputy Speaker:** Hon. Duval!

**Mr A. Duval:** Along the same line, Mr Deputy Speaker, Sir, with regard to synthetic drug, there are some chemicals, co-elements of it, is there any equipment now that ADSU can

utilise on the spot while doing a landing to detect it? Because synthetic drugs can be made to look like tea, *la paille de thé*, for example and, therefore, it is easily hidden. Is Government working on such plan to be able to detect more effectively synthetic, which is very easy to hide and easy to miss?

**Sir Anerood Jugnauth:** Well, we will look into this.

**The Deputy Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** Mr Deputy Speaker, Sir, we all agree that drug trafficking is a very serious issue. May the Rt. hon. Minister Mentor state to the House if consideration will be given to increase the number of Police Officers in this unit?

**Sir Anerood Jugnauth:** Well, if we keep on increasing, I don't know where we will get the necessary funds to pay because already we are recruiting more Police Officers every year.

*(Interruptions)*

**The Deputy Speaker:** No crosstalking! You put the question, at least, listen for the answer, please!

**Sir Anerood Jugnauth:** ADSU, for the time being, the number that is there seems to be sufficient, they are doing a very good work.

**The Deputy Speaker:** Hon. Baloomoody.

**Mr Baloomoody:** I listened carefully to the Rt. hon. Minister Mentor. He said that the ADSU is fully equipped with modern equipment to identify drugs, but last week, when we were debating the Road Traffic (Amendment) Bill, hon. Minister Bodha told us that ADSU is not equipped yet, we are going to acquire. So, which is which? May we know whether ADSU is equipped to identify, especially synthetic drugs, or are we going now to look for a proper equipment?

**Sir Anerood Jugnauth:** Well, what the Minister has said the other day was concerning detection of drivers who might have consumed drugs. This is a completely different matter from what we are talking about.

**The Deputy Speaker:** Last question, hon. Mohamed!

**Mr Mohamed:** Thank you, Mr Deputy Speaker, Sir. I presume that all the answers that the Rt. hon. Minister Mentor has been giving us, have been provided to him by the

Commissioner of Police. In light of the serious allegations made against the said Commissioner of Police and a well-known drug trafficker as far as the incestuous relationship is concerned, does he not believe that he should try to review with whom he works in terms of information that he is going to gather for drug matters?

**The Deputy Speaker:** This question is not relevant to the main question.

*(Interruptions)*

**Mr Mohamed:** Yes, it is.

**The Deputy Speaker:** I will not accept.

*(Interruptions)*

**Mr Mohamed:** It is.

**The Deputy Speaker:** Next question, please! Hon. Abbas Mamode!

**Mr Mohamed:** Thank you for saving him...

**The Deputy Speaker:** It is not related to the main question. Next question, hon. Abbas Mamode!

*(Interruptions)*

What do you want to clarify?

**Mr Jahangeer:** There was a point regarding the tools for the detection of drug.

**The Deputy Speaker:** This is not a point of clarification!

*(Interruptions)*

Silence, please!

*(Interruptions)*

Silence! Hon. Jahangeer, please! Will you allow the Minister to make her reply!

### **CHINA TOWN – STREET LANTERNS**

**(No. B/411) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the China Town, in Port Louis, she will, for the benefit of the House, obtain from

the Municipal Council of Port Louis, information as if consideration will be given for the installation of additional street lanterns on the lateral roads thereat.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Mr Deputy Speaker, Sir, I am informed by the Municipal City Council of Port Louis that it has already fixed 28 LED lanterns along Royal Road from July to October 2018.

I am further informed that following a survey conducted in the region of China Town, it has been observed that eight additional street lanterns would be required. The installation of the additional lanterns will be taken care of in the Financial Year 2019/2020.

**The Deputy Speaker:** Yes, hon. Abbas Mamode!

**Mr Abbas Mamode:** This is only China Town, perhaps in the world where there is no China lantern. Can the hon. Minister inform the House whether the City Council would consider installing Chinese lanterns in China Town?

*(Interruptions)*

**The Deputy Speaker:** Will you reply, hon. Minister?

*(Interruptions)*

Silence, please!

**Mrs Jeewa-Daureeawoo:** Mr Deputy Speaker, Sir, as I have said, I have been informed that additional LED lanterns will be installed in the next financial year.

**The Deputy Speaker:** Next question, hon. Abbas Mamode!

#### **CHIEF INSPECTOR OF POLICE – APPOINTMENT & POSTING**

**(No. B/413) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Male and Women Police Officers in the rank of Chief Inspector of Police and above, he will, for the benefit of the House, obtain from the Commissioner of Police, a list thereof, indicating in each case the –

- (a) date of appointment, and
- (b) posting and areas of responsibility assigned thereto.

**Sir Anerood Jugnauth:** Mr Deputy Speaker, Sir, it would not be proper to provide the information requested for since doing so will entail interfering with the operational independence of the Commissioner of Police as enshrined in Section 71(4) of the Constitution of the Republic of Mauritius which reads as follows –

“the Commissioner of Police shall not, in the exercise of his responsibilities and powers, with respect to the use and control of the Force, be subject to the direction and control of any person or authority except as provided in subsection 3 of Section 71, wherein the Prime Minister or such Minister may give to the Commissioner of Police such general directions of policy with respect to the maintenance of public safety and public order.”

**The Deputy Speaker:** Hon. Duval!

**Mr A. Duval:** Yes, Mr Deputy Speaker. We don't understand the answer of the Rt. hon. Minister Mentor. We are not asking him to give any directions to the Commissioner of Police. As parliamentarians who vote budget expenditure every year, we want to know, out of the sum that was voted for the relevant period since 2017 to date, how much has been spent on travel expenses and *per diem*? It's a fair question, Mr Deputy Speaker, Sir, and I don't understand at all why....

**The Deputy Speaker:** No, no.

*(Interruptions)*

Any supplementary? I think we are at question B/413 and not B/412. Okay! Next question, hon. Ganoo!

**Mr Mohamed:** If it is B/413, can I have one supplementary?

**The Deputy Speaker:** Yes, of course!

**Mr Mohamed:** If it is B/413, sorry for the confusion! Picking up where hon. Adrien Duval had left off, since it is B/413, I have listened to the answer given by the Rt. hon. Minister Mentor, and referring to a section of the law pertaining to control and directives which allegedly we are not supposed, obviously any person, give to the Commissioner of the Police. In what way does he see this question as being giving control and directives? What control and directives is he referring to exactly, as shown in that particular question? Because I don't see it. Where is the control and where is the directive that he sees and that is helping him not to answer the question?

**Sir Anerood Jugnauth:** I have already answered.

**The Deputy Speaker:** Next question, hon. Ganoo!

### **FISHERS – BAD WEATHER ALLOWANCE**

(No. B/414) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the bad weather allowance, he will state the total number of fishers eligible thereto and registered therefor, indicating –

- (a) the quantum thereof payable per fisher per day;
- (b) the number of days same was paid since 2015 to 2018, on a yearly basis, indicating the total amount paid, and
- (c) if consideration will be given for a review thereof in view of the minimum wage and the annual increase of pensions and other allowances and salary compensations.

**Mr Koonjoo:** Mr Deputy Speaker, Sir, I wish to inform the House that the total number of registered fishers eligible for bad weather allowance was 1,934 as at December 2018.

As regards part (a) of the question, the quantum payable per day per fisher since 2015 is as follows –

- Rs275 in 2015;
- Rs282 in 2016;
- Rs288 in 2017;
- Rs298 in 2018, and
- Rs310 as from January 2019.

As regards part (b) of the question, the number of days and amount paid since 2015 to 2018 are as follows –

- Year 2015 – 134 days, amounting to around Rs69 m.;
- Year 2016 – 156 days, amounting to around Rs77 m.;
- Year 2017 – 94 days, amounting to around Rs46 m., and
- Year 2018 – 134 days, amounting to around Rs68 m.

The total amount paid for the last four years is around Rs260 m.

Regarding part (c) of the question, Mr Deputy Speaker, Sir, the House may wish to note that Bad Weather Allowance is a form of social aid to assist fishers who have not been able to go fishing during a bad weather.

However, they are encouraged to do alternative activities, like mending their nets or repairs of their boats when they are not involved in the fishing activities. Any revision of this quantum will require extensive consultations with the relevant stakeholders.

**The Deputy Speaker:** Hon. Ganoo!

**Mr Ganoo:** In view of climate change now and the increasing number of bad weather in our country, and in view of the fact also that we all know there has been a minimum wage increase and an annual increase in pension and other *prestations sociales*, can I make a plea to the hon. Minister, to ask the hon. Minister of Finance in the next Budget, to make provision for an increase of the bad weather allowance for these fishermen?

**Mr Koonjoo:** I take note of this, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Mr Deputy Speaker, Sir, we have heard the figures nearly half the year, for some years, fishermen were not able to go fishing due to bad weather. The allowance, as hon. Ganoo is saying, is very, very basic minimal compared to the minimum wage. First of all, is it not time now to come up with a plan in view of climate change? Secondly, in view of the decreasing population of fish, is it not time to come up with a long-term plan for these fishermen so that they can live decently? May we know whether he proposes to come up with such a plan in his Ministry?

**Mr Koonjoo:** Mr Deputy Speaker, Sir, there had been some requests among the fishermen and we are working upon that.

**The Deputy Speaker:** Time is over!

## MOTION

### SUSPENSION OF S.O. 10(2)

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



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

*Question put and agreed to.*

## STATEMENTS BY MINISTER

### INSOLVENCY ACT & *CODE CIVIL MAURICIEN* - REVIEW

**The Ag. Prime Minister:** Mr Deputy Speaker, I have two statements to make. At the sitting of the House of Tuesday 14 May 2019, in his reply to Parliamentary Question B/327, and following proposals from both sides of the House, the hon. Prime Minister had stated that he was open to proposals, to look into the Insolvency Act and the *Code Civil Mauricien*, with a view to bringing improvements, wherever deemed necessary, to the existing legislation.

The proposed improvements would aim at aligning provisions of the Insolvency Act and the *Code Civil Mauricien* in regard to ranking of employees in cases of liquidation and receivership of companies. The matter was considered by Cabinet at its meeting of Friday 17 May 2019, and I am glad to inform the House that Government has reacted positively to the proposals emanating from both sides of the House.

In this respect, Cabinet has agreed to the setting up of a Technical Committee, the composition of which is as follows. –

- Mrs D. Chinien, Registrar of Companies as Chairperson;
- a representative of the Ministry of Finance and Economic Development;
- a representative of the Attorney General's Office;
- a representative of the Ministry of Labour, Industrial Relations, Employment and Training, and lastly,
- a representative of the Ministry of Financial Services and Good Governance.

This Technical Committee may co-opt or consult relevant stakeholders as it considers appropriate.

The recommendations of the Technical Committee will be submitted to Government.

Thank you.

### CWA - POTABLE WATER SUPPLY - QUALITY

**The Ag. Prime Minister:** Mr Deputy Speaker, following recent articles in the Press, making amalgamation between the results of a study carried out by the National Environment

Laboratory, under a project funded by the International Atomic Energy Agency (IAEA) and the quality of water supplied by the Central Water Authority, I would like, with your permission, to make a statement to clarify the issue and to reassure the population that there is no blending of raw untreated water with treated water for potable use.

The objective of the IAEA study, which started in 2016, was to assess pollution in rivers and rivulets in suburban regions of Port Louis with discharge into the Port Louis bay. It focussed on the catchment areas of GRNW, Rivière Tombeau and Rivulet Terre Rouge, as well as Pamplemousses. Two boreholes concerned with the preliminary findings, mentioned by IAEA, are agricultural boreholes and are not used for potable water supply – I stress, are not used for potable water supply.

The study is still ongoing and will form the basis of a comprehensive report with recommendations. Such studies form part of our Action Plan to monitor our ground and surface water. A similar study was carried out by my Ministry under the United Nations Environment Programme Funded Project from 2016 to 2018 in the northern aquifer to assess the intrusion of salt water and other substances in groundwater.

In regard to water supply for potable use, the Central Water Authority has the legal obligation to comply with a set of parameters prescribed in the Environment Protection (Drinking Water Standards) Regulations 1996, which is in line with WHO standards. Water supply in Port Louis is treated at Pailles and Nicolière Treatment Plants. Water extracted from rivers is processed through Filtration Plants and is chlorinated.

I have informed the House, in my replies to past questions, that, the CWA laboratory, which is ISO 17025 accredited, carries out 200 tests every month on samples from 140 sites. CWA also resorts through an independent laboratory as and when required. Tests are equally carried out by the Ministry of Health and Quality of Life and the National Environment Laboratory to ensure compliance with the drinking water standards.

I have obtained the assurance from the CWA that there is no blending of raw water with treated water in any region in Mauritius.

Thank you.

*At this stage, Madam Speaker took the Chair.*

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded, the Disciplinary Bodies (Health Sector) (Miscellaneous Provisions) Bill (No. IX of 2019) was read a first time.*

*Second Reading*

**THE UNITED NATIONS (FINANCIAL PROHIBITIONS, ARMS EMBARGO AND TRAVEL BAN) SANCTIONS BILL**

**(NO. VII OF 2019)**

**&**

**THE ANTI-MONEY LAUNDERING AND COMBATTING THE FINANCING OF TERRORISM AND PROLIFERATION (MISCELLANEOUS PROVISIONS) BILL**

**(NO. VIII OF 2019)**

*Order for Second Reading read.*

(4.21 p.m.)

**The Ag. Prime Minister:** Madam Speaker, I move that the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill (No. VII of 2019) and the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill (No. VIII of 2019) be read together a second time, especially as they are closely related. I shall be referring to the first Bill as the Sanctions Bill and the second Bill as the AML Bill.

The purpose of the Sanctions Bill is to enable the Government of Mauritius to implement targeted sanctions, including financial prohibitions, arms embargo and travel ban and other measures imposed by the United Nations Security Council under Chapter VII of the Charter of the United Nations with a view to addressing threats to international peace and security, including the financing of terrorism and proliferation of weapons of mass destruction.

As for the AML Bill, the purpose is to amend the various enactments with a view to meeting international standards of the FATF on anti-money laundering and combating the financing of terrorism and activities related to the proliferation of weapons of mass destruction and to provide for matters related thereto.

Madam Speaker, money laundering and the fight against the financing of terrorism have been high on the agenda of Mauritius since the beginning of the century. In 2002 already, we were engaged, first of all, in the fight against corruption. We passed the

Prevention of Corruption Bill. Then, at the same time, together, we considered the Financial Intelligence and Anti-Money Laundering Bill.

This is what established in our law a regime to combat money laundering. We created a number of offences; we created reporting obligations which were imposed on certain regulated professions, on certain professionals, including the legal profession. The law evolved to the extent that by 2018, institutions were created to combat money laundering and the financing of terrorism and proliferation offences, that is, offences linked with the proliferation of unconventional weapons.

In 2002, the same year, we also passed the Prevention of Terrorism Act. Gradually, we have built up a body of laws to combat all the evil organisations which were creating havoc in the world. Especially through a web of financing, they were able to threaten and, in some cases, destroy the fabric of society all over the world. This body of laws has been created pursuant to several international legal instruments worked out by international organisations such as the United Nations and the G7.

Initially, at a time when terrorism was not on the international agenda, the greatest concern was with white-collar crime, corruption, tracing and recovery of the proceeds of such illicit acts. This is how the G7 Summit of 1989 established the Financial Action Task Force on money laundering, the FATF. A year later, the FATF issued a set of 40 recommendations which were intended to provide a comprehensive plan of action needed to fight money laundering.

In the meantime, terrorism was to take a new turn. On 07 August 1998, hundreds of people were killed in simultaneous truck bombs in Dar es Salaam and Nairobi, a very friendly country of ours. These attacks brought Osama Bin Laden, Ayman al-Zawahiri to the world's attention. Our region became the focus of attention.

Madam Speaker, Article 41 of Chapter VII of the Charter of the United Nations empowers the Security Council to take measures to give effect to its decisions. Among the measures are sanctions measures which encompass a broad range of enforcement options that do not involve the use of armed forces.

On 15 October 1999, the Security Council unanimously adopted Resolution 1267, which introduced a sanctions regime but which has evolved with time, but is still in force today.

This resolution established the UN Security Council Committee, which initially imposed a limited air embargo and assets freeze on the Taliban. As the website of the UN Security Council states, over time, the regime evolved and the measures became a targeted assets freeze, travel ban and arms embargo against designated individuals and entities. And that is what has led us to today. This regime, Madam Speaker, is based on a United Nations Security Council Committee, which draws up a sanctions list, that is, a consolidated list - the term is consolidated - of people and entities which it has determined as being associated with Al-Qaida or the Taliban and laws which must be passed by each member nation in order to implement the sanctions.

The Committee receives report from each nation as to how the work is proceeding and is able to vary the conditions imposed on any individual as it sees fit.

Now, the listing criteria has been expanded and it now includes individuals and entities supporting the Islamic state in Iraq and the Levant, that is, ISIL (Da'esh). That mission was enhanced when the F80F was entrusted with the task of developing standards to fight against financing of terrorism. In October 2001, the F80F issued the eight special recommendations to deal with the issue of terrorist financing so that we talk of not 40+8, now it is 40+9 recommendations, a ninth recommendation of the FATF having been subsequently added.

For our region, Madam Speaker, in 1999, the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) was launched at Arusha, Tanzania. The group held its first meeting on 17-19 April 2000 in Dar es Salaam, Tanzania. Following the events of 11 September 2001, ESAAMLG expanded its scope to include the countering of terrorist financing. Mauritius is a member of ESAAMLG and we are, therefore, committed to the effective implementation and enforcement of internationally accepted standards against money laundering and the financing of terrorism and proliferation, in particular the FATF recommendations. We are committed to periodic peer assessments to ensure compliance with the FATF recommendations.

In June 2017, Mauritius underwent a mutual evaluation of its systems and procedures for combating money laundering and terrorism financing. The exercise was a comprehensive review of the effectiveness of our legal and institutional frameworks and our level of compliance with the FATF Standards.

The Mutual Evaluation Report was finally adopted at the ESAAMLG Council of Ministers meeting in the Seychelles in September 2018 and was published on 21 September 2018. In essence, when we read the Report, we found that the Report found that whilst we were one of the first countries in the ESAAMLG region to develop an anti-money laundering and the combating of terrorist financing, our regime did contain certain weaknesses that needed to be redressed.

Madam Speaker, well before the publication of the Mutual Evaluation Report, with the view to strengthening our AML/CFT framework (Anti-Money Laundering/Combating the Financing of Terrorism), Government had made several legislative amendments to address many of the shortcomings. These were contained in the Finance (Miscellaneous Provisions) Act of 2018.

Subsequently, within a week of the publication of the Mutual Evaluation Report, the Financial Intelligence and Anti-Money Laundering Regulations 2018 were published to make the amendments effective. In line with the ESAAMLG procedures, Mauritius must report at each ESAAMLG Plenary Meeting on the progress made to implement the recommended actions contained in the MER. Additionally, as Mauritius met the FATF International Co-operation Review Group criteria, it was placed, in October 2018, on the pre-ICRG Observation Period, which will come to an end in October 2019.

In October 2018, Mauritius applied for the technical compliance re-rating of 12 FATF Recommendations out of 26 Recommendations that were rated partially compliant or non-compliant. So, we had certain failures which needed to be redressed, and these were submitted for consideration by the ESAAMLG Task Force. As the House is aware, Mauritius was upgraded on 11 Recommendations out of the 12 applied for. Furthermore, the Task Force congratulated Mauritius for the significant progress made and encouraged Mauritius to continue with the implementation of the remaining recommended actions contained in the Mutual Evaluation Report.

Madam Speaker, in line with the ESAAMLG Mutual Evaluation Procedures, Mauritius has submitted a second application on 01 March 2019 for the re-rating of most of the remaining FATF Recommendations, and this application will have to be supported by appropriate legislative amendments and these amendments will have to be effective by the end of May 2019. I have said enough to illustrate the necessity, therefore, to pass these two

enactments in order to ensure consistent and continuous compliance with these Recommendations.

Madam Speaker, Recommendation 6 of the FATF requires each country to implement the targeted financial sanctions regimes to comply with specific United Nations Security Council resolutions relating to the prevention and suppression of terrorism and terrorist financing. These resolutions are -

- (i) Resolution 1267 of 1999 and its successor resolutions (the ISIL (Da'Esh) and Al-Qaida and of 1988 (Taliban) sanctions regimes);
- (ii) Resolution 1373 of 2001, and
- (iii) any future Resolution which impose targeted financial sanctions in the terrorist financing context.

These resolutions require countries to freeze, without delay, the funds or other assets of certain persons. Countries are also required to ensure that no funds or assets are made available, directly or indirectly, to or for the benefit of, these persons. Such persons are those persons or entities which are –

- (i) designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations, including in accordance with the Al-Qaida and ISIL (Da'esh) and 1988 sanctions regimes;
- (ii) designated by Mauritius pursuant to Resolution 1373.

It is good to clarify that Recommendation 6 has different requirements under the relevant sanction regime. For designations under the ISIL (Da'esh) and Al-Qaida and 1988 sanctions regimes, Recommendation 6 requires countries to have the authority, and effective procedures or mechanisms, to identify and initiate proposals for designations of persons and entities targeted by the ISIL (Da'esh) and Al-Qaida/Taliban sanctions regimes, consistent with the obligations set out in the relevant UN Security Council Resolutions.

However, with respect to designations under Resolution 1373 of 2001, Recommendation 6 requires countries to have the authority, and effective procedures or mechanisms, to identify and initiate designations of persons and entities pursuant to Resolution 1373, consistent with the obligations set out in that resolution. It also requires countries to have the authority, and effective procedures or mechanisms, to identify and initiate designations of persons and implement its own set of rules to enable the freezing of assets.

Madam Speaker, Recommendation 7 of the FATF, requires countries to implement targeted financial sanctions to comply with the UN Security Council Resolutions relating to the prevention, suppression and disruption of proliferation of Weapons of Mass Destruction and its financing. This recommendation is presently applicable to the two countries' specific regimes.

The effective implementation of these measures undoubtedly requires institutional arrangements allowing for close coordination among financial, intelligence and law enforcement authorities and the incorporation of the measures into the country's broader counter-terrorism policy.

I will now highlight certain clauses of the Bill for the benefit of the House.

### **Clause 3**

The scope of application of the Bill is spelt out in clause 3 and clarifies that the Bill shall apply in addition to the Convention for the Suppression of the Financing of Terrorism Act and the Prevention of Terrorism Act and shall not be in derogation to any of the aforementioned legislations.

### **Clause 4**

In line with the above requirements, clause 4 provides for the establishment of a National Sanctions Committee under the Chairmanship of the Secretary to Cabinet and Head of the Civil Service and comprising the members mentioned in that clause.

### **Clause 5**

The functions and powers of the National Sanctions Committee are set out under that clause. The Committee will be responsible for identifying targets for designation under Resolution 1373 - Each time I talk of a resolution, I am talking of the Security Council Resolution and not other general assembly resolution - and also for submitting listing proposals to the United Nations ISIL (Da'esh) and Al-Qaida and 1988 sanctions committees.

### **Clause 7**

To support the work of the National Sanctions Committee, clause 7 provides for the setting up of a National Sanctions Secretariat within the Prime Minister's Office and which will be headed by the Secretary for Home Affairs.

### **Clauses 9 & 10**



Furthermore, both the United Nations and the FATF recognize that appropriate safeguards for the rights of designated persons and entities must be provided, to ensure that fair and clear procedures are in place for the imposition and lifting of sanctions measures and with a view to safeguarding the rights of designated parties declared as such for the purposes of Resolution 1373 (2001).

Clause 9 lays down the grounds on which a person can be declared as a designated person and the process for declaration is also set out.

Clause 10 allows for the designation of a party upon a request made by a third country.

### **Clause 11**

Once a declaration is made, in accordance with clause 11, the Secretary for Home Affairs must give public notice of the declaration and direct the Financial Intelligence Unit to disseminate the declaration to supervisory authorities, investigatory bodies, financial institutions and designated non-financial businesses and professions (DNFBPs), which include casinos, legal professionals and accounting professionals.

### **Clause 13**

Clause 13 provides that the designated party must be notified that he has been declared under the Act and the notice to the designated party must set out certain matters which are set out amply in that clause.

### **Clause 14**

In addition to the right to apply for judicial review, the National Sanctions Committee is required under clause 14 to review a declaration regularly but not later than 12 months after a declaration is made under clause 9 or 10.

### **Clauses 16 & 17**

Part IV of the Bill deals with parties listed by or under the authority of the United Nations Security Council. Clause 16 sets out the procedure to enable Mauritius to make a proposal for listing to the relevant United Nations Sanctions Committee. Clause 17 sets out the requirement for a listed party who is a citizen of Mauritius to be notified of his listing under a United Nations Sanctions Regime.

A listed party must also be notified that he may submit an application to the relevant United Nations Sanctions Committee for an exemption.

### **Clauses 23 & 24**

The dissemination under clause 11 brings into effect the prohibitions under these clauses, that is, as from listing financial institutions or the DNFBP, casinos, legal professionals and accounting professionals will not be able to deal with funds and other assets of a declared party or make funds and assets available to a declared party.

### **Clauses 26 & 27**

Madam Speaker, at Committee Stage, I will be moving for an amendment to clause 26 so as to provide for an application by the Secretary for Home Affairs to the Designated Judge for a freezing order of the funds or assets of the designated party to be made without delay of a declaration instead of within 48 hours. I shall also be making a number of other amendments which, I believe, have already been circulated.

With a view to further ensuring that the rights of a designated party are protected, the Bill provides that it is only when a Judge is satisfied that the designated party qualifies to be declared as such, he shall grant the freezing order which shall remain in force for so long as the party is a designated party. Under clause 27, a designated party may apply to the Designated Judge for a variation of the freezing order to use the funds or other assets for expenses specified in the application.

### **Clause 28**

Clause 28 provides for the protection of the rights of *bona fide* third parties who may be affected by a freezing order. Any freezing order shall apply without prejudice to the rights of *bona fide* third parties. Accordingly, a person who has an interest in funds or other assets subject to a freezing order may apply to the Designated Judge to exclude his interest from the freezing order.

With respect to the provision of the assets freeze measures imposed by or under the authority of the United Nations Security Council, the dissemination of the United Nations Sanctions List in Mauritius by the Secretary for Home Affairs, gives effect to the prohibitions to deal with the assets or other funds of a listed party or to make funds available or other assets available to listed parties under clauses 23 and 24 of the Bill.

### **Clause 44**

Clause 44, data leakage is a business beyond imagination. It is imperative that we should have in place procedures to protect all sources of information, including intelligence and closed-source materials, used in the designation of persons and entities as being subject of the financial prohibitions.

Clause 44 of the Bill requires members of the National Sanctions Committee and all other officers to maintain at all times the confidentiality of any matter which comes to their knowledge under the Act.

United Nations sanctions regimes are administered by the United Nations Sanctions Committee. To protect the rights of listed parties, the relevant United Nations Security Council resolutions set out listing criteria and requires the United Nations to publish a narrative summary of the reasons for listing. A listing party may also submit a request for delisting to the relevant Committee through the focal point which has been established under the Resolution 1730 of 2006. A party listed on the Al-Qaida/ISIL (Da'esh) sanctions list may submit a delisting request to the Office of the Ombudsperson created by Resolution 1904. A United Nations member State may also submit a request for delisting where it has reason to believe that the listed party no longer meets the criteria for listing.

Madam Speaker, as I mentioned before, today, no country is safe from terrorist attacks, and we can no longer sit on our laurels or our quiet atmosphere. We cannot remain silently as witnesses to what is happening around the world and closer to home. Recently, we have seen attacks in Kenya, New Zealand, Sri Lanka, and these are in the words of United Nations Secretary General, Mr Antonio Guterres –

“tragic reminders of the global reach of the scourge of terrorism.”

Madam Speaker, I have talked of our obligations with regard to the ESAAMLG recommendations. I now turn to the other Bill, the Money Laundering Bill, the AML Bill. This Bill includes new provisions which are essentially amendments to existing legislations. They are listed in the title and enacting clauses and in the arrangement of clauses, and there is no need for me to go over them, except to mention the salient features.

Clause 2 deals with the Assets Recovery Act, which is amended to provide for the confiscation of proceeds or instrumentalities used or intended for use in money laundering or predicate offences to comply with FATF Recommendation 4 relating to confiscation and provisional measures. This measure will enhance our powers to frustrate the movement of proceeds realised in crime and thus reduce the rewards of crime.

Clause 6, the Companies Act is being amended to provide for the registration of company service providers, that is, those who act as formation agent of a legal person with a view to assisting another person to incorporate a company, a foundation or a limited liability partnership or such other entity as may be prescribed; persons who act, who are causing for another person to act as a Director, Secretary, as a partner, or any other similar position as the case may be, of a legal person, such as a company, a foundation, a limited liability partnership or such other entity as may be prescribed; providing a registered office, a business address or an accommodation, a correspondence or an administrative address for a legal person, such as a company, a foundation, a limited liability partnership or such other entity as may be prescribed; acting, or causing for another person to act, as a nominee shareholder for another person. The requirement to be registered under the new Section 167A shall not apply to a Secretary referred to under Section 164 of the Companies Act and to the holder of a management licence under Section 77 of the Financial Services Act that provides as a business any of the services, which I mentioned earlier.

Clause 7 amends the convention for the Suppression of the Financing of Terrorism Act –

1. to criminalise the provision of funds to and collection of funds for individual terrorists and terrorist organisation when a terrorist act has not occurred, and
2. to criminalise the financing of the travel of foreign terrorist fighters to comply with FATF Recommendation 5 relating to criminalisation of terrorist financing offence.

Clause 8, the Criminal Code is being amended to provide for a new offence for criminalising illegal trafficking in stolen goods or any other goods.

Clause 9, the Customs Act is being amended to enable Customs Officers to confiscate undeclared currency, bearer negotiable instruments and precious metals and stones to comply with FATF Recommendation 32 relating to cash couriers. Despite stringent measures, criminals are still finding cracks in the system to raise, move and store money around the globe either through formal system or other channels.

The amendment will help to ensure that terrorists and other criminals cannot finance their activities or launder the proceeds of their crime through the physical cross border transportation of currency, bearer negotiable instruments and precious metals and stones.

Members of the House will recall that recently the Mauritius Revenue Authority intercepted 25.5 kg of gold ingots and currencies equivalent to Rs2,635,465 at the SSR International Airport, which were held by two passengers who were transiting via Mauritius.

Clauses 10 and 14 amend the Financial Intelligence and Anti-Money Laundering Act to empower certain regulatory bodies, namely the Mauritius Institute of Professional Accountants, the Financial Reporting Council, the Attorney General's Office, the Gambling Regulatory Authority, the Financial Intelligence Unit, the Registrar of Cooperatives to supervise and enforce compliance by the members of the relevant professions or occupations with the AML/CFT requirements imposed under the FIAMLA and guidelines made thereunder.

In order to be able to comply with Recommendation 28 of the FATF, the regulatory bodies would be given powers to request for information and to conduct onsite inspections as well as to impose administrative sanctions. A review panel will be set up as an ad hoc review panel to review the decision of a regulatory body to impose an administrative sanction. The proceedings of the review panel will be conducted in a manner which is consistent with the rules of natural justice and procedural fairness. The panel shall consist of a Chairperson who shall be a retired Judge of the Supreme Court or a Barrister with not less than 15 years' standing and two other members who shall be persons having sufficient knowledge and experience in the field of AML/CFT, law or accountancy.

The review panel will not be subject to the direction or control of any other person or authority in the exercise of its functions. Any party who is dissatisfied with the determination of the review panel may apply to the Supreme Court for a judicial review. Additionally, the Bill provides for the Financial Intelligence Unit to be designated as the AML/CFT regulatory body - a regulatory body of law practitioners when they prepare for or carry out transactions for their clients under the following circumstances. Buying or selling of Real Estate; managing of client money; securities or other assets; management of bank; savings or securities accounts; organisation of contributions for the creation, operation or management of companies; creating, operating or management of legal persons or arrangements, and buying and selling of business entities, including any of the following activities –

- acting as a formation agent of a legal person;

- acting as or arranging for another person to act as a Director or Secretary of the company, a partner of the partnership or a similar position in relation to other legal persons;
- providing a registered office, business address or accommodation, correspondence or administrative address for a company or partnership or any other legal person or arrangement;
- acting as or arranging for another person to act as a trustee of an express trust or performing the equivalent function or another form of legal arrangement.
- acting as or arranging for another person to act as a nominee shareholder for another person.

It must be highlighted that advisory and litigation services are not regulated activities for AML/CFT purposes. The FIU will not have the power to exercise disciplinary powers against law practitioners. In case any breach of the AML/CFT requirements is detected, the FIU will refer the matter to the Attorney General for necessary action. In this respect, the Law Practitioners Act is being amended to provide that the FIU will report any breach of the AML/CFT requirements to the Attorney General. The Law Practitioners Act is also being amended to widen the scope of the powers of the Court to issue a warning and to impose such penalty as it may determine.

I wish to highlight that this is a temporary measure. Consideration is being given to the terms of reference of the High Level Committee of Experts under the chairmanship of Lord Philips, which is reviewing the Law Practitioners Act and other relevant enactments concerning legal profession in Mauritius to be extended to look into AML/CFT supervision of law practitioners in Mauritius, and to advise on the proper disciplinary proceedings that should apply to law practitioners for any breach of AML/CFT requirements.

Clause 11 - the Financial Reporting Act is being amended to provide for an AML/CFT monitoring panel to review, analyse and identify any failure on the part of any licensed auditor to comply with AML/CFT requirements.

Clauses 12 & 17 – the Financial Services Act and Trust Act are being amended to allow law enforcement agencies to have timely access to information for the purposes of an enquiry or investigation relating to or trial into a financial crime.

Clause 16 - the Registration of Associations Act will be amended to promote good governance and financial integrity of the non-profit organisations.

The Registrar of Associations will be given powers to request for information and to conduct onsite inspections as well as to impose administrative sanctions. Any aggrieved persons will have a right of appeal to the review panel for reviewing the decision of the Registrar.

Madam Speaker, these two Bills are important for Mauritius, not only our international reputation, not only for compliance to international instruments, but also constitute major steps in our fight against money laundering and financing of terrorism. The country has the commitment, and the Government has the commitment and the strong political will to contribute to the global fight against financial crime. I remember how, in 2002, there were accusations, at that time, that we were being overzealous in protecting our country against terrorism. Fortunately, for Mauritius, now the population understands that we need to continue the fight against these criminals who are putting our country, our population in grave danger. The time has come to show our dedication in this fight.

I, therefore, Madam Speaker, commend the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill 2019 & The Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill 2019 to the House.

Thank you, Madam Speaker.

**Mr Roopun rose and seconded.**

**Madam Speaker:** Hon. Uteem!

(5.08 p.m.)

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Madam Speaker, the Bill has two main objects. The first one is set out in the Explanatory Memorandum and is to enable the Government of Mauritius to implement targeted sanctions imposed by the United Nations Security Council. We have absolutely no qualms with that.

Mauritius is fully committed to combat terrorism, to combat financing of terrorism, to combat proliferation of weapons of mass destruction. So, we have absolutely no qualms with those provisions of these Bill, to give effect to our commitment in the fight against terrorism. Mauritius is committed to implement the United Nations Security Council resolutions and this is precisely what we are doing with this piece of legislation - so much for the first objet of the Bill.

The second object of the Bill, which is equally if not more important than the first object, and that the hon. Ag. Prime Minister just browsed upon it quickly, is to set up a National Sanctions Committee which will have the power to direct the Secretary for Home Affairs to declare a person as a designated party and this second object is very conveniently omitted from the Explanatory Memorandum and it is with respect to that object of the Bill that we have serious reservations because we feel that it is unsafe to give so much power to the National Sanctions Committee.

First of all, Madam Speaker, let us look at the composition of that National Sanctions Committee. It is in Clause 4 of the Bill. It is made up of 10 people –

- the Secretary to Cabinet, civil servant;
- the Solicitor General, civil servant;
- the Secretary for Foreign Affairs, civil servant;
- the Commissioner of Police;
- the Governor of the Central Bank;
- the National Security Advisor is not even a Mauritian;
- the Director-General of the National Security Services;
- the Director of the Counterterrorism Unit;
- the Director of the Financial Intelligence Unit, which is a political nominee, and
- the Chief Executive of the Financial Services Commission, which is again a political nominee.

So, we have this National Sanctions Committee made up of 10 civil servants and political nominees and to hold meetings, according to section 6, you need a quorum of seven members and the law is silent as to how decisions are taken at the level of the Committee. So, in the absence of any specific provision, we can take it that the majority will rule, the majority under the Interpretation and General Clauses Act, which means that effectively, you would need six members, if it is full 10 members present, you will need only 4 members. If there is a quorum of 7, only 4 members!

And what powers does this National Sanctions Committee have? It has general powers set out in section 5 subsection (1). I don't have any problem with that, but it has a specific power under section 9 subsection (1) of the Bill and this is as follows -

“The National Sanctions Committee shall –

- (a) where it is satisfied on reasonable grounds that a party –



- (i) has committed or attempted to commit a series of acts of terrorist nature, of financing of terrorist nature, if he commits, if there is a suspicion, a reasonable ground to believe that he has committed any of these offences, then he is a designated party.”

And the Act goes further, under subsection (6) of section 9 to say that –

“A declaration under this section shall not be conditional upon the existence of criminal proceedings and shall operate without prior notice to the proposed designated party.”

In other words, you can become a designated party if there is no criminal proceeding against you. You can become a designated party even if you have not been found guilty of any offence, even if you have not been arrested for any offence, even if there is no Police investigation about anything that you may or may not have done. So much for the presumption of innocence, so much for our constitutional right to be innocent until proven guilty, but not for the National Sanctions Committee. All it is required is a majority of four civil servants and political nominees to believe on reasonable grounds that you are engaged in terrorist activities.

Now, what amounts to reasonable grounds? There is no definition in the Act. Is an anonymous letter sufficient? Is a phone call sufficient reasonable ground? If in a moment of anger, you say: I am going to blow the National Assembly, does that make you a terrorist? Is that reasonable ground? If someone sends a threatening message from your computer or a threatening message from a computer of a cybercafé that you own, is that reasonable ground? And these are not far-fetched examples, Madam Speaker.

We all remember the case of Mr Ish Sookun, the star witness in the National ID Card. He was arrested and spent several days in custody because he was suspected that someone used a computer in his cybercafé to send a threatening letter and now he is out and he is suing the Government for several millions of rupees. But on these facts, would there be reasonable ground for Mr Sookun to be a designated party by the National Sanctions Committee? Probably yes.

Who decides what amount to reasonable grounds? What kind of evidence we need? What is the quantum of evidence that is required? Who will decide? On that Board, there is only one person who is a lawyer. It is only the Solicitor General. Out of 10 people, only one legal mind, only one who is trained in constitutional matter, only one who understands

fundamental human rights, only one who can interpret what is the meaning of reasonable ground and he is only one out of nine. So, the nine other lay people may overwrite him. Even if the three Police Officers side with him, there will still be a minority in the Committee.

Madam Speaker, the Bill further provides that the National Sanctions Committee will take its decision without prior notice to the proposed designated party. So, you don't even have a chance to give an explanation. If the Police suspects you to be a terrorist, the Police has to arrest you, the Police has to give you an opportunity to answer charges. The Police has to give you the opportunity to provide an explanation and put your defence. This is elementary rules of natural justice. This is your constitutional right. This is enshrined in section 10 of the Constitution, but before this National Sanctions Committee, you don't have any right. They don't call you. They decide if you are a designated person if they are satisfied on reasonable ground.

And what happen, Madam Speaker, when you are a designated party? Clause 23 of the Bill provides that –

“No person shall deal with the funds or other assets of a designated party or listed party.”

So, if you are a designated party, no one can deal with your funds, not even your wife, not even your children, not even your family, no one can deal with your funds and if they were so minded to deal with your funds and your assets, they are liable to a fine of up to Rs5 m. and a penalty of not less than three years imprisonment. No maximum, only a minimum! If you deal with an asset of a designated party, you get a minimum three-year imprisonment. That's how drastic and who decides that you are a designated person, a bunch of political nominees and civil servants!

The sanction, Madam Speaker, is not just on the terrorist who is a designated party, it is on his family, on anybody dealing with it. So, effectively, if he is a designated person, no one can deal with him, he is effectively a pariah; he is an outcast, he is an untouchable and worse, the law provides under section 42 of the Bill that the Minister responsible for national security can deprive him of his citizenship. That is the consequence of being a designated party. You can be stripped of your Mauritian citizenship. And we are leaving that in the hands of a bunch of civil servants and political nominees.

The worst part of it all, Madam Speaker, is at no point is there any judicial control. Yes, the hon. Ag. Prime Minister referred to Clause 26. Clause 26 makes it an obligation on the

Secretary for Home Affairs, within 48 hours of declaring someone as designated party, he needs to go to a designated judge for a freezing order of the assets of that designated party. Now, an amendment is being proposed to replace within 48 hours by reasonable time. So, we don't know what reasonable time means. It can mean weeks, I don't know.

Now an amendment is being proposed to replace within 48 hours by reasonable time, so we don't know what reasonable time means, it can mean weeks, I don't know. At least, when it was 48 hours you had a time limit, you know you had two days and then the Secretary for Home Affairs had to go before a designated Judge to decide whether or not to freeze your asset.

Now, when you go before this designated Judge, if the designated Judge is satisfied that there is reasonable ground for you on the balance of probability to be a designated party, he orders the freezing order. But if he is not so satisfied, what happens? He does not order the freezing order, but you are still a designated party. Nowhere in this Bill does it say that if you go to a designated Judge and the Judge does not think on the basis of the information providing to him *ex parte* that on the balance of probability you are a designated party, you ceased to be a designated party. Even if you go before a Judge you remain a designated party, even if the Judge does not give you a freezing order, no one can deal with your asset under Section 23 and Section 24 of this Act. What's your protection, you go to the Judge in Chambers *ex parte*; you provide all the information, the Judge tells you: 'no I am not satisfied that there is reasonable ground for treating this person as designated party and I am not going to issue a freezing order' Yet the National Sanctions Committee maintains you as a designated party and no one can deal with you. So, what's the point of having a designated Judge in this case. I really hope that the hon. Ag. Prime Minister will show me, because I hope I'm wrong, I hope really that I have misread the law and there is a provision for automatic delisting of a designated party if the Judge, within the 48 hours or now reasonable time, does not issue the freezing order.

So, Madam Speaker, the only effective remedy left for the designated party is to apply for the Supreme Court for Judicial Review of the decision to make him a designated party and that is in Clause 15 of the Bill –

“A designated party may make an application to the Supreme Court for a judicial review of the declaration.”

There is no time limit, so I suppose it's still the three months period. But, Subsection 2 provides as follows –

“For the purpose of this section, the Supreme Court shall examine, in camera, any security or intelligence reports or other information or evidence considered by the National Sanctions Committee and these reports, information or evidence shall not, for security reasons, be disclosed to any other person, including the designated party or its legal representatives.”

So, you go to the Judge, you have been found a designated party, you go for Judicial Review, you don't have access to any of the documents of the evidence on the report which had been provided to the National Sanctions Committee. How are you going to defend yourself? If you don't even know what evidence is there against you, how you can revert this evidence and how can you prepare your case?

Earlier today, Madam Speaker, I was talking to a *confrère* from the Bar, and we were discussing a situation where just imagine there is the National Sanctions Committee that receives a correspondence denouncing a person and then attaching a picture of that person with a terrorist. That's reasonable ground, the person becomes a designated party. Now, there is absolutely no security issue in the photograph of the designated party with a terrorist. But by virtue of Section 15 (2) there is a presumption that everything, all evidence before the National Sanctions Committee for security reason cannot be disclosed to the designated party, cannot to be disclosed to its legal advisor. I know the hon. Deputy Prime Minister is a season Senior Counsel. I am sure that he will find merit in proposing an amendment at Committee Stage to, at least, allow the Judge before whom the application comes for Judicial Review, as a preliminary matter, to determine whether the evidence provided to him really satisfies the test of national security. If the Judge, in camera, after looking all the evidence, feels that these documents do not have any national security characteristic, then the Judge can disclose, can order that these evidences, this information be given to the designated party, so that the designated party and his legal advisor can present their defence. So, I think this is how it's done. In England, for example, it is the Judge who decide in camera whether documents should be disclosed or not for national security, not like we have now, Section 52 which has a statutory injunction against disclosure of the information.

Madam Speaker, the hon. Ag. Prime Minister referred to the FATF recommendation, the Financial Action Task Force. In 2012, the Financial Action Task Force provided a list of

40 recommendations and Mauritius is required to comply with the recommendations in order not to be blacklisted. Unfortunately, as we all know, Mauritius has not been a good student and has not been compliant in respect of several recommendations but of particular relevance to the Bill before this House is recommendation number 6. Recommendation number 6 provides that countries should implement targeted financial sanctions regime to comply with the United Nations Security Council Resolution relating to the prevention and suppression of terrorism and terrorist financing. So, the whole purpose of the Bill today is to give effect to recommendations 6 of FATF.

But the Bill goes further than that, Madam Speaker. The Bill provides for the setting up of this National Sanction Committee and this has never been recommended by FATF. In fact, if we look at FATF itself and its recommendation, when we look at the interpretive note to recommendation 6, this is what it says –

“in determining the limits of or fostering widespread support for an effective counter-terrorist financing regime, countries must respect human rights, respect the rule of law (...)”

and recognise the rights of innocent third parties.

So, this is what is being recommended, you can provide the law, but in fighting against terrorism don't forget to respect human rights, respect the rule of law and recognise the right of innocent people. There is much more than this. If we look at paragraph 3 (a), page 38 of the recommendation, this is what it reads –

“Countries should identify a competent authority or a court as having responsibility for (...) designating personal entities that meet the specific criteria for designation, as set forth in resolution 1373.”

The FATF is telling you designate a Court, never said that you had to designate a bunch of civil servant and political nominee to call a person as a designated party.

There is more, Madam Speaker. The United Nations Security Council Counter Terrorism Committee. They also provide for modern legislation. Their website provides, and I read –

“To facilitate the implementation of resolution 1373 (2001) United Nations Member states are encouraged to use any of the best practices, codes and standards listed in the directive below taking into account their own circumstances and needs.”

The Security Council does not impose any model law on us. Each State has to take into account all circumstances and needs. Nowhere, I repeat, Madam Speaker, nowhere does the United Security Council impose on Mauritius or on any other UN Member States for that matter, an obligation to have a Committee set up of civil servants and political nominees to hold a person as a designated party.

Madam Speaker, earlier in March, a group of experts from the United Nations conducted a seminar relating to the FATF Recommendations 6. A few of us, in this House, attended. There was the hon. Attorney General, hon. Rutnah, hon. Gayan and myself. We were told that in order to comply with the Regulation No. 6 and to implement the sanctions resolution, within 24 hours of a person being placed on the sanction list of the United Nations Security Council, Mauritius should freeze its funds and assets. When that was said to us, Madam Speaker, whether it was the hon. Attorney General, whether it was hon. Gayan, whether it was the President of the Chamber of Notaries Public or myself, we all said the same thing: you cannot do that in Mauritius. You cannot go and freeze someone's account without the protection of the rule of law, without the sanction of a Judge in Chambers. That would be anti-constitutional, that would be against section 8 of the Constitution, that would be against deprivation of your property. We all said that.

Today, instead of amending the Constitution, we are coming with a law giving power to civil servants and political nominees to call you as a designated party. And once you are a designated party, no one can deal with your assets. If no one can deal with your assets, it literally means that you cannot do anything with it. It means that it is frozen. So, even without a Judge in Chambers Order, no one can deal. Anyone who deals with the assets is a criminal; Rs5 m. fine and a minimum of three years imprisonment. Yes, your assets are not frozen, but no one can touch it. It is the same thing. So, how can that now be constitutional when in the month of March, every one of us said it was anti-constitutional?

Madam Speaker, in fact, our law already provides a mechanism to sanction people suspected of terrorism activities. It is in the Prevention of Terrorism Act of 2002. Section 4 - Proscribed organisations –

- “(1) Where any 2 or more persons associate for the purpose of, or where an organisation engages in –
  - (a) participating, or collaborating, in an act of terrorism; (...)
- (6) The Judge in Chambers may –

On an application made by the Commissioner of Police, declare the Association or organisation to be a proscribed organisation.”

There is already a mechanism, but you have to go through the Judge in Chambers. So, why could not the National Sanctions Committee, when it has all these reasonable suspicions that you are a terrorist, take all these materials and go to a designated Judge and ask the designated Judge: please, on the basis of these information, put this person as a designated person, as you would have done on the Prevention of Terrorism Act, as you would have done in the case of a proscribed organisation? Why deny Mauritians - because we are talking about citizens of this country - the protection of a Judge who will look at all the evidence? Why leave it in the hands of a few civil servants and political nominees?

Madam Speaker, before briefly moving to the next Bill, I would like to make a few drafting observations for the State Law Office –

(i) Page 6 – definition of “ordinary expenses”

(a) We could probably amend it to include fees payable to educational institutions and money to buy clothes because there is nothing about buying clothes. There is only food.

(ii) Clause 7 (2) (a) and 12 -

The National Sanctions Secretariat should cause a list of designated persons to be published on its website. At the moment, they do not say where they are going to publish the list;

(iii) Clause 13(2)(b) -

Maybe, add after 2 newspapers the word ‘of wide circulation’ just like we did last week for the Curatelle (Amendment) Bill. So, it is not just 2 newspapers, it is two newspapers of wide circulation.

(iv) Clause 14(3) -

Perhaps add a new paragraph (d) for the particulars of designated parties who have been removed from the list to also be published in the Gazette and in 2 newspapers of wide circulation. It is only fair because when you are a designated person, it is in the Gazette and in 2 newspapers. When you are no longer a designated person, you do not have to publish it in the Gazette and in newspapers. So, I think, in all fairness, that also should be the case.

## (v) Clause 17(1) - Notification of listing -

Now, why is it that the notification in this clause is done by the National Sanctions Secretariat whereas under clause 13, the notification is done by the Secretary for Home Affairs? I do not have any preference, but maybe we should, for consistency, decide whether it would be the National Sanctions Secretariat or it would be the Secretary for Home Affairs;

## (vi) Clause 19(2) -

Clause 19(2) provides that the National Sanctions Committee will submit a request for delisting to the United Nations. But clause 21(1) requires the Secretary for Home Affairs to submit the request for delisting to the United Nations where the listed person is a Mauritian. So, again we should probably be consistent as to who should notify the United Nations in case of delisting;

## (vii) Clause 21(1)

Again, for consistency with clause 3, we should probably replace 'United Nations' with 'relevant United Nations Sanctions Committee'. This is in subsection (3) above. It is 'relevant United Nations Sanctions Committee';

## (viii) Clause 22(1)

After the words 'by notice in the Gazette', again, we could add 'and 2 newspapers of wide circulation'

## (ix) Clause 26(4) -

For consistency, the notice, in my opinion, should also be published in the Gazette and 2 newspapers;

## (x) Clause 30 -

Why should only a listed party be allowed to apply for variation of the prohibition? A designated person also should have the same right to apply for variation of the prohibition in clause 30;

## (xi) Clause 32(1) -

Although the heading refers to both listed parties and designated parties, why can an administrator be appointed only over the assets of listed party and not over the assets of a designated party? This clause also, Madam Speaker, should, in my opinion, be applicable to designated parties as well.



Madam Speaker, I will be extremely brief. It is close to the time to break fast. With respect to the second Bill, as the...

*(Interruptions)*

With respect to the second Bill, I do not have much comment except to have a few observations. ESAAMLG, as was referred to by the hon. Ag. Prime Minister, published its report last year and we were non-compliant on 13 out of 40 recommendations. Now, the report was done before 2017, but we still have to ask ourselves why it took us so long. In the report, at paragraph 17, the Mutual Evaluation Report of ESAAMLG noticed witnesses in the licensing process of the FSC. And this has to be expected considering the issue of licences having been granted to the likes of Sobrinho, Quantum Global and what not. So, my question probably would go towards the hon. Minister of Financial Services, who will speak later on this Bill. Has the scrutiny process now, before issuing licences to the FSC, been reinforced? So, are we not going to have the same problem? Because it serves no purpose having all these laws if it is not being applied properly. In fact, my information is instead of being reinforced, the licencing department of the FSC has been dismantled and now the licencing scrutiny is done by the supervision department, the latter being more focused on licencing than pre-licencing scrutiny.

Finally, Madam Speaker, I would like the hon. Minister of Financial Services to also consider the sanctions in case of breach of AML and CFT requirement. At the moment, there seems to be an extreme. The Enforcement Committee just has the right to revoke your licence to disqualify you. In practice, they do not impose other sanctions like penalties, administrative penalties and other less draconian sanctions.

Madam Speaker, this was what I wanted to say on the two Bills. On our part, we reiterate the commitment on this side of the House to combatting terrorism, terrorism financing and proliferation of weapon of mass destruction, but we really think that we do not have sufficient safeguard to protect innocent people from the sanctions that can be imposed by the National Sanctions Committee.

Thank you, Madam Speaker.

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

*At 5.40 p.m. the sitting was suspended*

*On resuming at 6.19 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Gayan!

**The Minister of Tourism (Mr A. Gayan):** Thank you, Madam Speaker.

Madam Speaker, I wish to start by saying that these two Bills, the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill (No. VII of 2019) and the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill (No. VIII of 2019) reflect the commitment of our country to the best international practices and to upholding the rule of law of what I call the rule of international governance. I will also address, first of all, Madam Speaker, what the hon. Ag. Prime Minister mentioned in the Sanctions Bill.

Let me start by saying that Mauritius has been a member of the United Nations since our independence and, in this year, we have had the great satisfaction of getting an award, an opinion from the International Court of Justice, which is an organ of the United Nations, reflecting the injustice that has been done to Mauritius in the process of decolonisation of our country. So, this does show the commitment that we have to the principles and the chart of the United Nations and this is something that this Bill is going to give effect to.

In fact, as the hon. Deputy Prime Minister mentioned in 2001, 9/11, when there were multiple terrorist attacks in New York and Washington, that was what was called then, a defining moment in the history of humanity. Everything changed then. It is as from that moment that all the things that we are dealing with the UN Security Council resolutions, started to gain a lot of prominence in the international area. There was in 1999 United Nation Security Council resolution, but it was only after the terrorist attacks that the financing of terrorism, the combating of money laundering, drug trafficking, human trafficking, arms dealing, everything became so prominent in the international arena, but the United Nations Security Council decided to act. It is also significant that this Bill is giving effect to resolutions of the Security Council under chapter 7 of the United Nations Charter. It is important that you mentioned chapter 7, because chapter 7 is the chapter that confers, under the Security Council, the power to take decisions and to take measures which become binding and obligatory and mandatory for all members States. And this is exactly what we are doing here, to give effect to the mandatory nature of the United Nations Security Council resolutions.

Madam Speaker, with regard to other Bills as well, we were a founding member of ESAAMLG, that is, the organisation that was dealing with money laundering, corruption and

all white-collar crimes. Financial crime was then the target of ESAAMLG in 1999, but after the terrorist attacks of 2001, the ESAAMLG had to take over also the role of combating terrorist financing. So, again, with regard to ESAAMLG, we are doing what is expected of us by the international community to make the Financial Services Sector a clean, transparent and workable system. We don't want the Financial Services Sector to become a conduit for terrorist financing or dirty money or arms dealing money or something like that, but I will come to ESAAMLG later on.

Let me say, Madam Speaker, that this Bill, the Sanctions Bill, is giving effect to certain resolutions of the United Nations Security Council and, in particular, for FATF (Financial Action Task Force) Recommendations 6 and 7. Now, it has been said by hon. Uteem, who spoke just before me, that he is generally agreeable to the need for Mauritius to comply, but he has certain qualms, about what he calls the presumption of innocence, the rights of the designated parties and the listed bodies. In order to clarify what I am saying, let me say, the designating of a party by our Sanctions Committee is one thing, but the United Nations speaks of listing of terrorists, etc. So, we have to make a clear demarcation between designated ones and listed ones.

So, when hon. Uteem was talking about the National Sanctions Committee, he referred mainly to the composition of that particular committee. Now, we have to remember, Madam Speaker, that when we are dealing with something which deals with terrorism, time is of the essence, a terrorist does not wait for all the procedures to be got into before he acts. As it is said, most of the time we have to be right 99% of the time; a terrorist has to be right once, and the damage that he reaps, at that one point in time, is immeasurable. So, time is of the essence and this is why this Bill that is modelled on the best practices of FATF deals with procedures and committees.

Now, the Bill proposes to set up a National Sanctions Committee. and I refer to Clause 4 of the Bill, the composition of this National Sanctions Committee, which shall consist of –

- (a) the Secretary to Cabinet and Head of the Civil Service, who is the Chairperson;
- (b) the Solicitor General;
- (c) the Secretary for Foreign Affairs;
- (d) the Commissioner of Police;
- (e) the Governor of the Bank of Mauritius;

- (f) the National Security Adviser;
- (g) the Director-General of the National Security Services;
- (h) the Director of the Counterterrorism Unit;
- (i) the Director of the Financial Intelligence Unit, and
- (j) the Chief Executive of the Financial Services Commissioner.

Now, when we are dealing with this kind of a membership, we are dealing with intelligence, we are dealing with sharing of intelligence with other countries, that particular part of the intelligence has to be contained within a very special committee, it cannot be publicised, it cannot go outside the absolute necessity of what is required by that committee.

Now, hon. Uteem had certain qualms about this particular composition and I have also, Madam Speaker, from FATF, the international best practices with the title, ‘Targeted Financial Sanctions related to Terrorism and Terrorist Financing (Recommendations 6)’. And what does this document say, and I quote –

“Authorities to identify, designate and sanction.

In order to implement the targeted financial sanctions regimes required under Recommendations 6, including initiating, or making proposals for, designations, there will be a need to engage with a range of authorities (for example, Foreign Affairs, Justice, Treasury, Finance, Central Bank, Interior or Public Safety) and agencies (for example, security, intelligence, law reinforcement, Financial Intelligence Unit (FIU)).”

This is exactly what we are doing. We are following very closely the recommendations of FATF, the targeted financial sanctions created to Recommendations 6.

Madam Speaker, I believe that the composition of the Sanctions Committee has to be as it is, because we are dealing with very sensitive intelligence and information that should not be disclosed to anybody outside that particular group, and then, they had to make decisions on the basis of the information that they have. But this Committee, how does it act? The way it was presented by hon. Uteem, was that this was an arbitrary committee that was going to act outside the law, outside the Constitution and that there would be no safeguards whatsoever.

Now, let us see what are the Functions and Powers of the National Sanctions Committee are.

“Clause 5 –

(1) The National Sanctions Committee, shall in the discharge of its functions and exercise of its powers under this Act –

(a) direct the Secretary of Home Affairs to declare, for the purposes of UNSCR 1373 or any other international obligation, a party as a designated party;”

So, the first function is to declare somebody a designated party. Secondly, that Committee is responsible for identifying a party that meets the listing criteria for designation as a listed party on the United Nations Sanctions List. And then it goes on about other powers that are given but which are not relevant. It has to act, Madam Speaker, under certain rules. How does it act before it declares a party a designated party? We have to go to Clause 9. The title is ‘Declaration as designated party’ –

“(1) The National Sanctions Committee shall –

(a) where it is satisfied on reasonable grounds that a party –

(i) has committed or attempted to commit, or commits or attempts to commit, a terrorist act; (...)

And there are other things that deal with the powers and functions.

Now hon. Uteem spoke about what are reasonable grounds? What is the basis, what is the evidence on which this Committee is going act? Again, Madam Speaker, we have to go FATF and I am quoting again from the same document I referred to earlier which deals with, and I quote –

“EVIDENTIARY STANDARDS: REASONABLE GROUNDS OR BASIS

For designations under resolution 1373(2001), the competent authority of each jurisdiction will apply the legal standards of its own legal system regarding the kind and quantum of evidence for the determination that “reasonable grounds” or “reasonable basis” exist for a decision to designate an individual or entity and thus initiate an action under a freezing mechanism. (...)”

But we are not inventing reasonable grounds. It is already in the FATF recommendations. So this is not something which is unknown to our legal system. Everybody who is a lawyer knows what reasonable grounds are. It is not something that we have picked up out of the sky. It is something that exists in law. In fact, the words ‘reasonable grounds’ or the basis to have reason to do something are expressions that are well known to the law.

So, I really find it find very difficult to follow the argumentation of my learned friend, hon. Uteem, because, in fact, protection is already provided for in the Bill with regard to any infringement of human rights. Now, the other issue that was taken up by hon. Uteem was that the declaration, without the intervention of a Judge in Chambers, would be in violation of the Constitution because it violates the presumption of innocence. Now the presumption of innocence comes into play when somebody is being charged with criminal offence. It is only then that the presumption of innocence is triggered. We are not dealing with a criminal offence. We are dealing with a declaration by a body, the Sanctions Committee, to declare somebody a designated party. It is not acting as a Court of Law. It is not charging anybody with a criminal offence. So, the issue of a presumption of innocence or a constitutional violation does not arise.

My friend, hon. Baloomoody, is looking at me. Of course, it does arise because we are with...

*(Interruptions)*

We are dealing with a system of designation of a party for sanctions and for terrorist’s activity. The other issue that was taken up by hon. Uteem was whether it should be by a Court or it could be done administratively? Again, in the same document, and I quote from (b) -

“JUDICIAL OR ADMINISTRATIVE MEASURES NOT CONDITIONAL UPON THE EXISTENCE OF CRIMINAL PROCEEDINGS

The competent authority (...)”

Which in our case should be the Sanctions Committee, the competent authority

(...) for initiating, or making proposals for, designations can be administrative or judicial..”

It is up to the country to decide how they are going to proceed but it is evident that whatever a country chooses to do must respect human rights, must respect the rule of law, allow due process and recognise and protect the rights of *bona fide* third parties.

Now, does our law do that? Once the National Sanctions Committee decides to declare a person a designated party acting on reasonable grounds, then there are certain things that this National Sanctions Committee has to do. Then once the declaration is made, the National Sanctions Committee directs the Secretary for Home Affairs to declare that party as a designated party. And once the Secretary for Home Affairs is informed of that, then he shall immediately declare that party as a designated party, but, for that purpose, the National Sanctions Committee can also act from information gathered from other public agencies or other friendly countries or whatever.

And it goes on to say –

“A declaration under this Section shall not be conditional upon the existence of criminal proceedings and shall operate without prior notice to the proposed designated party”

Now why is that so, Madam Speaker? It is so as I have said earlier because we are dealing with actions that need to be taken without delay. One of the essential features of this Bill is that the authorities have to act very fast. Again, the international best practices under FATF Recommendation 6 says the following –

Recommendations

“These resolutions require countries to freeze, without delay the funds or other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of any person or entity either (i) designated by, or under the authority of, the United Nations Security Council (the Security Council) under Chapter VII of the Charter of the United Nations (...)”

And we have provided, Madam Speaker, with a right to the designated party with access to the Court. In fact, under clause 13 ‘Designated party to be notified’. Once a decision is taken to declare somebody a designated party then, of course, that party has to be notified. It is only elementary that he should know what he is being subjected to. Now Clause 13, and I quote –

- “(1) Where the Secretary for Home Affairs declares a party as a designated party, he shall issue a notice, in such manner as he may determine, to that party informing him or it of the following(...)”

Because a designated party can also be a corporate body. So he must be notified of the grounds for declaration. Not only that he has been declared, but the grounds upon which the decision is made must be imparted to him.

- “(b) the information relied on in making the declaration, with the exception of information which, in the opinion of the National Sanctions Committee, should not be disclosed on the grounds of national security;(...)”
- (c) the duration of the declaration;
- (d) the details of the freezing order and any prohibition imposed under this Act;”

He is also informed that he can make an application for Judicial Review. We all know; we have heard about Judicial Review many times in this House. If somebody feels aggrieved, he always has the right to go and challenge before the Supreme Court, the cause of his grievance. So, we are not denying access to the Court, access to the Court is open to any designated party. He can go at any time. The moment he is informed that he is a designated party, he can apply for Judicial Review to say that this declaration is unfair or whatever ground that he may choose to take before the Court.

Now, that is not all, Madam Speaker. The National Sanctions Committee has an obligation regularly under clause 14 -

- “(1) The National Sanctions Committee shall, regularly, but not later than 12 months after a declaration made under section 9 or 10, review whether such declaration continues to meet the criteria for declaration under this Act.”

So not only has the person the right to go for judicial review, but the National Sanctions Committee which must be presumed to act in good faith under the basis of evidence, must review every twelve months whether that declaration has to stay.

So, this is the legal framework which is being provided for in the Bill. Now, clause 14

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- “(2) Where the National Sanctions Committee determines that a declaration no longer meets the criteria for declaration under this Act, the Secretary for Home Affairs shall, on the direction of the National Sanctions Committee, cause the



name and other particulars of the designated party to be removed from the list of designated parties.”

- (3) The National Sanctions Secretariat – because there is Secretariat which is also set up under this Bill - shall, immediately after the name and other particulars of the designated party has been removed from the list of designated parties –
  - (a) give public notice, in such manner as the National Sanctions Committee may determine, of such changes to the list of designated parties.”

Now, I agree with hon. Uteem that maybe in this case the same notice that was given when a party is declared a designated party, that is, publication in newspapers, I think this can also be done in this case as well. It is only fair that when you are designated, public notice is given, but when you are de-designated, then the same procedure should apply. I think this is something that we can take on board.

Madam Speaker I am going a bit at length on the right of a designated party because under clause 15, there is provided for, judicial review of declaration by the Supreme Court. And I quote clause 15 -

- “(1) A designated party may make an application to the Supreme Court for a judicial review of the declaration.
- (2) For the purpose of this section, the Supreme Court shall examine, in camera, any security or intelligence reports or other information or evidence considered by the National Sanctions Committee and these reports, information or evidence shall not, for security reasons, be disclosed to any other person, including the designated party or its legal representatives.”

So, when we are talking of non-disclosure, we are talking of non-disclosure of the intelligence reports or other information or evidence considered by the National Sanctions Committee. This is not anything else. It is only because the Bill specifically refers to these reports, not to any reports. So, it is limited with regard to the sensitivity of the intelligence upon which the National Sanctions Committee may have acted. Now, maybe, en passant, I have just been informed, Madam Speaker, that when hon. Uteem was talking about there should be provision for fees, etc., I thought he was going to speak about legal fees.

I think it is only fair that a designated party must be given his legal fees. But in England, Madam Speaker, the United Kingdom today has the best legislation for anti-money laundering, counter terrorist financing and all financial crimes. It has been recognised by FATF as the country having the best legislation. But what does the UK do in a case like this? Let us assume that 'X' is a designated party, he wants to go to Court by way of judicial review and he wants to hire the services of hon. Uteem. He does not have the right to do that. In the UK, the Attorney General provides the designated party with a special advocate. And that is done for security reasons. So, hon. Uteem would not be able to appeal for a designated party in the United Kingdom. In Mauritius, we do not have that restriction. It is important that we know that. And FATF has recommended the United Kingdom for tightening and strengthening this legislation to counter terrorism financing. So, it is important that we know this in order to understand that this Bill is not violating the Constitutional or other rights of anybody.

Then, I spoke about listed individuals. For the listed individuals, they can apply to the Ombudsperson of the United Nations for the focal point and there are provisions for delisting, and all this is provided for in the Bill. I do not want to take too long, Madam Speaker, on this Bill, but suffice it to say that we have had recently, Madam Speaker, a lot of issues with regard to terrorism attacks. The hon. Deputy Prime Minister mentioned the Christchurch attack which was a terrorist attack on a mosque, killing more than 50 persons. We had in Sri Lanka, we have had in Mali and there have been other attacks. If you go to the internet and look at the number of terrorist attacks that have taken place recently, you would be baffled, astounded by the number of terrorist attacks that is happening. So, it is no wonder that the International Community is so aware of the dangers of terrorist financing that they are taking a very strict line with countries that have lax legislative framework.

You may also recall, Madam Speaker, that after Christchurch happened, that was a terrorist attack which was streamed live on social media by the terrorists. So, the power of the internet, of social media with regard to terrorism should not be underestimated. As a result of that, I think a couple of days ago, there was a meeting in Paris called by President Macron, the Prime Minister of New Zealand also was there and they adopted what is called the Christchurch Call to get the online companies to be more careful and more vigilant about terrorism attacks, and I quote -

“The Christchurch Call is a commitment by Governments and tech companies to eliminate terrorist and violent extremist content online.

It rests on the conviction that a free, open and secure internet offers extraordinary benefits to society. Respect for freedom of expression is fundamental. However, no one has the right to create and share terrorist and violent extremist content online.”

That is certainly something that we have to bear in mind. Madam Speaker, this Bill also deals with targeted financial sanctions related to proliferation of weapons of mass destruction.

Again, from FATF recommendations, I quote –

“Countries should implement targeted financial sanctions to comply with United Nations Security Council resolutions relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. These resolutions require countries to freeze without delay the funds or other assets(...)”

The same as you are providing here. Madam Speaker, it is this Bill which gives effect to recommendations 6 and 7 of the United Nations Security Council Resolutions.

Madam Speaker, let me come to the other Bill. In fact, hon. Uteem mentioned it. There was a workshop where ESAAMLG, FATF and other bodies come to Mauritius to train our people. If we happen to be in the state in which we were in ESAAMLG last year, it was because, maybe, we took it too lightly, the necessity on the part of the financial institutions to make sure that if we want a clean financial centre, we need to have mechanisms in place to ensure that nothing happens that can endanger the security and transparency of financial system.

When we became member of ESAAMLG, we signed an MoU with ESAAMLG and we agreed to assist and cooperate with each other to combat money laundering and financing of terrorism in the region. We also agree, Madam Speaker, to undergo mutual evaluation in accordance with procedures approved by the Council of Ministers. When there is a mutual evaluation, the ESAAMLG Secretariat comes to Mauritius, they do all their preparatory work and there are also experts who come. The issue is that if everything is fine, if we are complying with all the UN Security Council Resolutions, we are complying with all the best practices in banking, financial services sector, securities, trusts, cooperation, everything, then there is no problem. But, unfortunately, being a small jurisdiction, we don't have the skills, the competence and the manpower to be able to handle all the various things that are happening in the world today with regard to the financial services sector.

Now, one of the things that we have to bear in mind is there are risks associated with a report by ESAAMLG which is damaging to the country and this was the risk last year when ESAAMLG found that you were non-compliant on a number of technical issues. And when you are non-compliant on technical issues, then we have to get ourselves compliant to the technical issues and then, ESAAMLG goes to the next step. The next step is having complied with the technicalities. Are you being effective in those systems? So, we are not over the hurdle once we say: 'Okay, we have complied technically'. We have to be effective in the way we enforce and the way we do things in order to ensure that we are complaint generally and that we are effective in the enforcement procedures.

Madam Speaker, I say this because if we fail to do what we are doing today, already last year, when ESAAMLG put the report of Mauritius on its website, we were given an observation period of one year. It was a wake-up call for the financial services sector. In fact, my colleague, the Minister of Financial Services and Good Governance and I, myself, we were in the Seychelles for the meeting of ESAAMLG. We had a tough time trying to convince the Secretariat, the United Nations, FATF, IMF, all these bodies that in between the time when the experts came, they did their assessment and the time when they did the report, things had happened in Mauritius so that we were not technically non-compliant, we were, at least, partially compliant. But they said: "No, there is a cut-off point", and our report takes place at that point in time. At that point in time, we were non-compliant and, therefore, our report goes. This is why we had to take certain measures last year and we are taking these measures this year to ensure that we are not targeted this year to go to the next stage after the observation period, if we do not do what we have to do, then we go to what is called the ICRG. The ICRG is very damaging for the reputation of our financial services sector.

Madam Speaker, we may think that we are alone in the world to be in that situation. No! I was just reading about Pakistan. Pakistan has been on the grey list of FATF and Pakistan has been urged by FATF and by the regional ESAAMLG of Asia to ban certain terrorist organisations and jihadist groups because they are non-compliant. They have been asked to do that since last year, they haven't done so yet. And the Finance Minister of Pakistan raised the alarm. He said: 'Unless we comply, we run the risk of being blacklisted, we don't want to be in that state, in fact, we are doing everything we can to make our financial services sector a reputable one, a clean one where people have full confidence in doing business'. But there are some problems.

Madam Speaker, the ESAAMLG people, I am saying this because sometimes we take things too lightly and we do not do the necessary due diligence that we have to take when dealing with very important sectors in the economy. They asked the question when they came: is Mauritius an international financial centre? What is understood by the global business sector? Is it equivalent to an offshore business? What is the difference between the two? Who are the players? Where are they coming from? Are they being given preferential conditions for starting a company in Mauritius? Are they benefiting from fiscal measures? What are the compressed corporate structures that they are being used to? What are the risks that Mauritius is exposed to by the fact that these people are coming? And they say a lot of things about management companies. It is good that we know why sometimes these international bodies look at Mauritius in a very critical way. We have to identify the risks in the financial services sector. It is our duty as a country to carry out a National Risk Assessment in respect of all financial services. We have to look at the risk holistically. In fact, my colleague will confirm, had all the bodies in Mauritius, whether it is the Bank of Mauritius, the FAU, the FSC, all these bodies work together. They had not got the problem that we had in the Seychelles, but everybody was operating on their own and this is why we had to get an expert to come, somebody who had been working in FATF, in Paris, to help us to look at all our legislation to ensure that we became compliant. And, in fact, this Bill is the result of that exercise, with the help of that particular expert.

Now, one of the questions that they asked about the management companies - because Madam Speaker, for a bank, if there is suspicious transaction, they have to raise an STR - is how many STRs have been raised by management companies in Mauritius and, unfortunately, none. Then, the management companies became in the limelight of the rating agencies. So, the global business is something that is important for the country and we need to ensure that it happens. We have to make sure that we are compliant because the risk of non-compliance is too heavy, and if we are non-compliant or even partial compliant, we run the risk of getting into ICRG, and if ICRG does not work, then, we get into the problem of a Grey List and a Black List. What does Black List mean? If a country is blacklisted, it becomes a high-risk country. It means that the country is non-cooperative in the field of money laundering and terrorist financing. And if that happens, there will be a downgrade by multilateral lenders, like the IMF, the World Bank. The correspondent banks might also not be doing business with our banks here. So, the risks are enormous. This is why we have to be

very, very careful in ensuring that whatever we are doing, is done in conformity with the best practices of the international committee.

Madam Speaker, there are so many things to say about this particular Bill, but let me say that with regard to the technical aspects, my colleague hon. Minister will be dealing with them. I wish to say that I have been involved with this particular bit when we were in the Seychelles and I must say that it is a fascinating area. But, there is one thing that we have to remember also and I do not think hon. Uteem touched on it, on the FIU being the regulator for barristers or on a temporary basis.

But, unless other people are going to talk about it, let me say that, as the hon. Ag. Prime Minister mentioned, the regulatory bodies for barristers, attorney and notaries are the Bar Council, the Mauritius Law Society, the Chamber of Notaries. But, it is only when these professionals are dealing with these transactions for their clients, buying and selling of real estates, managing of clients' money, securities or other assets - which barristers don't do - management of banks savings or securities accounts, organisation of contributions or creation, operation of management of companies, creating/ operating or management of legal persons' arrangements, and buying or selling of business entities, including any other following activities, acting as a formation agent for legal persons, acting or arranging for another person to act as a Director or Secretary of a company of a partnership, providing a registered office, business address or accommodation, it is in such cases that the FIU will become the regulator for those purposes for a temporarily period, until such time as the Law Practitioners Act is amended.

As the House is aware, there is a High Level Committee of Experts, chaired by Lord Phillips, who is looking at amendment to the Law Practitioners Act and at the relevant enactments. I believe that when that happens, that particular temporarily measure will be taken care of.

Madam Speaker, if we want Mauritius to be a reputable financial services sector, and if we want to be in compliance with the best international practices and best standards for anti-money laundering and terrorism financing, these Bills are necessary, and I am very happy to speak on this Bill.

Thank you very much, Madam Speaker.

**Madam Speaker:** Hon. Shakeel Mohamed!

(19.04 p.m.)

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

Madam Speaker, I have listened very carefully to all those who have addressed this august Assembly on these two very important pieces of legislation.

I would like, at the very outset, to congratulate hon. Uteem on his intervention. He clearly explained and put it in very simple terms why he believes, and why all reasonable people should be of the opinion that those two Bills are utterly dangerous. He has, during his address, made certain remarks which I believe should be taken into consideration by Government, if Government is at all interested in being reasonable in its approach.

However, whilst hon. Uteem has suggested or alluded to certain amendments that should be brought to the legislation, I am personally of the view that, fundamentally, the legislation is itself wrong and cannot reasonably be simply amended. What I would like to say at the outset, Madam Speaker, is, true it is that those two pieces of legislation are very technical; true it is that they deal with very technical aspects of the law. It is not very often that Members of Parliament would consult legislation pertaining to prevention of terrorism or money laundering. It is not every day that friends on both sides of the House, Madam Speaker, would consult the Constitution. It is not every day that friends on both sides of the House would look into the legal aspects of arms embargo, travel ban, United Nations, Security Council Resolutions unless you are a lawyer, then, you would, I believe, consult, not all those pieces of legislation, but some of them.

Having listened to hon. Minister Gayan, he started out by trying to explain that the whole purpose and purport of those two Bills was to give effect to the mandatory nature of the United Nations Security Council Resolutions. He has taken a lot of effort, and has been making some effort which I have noted and others also noted. The effort he has made is to explain and justify the reason why the Bill takes this particular format. He has referred to certain recommendations, guidelines, to explain why the Bill contains certain provisions, and here, I am referring specifically to the Bill which is the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill. He referred to certain specific reviews that he has read, opinions, guidelines, and recommendations.

He has also explained that one could not - as opposed to what hon. Uteem has said - and should not think about going to a Court of Law in order to have someone designated but one should do it administratively. And the reason he puts forward is, and he said it and he used those words: time is of essence in matters concerning terrorism. Time is of essence. In

order to justify that it is only the specific committee, the Sanctions Committee, that shall have access to some evidence of, God knows what nature, and that no one shall be allowed to view it. Not even the designated party who has to go for judicial review. Not even the designated party who goes for judicial review. Hon. Gayan justifies that by saying that evidence cannot go outside because it is sensitive information. And hon. Gayan goes on to say that Government - and I believe that it would be fair to presume that he speaks also in the name of Government - is totally entitled to come forward with this piece of legislation and, according to him, it is in line with our Constitution. And he also says that he finds it difficult to follow the arguments of hon. Uteem.

He goes further, Madam Speaker, to say that the provisions under the Constitution are of no relevance in this particular debate. And the reason why he says they are of no relevance is because he says someone is going to be made a designated party by the National Sanctions Committee and not going to be charged with any criminal offence. And it is only when you are charged with a criminal offence that the protection that one should benefit under the Constitution becomes relevant. I am just trying to make a summary of the very important issues raised by hon. Gayan.

I cannot follow the arguments of hon. Minister Gayan because he is also a respected barrister; he is a Senior Counsel; he has years and years of practice at the Bar. Not only does he have all those great qualities but also the Ag. Prime Minister, hon. Collendavello, Deputy Prime Minister also is a respected barrister with years and years of experience. An experience that, I must admit, I respect, but in the name of politics, they have shown us today that it is easy to try to bend the truth. They have, with some ease, cast aside the very important principles of our Constitution simply because they have to succeed in bringing this Bill to Parliament.

When the Constitution of Mauritius starts out and all the Ministers, here, they take the oath upon the Constitution of this country, and when it starts out by saying that it shall be a sovereign democratic State which shall be known as the Republic of Mauritius, I cannot reconcile what hon. Gayan means when he says that we have, therefore, to pass laws to give effect to the mandatory nature of the UN Security Council Resolutions. I have no issues with that, provided that we do not forget, Madam Speaker, that we are a sovereign democratic State. And that United Nations Security Council Resolutions cannot have precedence over our Constitution.



Hon. Uteem has been very careful in reading relevant sections of recommendations and recommendations that clearly state that it is important to follow human rights. It is important to ensure that there is due process. It is important to ensure that the rule of law is not forgotten. Important! Because each one of us, friends on both sides of the House, when we are to decide to vote a piece of legislation, we have to ensure that precisely the legislation that we are voting, will not, in any way, go against the provisions of the Constitution. Because if in our minds, we doubt for a minute or we are not sure, this uncertainty dictates us, this uncertainty obliges us, makes it mandatory upon us not to vote the law because of this uncertainty. How many of us here today can say blindly that this Bill proposed by Government does not violate our Constitution? Is each one of us, Madam Speaker, simply to follow what hon. Collendavelloo says blindly? Is not each one of us going to be blamed in time? History will come and haunt each one of us for the decision we take when it comes to such pieces of legislation.

In a nutshell, what does this legislation say? There is no need for any Court of Law to decide whether someone will be made a designated party or not. There is no need for any Court of Law. There is no need for anyone to be found guilty of any criminal offence. There is no need for any person or any entity to be charged with any criminal offence. There is no need for that party to be informed of what charges are against him and he or it shall not even have the opportunity of answering any charge. He or it will just simply be informed that behind your back, a committee made out of civil servants who are here to follow the instructions of the hon. Prime Minister as Head of Government, political nominees sitting somewhere in the dark corner of an office of Government House, shrouded in a bubble wherein no one knows what is going on. In that little dark room, decisions were made about making you a designated party. He will be informed about it. And what will be the consequences of him being made a designated party? There are consequences. He will be, as hon. Uteem put it, rightly so, someone that no one will be able to deal with; his funds, his property, nothing can be dealt with. No one can touch him and he can touch no one for fear that the person who engages with him will be convicted and could be sent to prison and fined.

If this is not worse than having the sword of Damocles hanging over the head of that party with the slenderness of threads, it is worse than it because it is, in fact, making him *un mort vivant*. Imagine this! You will not be charged with any offence, you will not need to face any trial, you will not be given an opportunity of defending yourself, behind your back, a committee, in a dark room, in Government House, close to Prime Minister's Office, with a

Secretariat under the control of the Prime Minister's Office will decide who is the designated party, based on reasonable information, but that reasonable information will not be able to be verified by the party who is being attacked.

Hon. Gayan went on to say that – let's go back to the words he used - there is judicial review under section 15 of the Bill, the Bill says if you are not happy with those people, those political nominees who are not judges when the party is going to be designated and made this designated party whose funds no one could touch, whose funds could be frozen, without any court order, without having to go and knock at the door of a judge, without the intervention of a judge without all that. Then hon. Gayan says there is no problem, why fear he says, there is indeed a judicial review, there is section 15 of the law. And we go to section 15 of the law. Hon. Gayan makes a very intelligent economical reading. He chooses what to read and then he keeps quiet on the other relevant part. Article 15 here, subsection 2, you may apply to the Court for judicial review but only in such cases, it will be examined in camera by the Court but it cannot be communicated to the party that's made a designated party. So, only the Judge and the party that designates, they will know but the designated party is supposed according to hon. Gayan and I presume hon. Collendavelloo and Members on the other side of the House who hopefully will tell so that I am wrong and not follow blindly. He says that they will be able to go for judicial review but they will not be allowed to know what exactly is the evidence that is there is against him or it. Imagine that someone is not called upon to go for judicial review, I knock at the door of the Supreme Court, I tell the Court I come to you because I believe that the decision of this National Sanctions Committee has been taken unreasonably. It is unfair, it is against the principles of Natural Justice there is being a breach of natural justice and one of the very important elements of natural justice, Madam Speaker, is precisely the right to know what I am being blamed for, the right to know what I am being accused for or of, the right to know and this is called fairness.

This is called natural justice, natural justice is not to shroud something in darkness, natural justice is simply put to bring the light where there is darkness. This is natural justice. No court of law in any country in the world would stand by any concept of natural justice that states that the person who is being pointed, someone we are pointing the finger to. We are pointing our finger at someone but he will not be able to know why we are pointing our finger at him. Imagine the scenario.

Allons imaginer le scénario, Madame la présidente, une personne accusée à tort ou à raison par ce comité qui va être créé par une loi que propose ce gouvernement, un comité qui

aura pour membres certains nominés politiques et certains fonctionnaires assis dans une chambre où ce qui va être dit dans la chambre et en ce qui concerne les délibérations on n'aura pas le droit de savoir ce qui se passe et même la personne qui est visée, elle n'aura même pas le droit de savoir sur la base de quoi exactement, de quelles preuves, de quels éléments qu'on décide qu'elle doit être déçue et que ces droits doivent être *restricted/restraints*.

And this, according to this Government, is natural justice. So how, therefore, Madam Speaker, can anyone go to the Court and knock at the door of the Supreme Court and say I want redress but I cannot formulate exactly what type of redress I want; I cannot formulate exactly why I believe they were wrong. I cannot formulate exactly how I believe the Committee was wrong because I am sorry, *Monsieur le Juge*, I do not know exactly what they have against me because the law proposed by this Government that believes in democracy, that believes in Sovereignty State that I am not entitled to know. We are a Sovereign and Democratic State.

And then imagine, let's look for a parallel because some people have to understand why is it today the Financial Intelligence Unit or the ICAC whenever they have to go and freeze an account; why is it that they have to go to the Judge? Precisely because you cannot deal with a property belonging to someone without him knowing why you are touching it, why you are freezing it, why you are depriving him of the right to deal with that property in the way he shall deem appropriate. You cannot presume someone guilty of something without him having the chance of defending himself; may not also to know what he is being accused of and based on what evidence, this is not democracy, this is a violation of democracy.

And when our Constitution says that it is the supreme law of Mauritius, not what the United Nations Security Council Resolution says and no the United Nations Security Council Resolution does not impose upon us to violate our Constitution. There is no recommendation, there is no guideline, there is no nothing that has been decided by any of the United Nations bodies or meetings at any moment in time that says that we are obliged to go through a body that is administrative and it is simply in my view not a competent authority to do it because it violates our constitution. Now when our Constitution at Section 8 says –

“No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired(...)”

This section of the Constitution, what it tells us is that the State, any arm of the State or no one can come forward and take your property or stop you from dealing with your property, it also means that ‘stop you from enjoying your property’ because if it stops you from enjoying your property it is a violation of section 8. That is a fact. Otherwise if this was not the case, why would the Financial Intelligence Unit have to go through a Judge in Chambers because it is only with judicial authority that one can come and in any way freeze an account.

Why is it that even when an account is frozen after 12 months it has to be renewed? Precisely how does one renew it the freezing, you have to renew it in front of the Judge and if you fail to renew there is no more freezing because the existing legislation takes into account section 8 of our Constitution. Why is it that previous legislation took into account our Constitution and why does this one not take into account. Hon. Gayan says because we have to implement the mandatory provisions following the Security Council Resolution, they do not have *préséance* on our Constitution.

Madam Speaker, section 7 of our Constitution –

“No person shall be subjected to torture or to inhuman or degrading punishment(...)”

Someone does not know what exactly is decided behind his back. He cannot deal with his accounts, he cannot deal with his money, he cannot deal with his property, he cannot sell it. Imagine that! Even his movements will be curtailed because he needs money to move, he needs money to travel, he needs food to live and he needs all that. But no! They will impose upon him, behind his back, and then, the rest will be taken care of afterwards.

But then again, the question one should ask oneself is the following, Madam Speaker, for people to understand what exactly is in the mind of Government and the background to this legislation is important as well. You will recall and you will agree first before you will recall that the trust between the people and Government is of utmost importance. If there is no trust, nothing works. The people of a country that have elected a Government have to be able to trust the Government. Let alone its institutions, but recently this very Government that is telling us to trust it, that is telling us that its intentions are not in any way dark, that it has no hidden agenda, this is what it is telling us, this very same Government came about recently

with an amendment to the law, which is the Immigration Act. This very Government, through the very same Minister, hon. Gayan, says that the reason why this legislation of the Immigration Act was being brought forward was because of terrorism. Hon. Rutnah was also saying the same thing. Terrorism! This whole idea about terrorism, we hear it. When? When the Immigration Act was being debated, but the first person who was told that he is a prohibited immigrant was not because of terrorism, because he called the Prime Minister mad. Now, if this is not a mad world we live in, what is it? If this is not madness, what is it?

At no time was he told that he was a terrorist, but the first opportunity that this Government had to use this legislation was to tell him: you are a prohibited immigrant because you are mad and terrorism at no time was used.

*(Interruptions)*

**Madam Speaker:** Hon. Shakeel Mohamed, I am sorry, you are expressing your own opinion. You cannot say that this is the truth. It is your own opinion that you are expressing.

**Mr Mohamed:** Madam Speaker, the letter which was sent to him by the Prime Minister's Office was clear, published and is made public. In that document, the word terrorist was never used. So, it is not my opinion, Madam Speaker. That is a fact. The word 'terrorism' was never used in the case of Hoffman. Neither was it used in English, neither was it used in Hindi, neither was it used in French, not even German or Japanese or Korean and not even any language from Timbuktu. So, the fact remains. At no time, was the word 'terrorism' or the concept used. The only thing that was used and in the letter it is there, it is a public document for one and all and I am not inventing it, is that: you dared call the Prime Minister mad. On end, therefore, it has made him an undesirable person. That is a fact.

So, if a Government comes forward with a piece of legislation and that legislation was supposed to protect our country against terrorism, but instead of that, the first opportunity it has, is to act when a Prime Minister behaves like a Judge and Party because he is called mad, he decides this person is now undesirable, why is it that we have to believe that in this particular instance, there is no hidden agenda? Why is it that the Government has gone through such pains to ensure that we will not go through a Court of law? Why is it that a Judge in Chambers is not a good idea? Why is it that this person who is being pointed the finger at will not know what is used against him? Why is it that he is being shackled and cannot defend himself? What has the Government in mind? What is its dark intent? Once again, I say this is shrouded in total lack of transparency.

Why, therefore, there is a difference in legislation? That is what I would like to hear from Government. Hon. Deputy Prime Minister or Acting Prime Minister today, has come up with the presentation of this law. Has he, at any stage, told us why is it that we do not have to go to a Court of law and why is it that it has to be decided administratively only? He will try to tell us, and all those on the other side who follow blindly and do not believe in being independent will say: oh well, but even the recommendation said by competent authority. But it also says 'or Court'. Hon. Gayan comes forward to say, he himself said that there was the need to respect human rights, there was the need for due process. Madam Speaker, what is due process? Does due process mean that a bunch of civil servants with political nominees sit down and try to hang someone, but that someone does not have the right to defend himself? This is what it means.

And then, I will come again on this issue of Judicial Review. Once upon a time, I remember when you look at case law from the 1970s and 1980s jurisprudence, whenever a Government decided something, for example, a simple issue, like not giving a taxi permit to someone, Supreme Court judgements would say that it was not necessary in the 70s to give reasons. Government could decide, like hon. Gayan like saying. Government decides!

*(Interruptions)*

But then, since 1980, 1990 and now in 2019, the issue is very different. Reasons have to be given. You cannot decide that someone is going to be made a designated party, but not give him reasons upon which you base yourself. You cannot do that. This is not a democratic move on the part of a sovereign State, and that is why I failed to understand how Government goes on and tries to tell us that this is right. So, what I am trying to say here is that no amendment whatsoever will cure that one defect that goes to the core of this legislation.

That, in essence, the creation of the National Sanctions Committee is itself an insult to section 1, section 2, section 3 of the Constitution and the other subsequent sections. Hon. Gayan said that the standards that would be used by that particular committee will be legal standards because he quotes from recommendations and he says: 'legal standards of its own legal system to designate an individual or entity.' What is our legal system? Because all recommendations they say that you have to ensure that there is due process.

Madam Speaker, the fact of bringing a piece of legislation to Parliament is for it to be debated upon, is itself one of the elements of a sovereign democratic State. But those who prepare the law and those who draft it, they also have a responsibility and the responsibility

goes down to those who present the Bill, and that responsibility is that they cannot and should not present something that is itself an insult and a violation of the Constitution, because the democratic game and the democratic process does not mean that you are allowed to do it without an amendment to the Constitution simply because you are going to take advantage of the majority that you have in Parliament. And that's it. And then, the excuse is going to be if you are not happy with it, go and challenge it. And the lawyers know it very well. It is an easy thing to say, but the harm is done.

So, in the five years almost of this particular regime, Madam Speaker, we are used to the music and the tune. We know exactly the tune they danced to. The tune they danced to is the following: they do not care about what the Constitution says, they do not care about what exactly democracy means. But in reply to what I am going to say, they are going to say that I am talking nonsense. Fair enough! They are going to say that whatever I have said today, hon. Uteem is saying today is just devoid of any logic. Fair enough! They are going to say it is just noise and no substance. Fair enough!

But then, again, the good thing about being in Parliament is that whatever we say in this House will be written for posterity and later on. You may win the day today here simply because of your numbers, but that does not make you right. I am of the view that when such important constitutional issues are involved, should there not have been consultation with the Opposition? Should there not have been consultation with Civil Society? Should there not have been consultation with the Bar Council, with the Law Society, *l'Association des Notaires*? Should there not have been consultations with all interested parties? Should there not have been consultations, full stop? But there has been no consultation whatsoever. And later on, what we are going to hear - and I am not surprised about that - they are going to have comments made about how ridiculous probably my propositions are, that I am totally wrong, that I did not know what I am saying, and there were consultations, and those consultations took place behind closed doors. Those consultations took place, but you do not know if they took place in camera, since this Government seems to be so in love with cameras nowadays, and they are even losing it sometimes.

So, Madam Speaker, this is not a great day for democracy; this is just another coup on the part of Government that does not understand what it means to consult and for us to bring a piece of legislation where there is consensus. So, I am on the view that there is a hidden agenda, and we will see it soon. I was talking to my friends recently. Will we have access to the Minutes of Proceedings to decide how did this committee come to the decision that

someone is going to be made a designated party? The answer is no. Will anyone have access to it? Only a judge, and that also is going to be a designated Judge by the Chief Justice. And the rest will keep on be shrouded *dans l'opacité la plus totale*. So, if this is a modern way of governing our country, then, what they are going to do to justify it, as hon. Gayan always loves doing. Last time he did it was attacking Pakistan. Today, he did it again attacking Pakistan...

*(Interruptions)*

**Madam Speaker:** No!

*(Interruptions)*

**Mr Mohamed:** Yes, he did it! Yes, he should be!

*(Interruptions)*

**Madam Speaker:** No...

*(Interruptions)*

**Mr Mohamed:** Yes, he should be!

*(Interruptions)*

I am not giving way...

*(Interruptions)*

I am not giving way!

**Mr Gayan:** On a point of order, Madam Speaker...

*(Interruptions)*

**Mr Mohamed:** That is not a point of order!

**Madam Speaker:** Please, hon. Shakeel Mohamed...

**Mr Gayan:** I am taking a point of order...

*(Interruptions)*

**Madam Speaker:** Hon. Shakeel Mohamed, please resume your seat.

**Mr Gayan:** Madam Speaker, the hon. Member is misleading the House. I never attacked Pakistan and he is...



*(Interruptions)*

**Mr Mohamed:** This is not a point of order!

**Mr Gayan:** No. Of course...

**Madam Speaker:** No, it is because...

*(Interruptions)*

It's a point of clarification.

*(Interruptions)*

It's a point of clarification...

*(Interruptions)*

Do not argue with me, hon. Shakeel Mohamed! You know fairly well that you cannot argue with the Chair!

*(Interruptions)*

Now, if you are saying that that I side with him, withdraw these words, and if you do not withdraw these words, I am going to take sanctions.

**Mr Mohamed:** I am not withdrawing those words. You just side with them.

**Madam Speaker:** Then, if you are not withdrawing those words...

**Mr Mohamed:** Yes, I am not.

**Madam Speaker:** I order you out!

*(Interruptions)*

If you are saying this again, now my sanction will be more than ordering you out.

*(Interruptions)*

You are surprised or not, then should I take sanctions!

*(Interruptions)*

Yes? So, I am naming you. I suspend the sitting for naming hon. Shakeel Mohamed.

*At 7.44 p.m., the sitting was suspended.*

*On resuming at 8.03 p.m. with Madam Speaker in the Chair.*

**MOTIONS - S.O. 17(3) & S.O. 29(1)**

**The Ag. Prime Minister:** Madam Speaker, in view of your decision to name the Hon. First Member for Port Louis Maritime & Port Louis East, hon. Shakeel Mohamed, I beg, under Standing Order 17(3), to take the time of the House for urgent business.

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

*The motion was, on question put, agreed to.*

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

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

*The motion was, on question put, agreed to.*

**The Ag. Prime Minister:** Madam Speaker, in view of your decision to name the Hon. First Member for Port Louis Maritime & Port Louis East, hon. Shakeel Mohamed, I beg to move that the Hon. First Member for Port Louis Maritime & Port Louis East, Shakeel Mohamed, be suspended from the service of the Assembly for today's and the next three sittings.

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

*The motion was, on question put, agreed to.*

*(Interruptions)*

**Madam Speaker:** Order! I said...

*(Interruptions)*

I order all the...

*(Interruptions)*

So, I order you out! I order you out!

*(Interruptions)*

*At this stage, all Members of the Opposition left the Chamber.*

(20.06 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Madam Speaker.

Madam Speaker, you see there are some people who come to this august Assembly to disrupt the proceedings that go on smoothly. That's why today, at this hour, in the evening, we see as a result of unbecoming behaviour that the main Opposition party, that is, the PMSD, the Labour Party, the MMM, the MP and the independent Member of the Opposition party are not present in the House and they have walked out. This is a feature that has been recurrent since we have come into power since December 2014.

Madam Speaker, today is yet another day when this House is debating two pieces of legislation that are of significant importance for our country. The significance of these two legislation is such that we either accept to be a Member of the United Nations since we got independence or we don't accept. The proposition that this Bill is very technical, is very complicated, I don't share this opinion that this Bill is very complicated and very technical. In fact, I will not use compost language, nor I will spend about 40 minutes simply talking about the designated party like the precedent orator took us through for almost 40 minutes telling us all sorts of gibberish in the House, make belief. I will not do that 40 minutes speech only because these two pieces of legislation are important and they are not only about designated person. There are lots of things to speak about in 40 minutes. No repetitive remarks and there will be no repetition, *ad nauseam*, of the same thing for 40 minutes.

So, Madam Speaker, the Bill is very simple, as I said. We are a member of the United Nations. The United Nations has the Security Council which makes resolutions. When they make resolutions, we, as a country, as a member of the United Nations, either we accept those resolutions or we do not accept. And if we do not accept, then, we cannot continue to be in all fairness a member of the United Nations. So, as a State, we have an obligation, and especially in these days where we are seeking the help of the United Nations, to bring our case relating to the Chagos Island to the highest Court of the land. So, we have a moral duty, a legal duty, a duty to our society, a duty to our people, a duty to our country, a duty to the future of the children of this country to abide by what the resolution of the United Nations is. We have to be compliant; we have to comply with those resolutions so that we are respected in the international spectrum, that we are doing something that is compliant, and that we are

following the norms in relation to what we call sanctions, be it economic sanction or otherwise.

Now, I will refer to the first Bill as the Sanctions Bill, and the other Bill as the Anti-Money Laundering Bill. Like the previous orator who spoke earlier on, I disagree fundamentally with him that this is not an utterly dangerous Bill. Both these Bills are not utterly dangerous as he stated his discourse and I fundamentally disagree with him. He made lots of efforts; he used tremendous amount of energy, he shouted. At one point, I thought I was watching Mary Poppins. It was like a show, for 40 minutes to go on and on about the same stuff. We had been listening quietly for 40 minutes. Now, he started by addressing and criticising the National Sanctions Committee. Hon. Uteem as well criticised that there are 10 civil servants, including political nominees. Now, let's look at what the National Sanctions Committee is.

**“Clause 4 - National Sanctions Committee**

- (1) There shall be, for the purposes of this Act, a National Sanctions Committee which shall consist of –
  - (a) the Secretary to Cabinet and Head of the Civil Service, who shall be the Chairperson;”

Now, the Secretary to the Cabinet, he is not any Tom, Dick and Harry from the backstreet of Port Louis, he is a man who occupies a constitutional position by virtue of Section 70 of our Constitution. He is not a political nominee. He is a civil servant who has got experience. Now, with his experience coupled with his wisdom, he becomes the Head of the Civil Service, and we, as a Government, as a Nation, as a country, we have to have trust in the person who heads our civil servants. So, he is the first the person who is going to be on this Committee.

The second is the Solicitor General. Again, he is not someone who has been picked - I will not say the Clapham omnibus - on top of the National Transport Corporation bus. He is the Solicitor General. He is a lawyer, to start with. He is a barrister who has practiced law before he becomes a Solicitor General. He has been to law school, he is qualified. Then, he became the Solicitor General. So, are we not going to trust our Solicitor General in the country?

The third person is the Secretary for Foreign Affairs. Again, a civil servant, with experience and wisdom, who is qualified, who has been to University, who has got immense amount of experience in relation to foreign affairs. Are we not going to trust him or her?

The Commissioner of Police, he is a person who is appointed by virtue of Section 71 of our Constitution. Again, the Commissioner of Police is not someone who has been picked from a bar, a tavern from the backstreet of Port Louis. And whoever occupies the position of the Commissioner of Police, we believe that we have to trust him because he is responsible for law and order. So, he is not just anyone.

The Governor of the Bank of Mauritius, the person who is responsible for monetary policy of a country, who, actually, is a pillar of the economic system that we have, who controls money and who is responsible to issue regulations as to how commercial banks, financial institutions should function. Are we going to say we do not trust this person who sits as the Governor of Bank of Mauritius?

We have then the National Security Adviser, the person who looks after our safety, the safety of our children, the person who gives us the blanket to sleep at night, without any worries. Are we not going to trust him if he sits in this Committee?

The Director General of the National Security Services, again, the person who provides security for our people, for our children, for our country, for our nation. Are we going to say we do not trust him?

Then, we have the Director of the Counterterrorism Unit, again, another civil servant who provides us with safety. Are we not going to trust him?

The Director of the Financial Intelligence Unit, a man who has been to University, who has got legal qualifications, who has been praised by international institutions for his work; he is the person who actually ensures that our financial institutions are run properly; he does not breach the law. Are we not going to trust him?

We have got the Chief Executive of the Financial Services Commission. Are we not going to trust him either?

Now, what would have happened if, for example, those who have been drafting this legislation would have said, among these 10 persons, let's put a Minister in this Sanctions Committee; for example, let's put the Prime Minister, let's put the Minister of Foreign Affairs, the Attorney General and the Rt. hon. Minister Mentor who is responsible for law

and order. Do you know what sorts of criticisms we would have got? Not only from the political parties which are against us, but also from a section of the Press.

We know what kind of comments that would have been distilled in the country. But this Bill today is about the trust we place on our children, on the children of this country who are civil servants and we trust our civil servants. The Government has trust, the Prime Minister, the Deputy Prime Minister, the Vice-Prime Minister, all Ministers, all Members of Parliament on this side of the House we trust our civil servants and we have to trust them because the civil servants take oath that they are going to work faithfully whoever the Government be today or tomorrow. So, we trust them.

Now, designated party, we have heard lots of criticisms against the rule of natural justice! There is no right in this country, again section 1 of the Constitution! The dark mind of the Labour party, the dark mind of the spokesperson of the Labour party, we know how they operate, the language used, that these people in this Committee, they are going to sit next to the Prime Minister's Office shrouded in a dark bubble. These are the words that have been used but the dark bubble in which the Labour party and the spokesperson for the Labour party who is listening to me now from his office live should know that it is his party and himself who have got this dark mind.

This ulterior motive to make believe that those who will be subjected to this sanction, those who will be listed from the National Sanctions Committee, they make believe that they will have no legal recourse. That's entirely untrue. Let's look at clause 13 of the Bill. What does it say?

“Designated party to be notified

(1) Where the Secretary for Home Affairs declares a party as a designated party, he shall issue a notice, in such manner as he may determine, to that party informing him or it of the following -

- (a) the grounds for declaration;
- (b) the information relied on in making the declaration, with the exception of information which, in the opinion of the National Sanctions Committee, should not be disclosed on the grounds of national security - I will come to this point of national security in a minute.
- (c) the duration of the declaration;

- (d) details of the freezing order and any prohibition imposed under this Act;
- (e) the right to appeal in accordance with this Act; and
- (f) any other information that he may determine.”

So, when someone is declared a designated person, he will be provided with the grounds for declaration and there are certain information, according to subsection (b) that cannot be provided to him. And this is not only in Mauritius. In all democratic States, we have got laws where there is provision that in the name of national security or what we call the PII in legal term, Public Interest Immunity, there are certain evidential materials that cannot be disclosed in order to protect our country, our nation, our people and our children.

In England, for example, if you go to Court, there are, obviously, a regime for disclosure of evidence, but in complex cases where it concerns national security Public Interest Immunity, where there is an application made to the Judge who is going to hear the trial, there is an application made to the Judge *ex parte* and that application is called Public Interest Immunity application. The Counsel for the prosecution and the Judge sits, they look at the evidence and if the evidence is really in public interest that it should not be disclosed then it is not disclosed. But the defence is told about it that there are evidences that we cannot disclose to you for reason of public interest immunity, for reason of national security, for reason of public order, these kinds of laws not only in England, I had the opportunity to study in the United States, similar provisions exist in United States. I have had an opportunity to be a Member of the European Criminal Bar Association; similar provisions exist in all European States. We are Mauritius, we are a democratic State, there is rule of law, we are also compliant with human rights and there is nothing sinister about not disclosing material pieces of evidence that protect our country, our citizens and our children. There is nothing sinister about it.

The Sanctions Committee is not a Court of Law. Hon. Gayan is right. He is Senior Counsel. He is a man of experience. He is right that because the Sanctions Committee is not judicial or quasi-judicial, the provision of the Constitution will not bind. But when is the provision of the Constitution bind? When, as a result of the decision of the Sanctions Committee, someone feels aggrieved, that person, by the virtue of the same law, goes to the Court, then the provision of the Constitution will bind, that is, when he goes and makes an application for judicial review by virtue of section 10 of the Constitution, that person should get a fair trial during the hearing of the judicial review. But prior to that, when we look at the law, are we going to say that it is not compliant with the Constitution?

The previous orator took us to section 8 of the Constitution which deals with Protection from deprivation of property. I have noticed Members of the Opposition party, be it PMSD, be it Labour party, whenever they quote sections of the Constitution, they never quote all essential parts of it, they only quote a few words from the first section and they don't even go to the first subsection. We all know what the Constitution provides insofar as protection of property is concerned in this country. But let's look at where the derogation is. Subsection (4) starts like this -

“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1).”

So, this is the law. This Anti-Money Laundering legislation and this Sanctions legislation are the laws. They are the laws that we are passing. Parliament will vote. It will become laws. By virtue of this law, we are guaranteeing safety to our country, to our citizens.

Now, of course, if you are not happy with the provisions of these two Bills that eventually are going to become laws, you can go to the Supreme Court and challenge the constitutionality. The previous orator is a lawyer. If he is really serious about this issue and believe me I would have done it. If I was serious about this issue that this law is anti-constitutional or unconstitutional, as a lawyer I would have run to the Supreme Court and I would have petitioned. If really to call the bluff off, I invite him to go to the Supreme Court and challenge the constitutionality of these two Bills and we will see the outcome but he will not do it. He will not do it because he believes that from this House because people are watching it live, he can put up a show, he can play Mary Poppins, he can play whatever role he wants to play but role-play is not real life situation. Role-play will remain role-play.

Now, Madam Speaker, I know he is not here. I know the Members of the Opposition are not here, I could have not replied tonight but if I do that, I will leave all the jammers that have come out from that side of the House un-rebutted on Hansard. I don't want to do that because I owe a duty to my people, to the nation and to the children who one day are going to read the Hansard that's why I'm going to reply and then he talks about human rights, not only for terrorists but about people.

When we talk about human rights, Madam Speaker, there is a tendency to forget that not only terrorist suspects or convicted terrorists have got human rights. Do you think that the terrorist, who walked into the church in Christchurch and shot so many innocent people who were praying in the mosque, only has constitutional rights and human rights? What about the victims? What about those who died? What about their children? What about their families?



They don't have human rights. Do you think that those terrorists who walked into the place of worship in Sri Lanka and killed hundreds and hundreds of civilians during prayer, are the only terrorists who have got human rights? What about the victims? What about the children in Sri Lanka? What about their families? Don't they have human rights? When we talk about human rights, we have to carry out a balancing exercise, rights yes but with rights, there are duties and responsibilities. Rights for both, the terrorist yes, he should face a fair trial; he should face a fair enquiry but, at the same time, the fairness has to be also for the victim. Are we going to say by virtue of the provision in these two legislations that there is no respect for human rights, that we don't have in this country rule of law, that there is no equality of arms? Is that what is being distilled from this House from the previous orator? What does he think? He thinks that people are in those days in the 60s.

Nowadays, children of labourers, children of *marchands gateaux*, children of *marchands pistaches*, children of *marchands dholl puri*, children of bus conductors, bus drivers, lorry drivers, taxi drivers, have been to universities and they are educated. Some are lawyers, some are accountants, some are judges, some are mathematicians, some are other professionals but we are not living in 60s now where only a few used to go to university, a few used to go to school. Those of the kind of mentality who come in this House and treat our nation as if they are still uneducated and illiterate; no. No, no, no, that game is over. The game that the previous orator played, that game is the right game but with the wrong people. The game is a correct one but with the wrong people because, today, the population is an educated population and the population, the children of this country will be able to go to the university free of charge since this year when the Prime Minister announced it in January.

Now, let me talk a little bit about section 7 as well because he talked about inhumane and degrading treatment and as usual only quoting part of the Constitution, part of the provision to make belief, to create the show, to create the perception, to fool people out there but, unfortunately, as I said, people are not fool anymore. Section 7 - Protection from inhumane treatment, subsection 1 –

“No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment”

But subsection 2 –

“(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in

question authorises the infliction of any description of punishment that was lawful in Mauritius on 11 March 1964.”

So, when we are talking about inhuman and degrading treatment, do you see anywhere in this legislation where there is provision that people are going to be stopped or be tortured. In fact, the whole proposal of these two legislation, the first from the Sanctions Bill is about sanctions in relation to financial sanctions, arms embargo, travel ban, and other measures imposed by the United Nations Security Council. Now if you are a suspected terrorist, if you are suspected that you are financing terrorists and if we impose an embargo, if we impose a travel ban, is that inhuman and degrading treatment? People who have committed a

larceny or committed an assault on the street - when they are taken to the Court for a provisional charge, straightaway the Prosecutor make application for a prohibition order restricting that provisionally charge accused to travel. Here, when someone is suspected of terrorism, of financing terrorism when we impose a travel ban, are we going to say that it's inhuman and degrading treatment? The show is a right show. The game is the right game. The game not to be here purposely is the right game but with the wrong people, with the wrong nation, with the wrong citizens, with the wrong children who are growing in this country because tonight the people are watching what is happening.

Madam Speaker, now, I would not have spoken about the Immigration Act because I honestly believe that this piece of legislation has nothing to do with the Immigration Act. But because the previous orator chose to open the kind of worms and now that the worms are out and they are out of control, they are not even here to put the worms back into the can. I am duty bound to address this issue.

Mr Patrick Hoffman - let us speak *caré-caré* as we say - has not been the subject of the kind of action taken against him because he treated our Prime Minister as being mad, far from that. The Opposition has adopted a strategy and the strategy is that Mr Patrick Hoffman has been victimised because he treated the Prime Minister as being mad. But let me start with the madness. Mr Patrick Hoffman, in his country where he comes from, would he have been allowed to treat his King or his Queen or his Prime Minister or his President as mad? Would he have been allowed to and walk free on the street in Belgium?

Now, the most important thing they do not talk about. When he was involved in instigating a strike and we know it, how many of our planes, Air Mauritius, did not take off. It was a direct attack, not only on our national airline, it was a direct attack on the bread of our nation because it was an attack on one of the main pillar of our economy, it was an attack on tourism. And that is what is called economic terrorism. That was an attack on our nation, on our country, on our economic prosperity. And some people in the Opposition and some sections of the Press treat this as something like as if a simple industrial matter. Do you take this to be a simple industrial matter and you just concentrate on that he only said the Prime Minister mad?

You come to our country, we give you the benefit to work in this country, enjoy our sunshine, enjoy our seashores, enjoy our greenery, enjoy our mountain, enjoy our clean pure water, enjoy our clean pure oxygen in the air. You come here, you work here, you earn your

money, and then you try to attack our economy, our country, the future of our children and we remain silent. We do not deal with you. You come to my country, you earn your money, your living from my country, you treat my Prime Minister as mad, and I am supposed to say quiet. Never! I love my country, I love my people and I will act. And had it been me - I am saying this so that the people at large can hear - within 12 hours, I would have deported him from this country without any hesitation, and I say it today candidly, I would have done it. You come to attack my economy, my people, my children, you try to take the bread out of the mouth of our children, I let you do that. No, never! Never, on my dead body!

Let us say now, consultation. This is a big word that always comes from Opposition parties there. Consultation! What consultation? If you were serious Opposition, would you not have kept in touch with the development that is going on in the world about counter terrorism? Would you not have kept in touch with what is happening at the United Nations? Would you not have kept in touch with the resolution of the United Nations Security Council? Do not you know what is going in the world affair? Are you not watching BBC, CNN, and France 24? Are you not listening to the news, are you not even listening to the local news about what is going on in the world? What consultation do you need? When people's mind are shrouded with dark intent, when people's mind are shrouded with ulterior motives like the spokesperson of the Labour Party, that is what they do. They come and distort the truth, they manipulate the truth, they manipulate facts, they manipulate figures, they manipulate everything, all political data and everything to make believe, to create perception and they live in that bubble of perception which they feel that they can transmit to the nation.

Now, Madam Speaker, insofar as the Anti-Money Laundering legislation is concerned, let me say one thing. You see this is great about studying law in England. Today, I have an Article from the Law Society Gazette which is dated 20 May of this year, 2019. In England, there is this Anti-Money Laundering legislation that is coming in a draft Bill, but when the Law Society looked at it closely, they drew the attention of Government and they say this. The title of the Article starts like this –

“Government told to close money laundering loopholes.

A draft bill tackling money laundering risks ‘failing in its central policy aim’ because of legislative loopholes, peers and MPs warn today.”

And listen to this. I can say that we are ahead of England and Wales because part of this Article here –

“The Fifth Anti-Money Laundering Directive, which will be introduced in January 2020 (...)”

Their Anti-Money Laundering Directive will be introduced in 2020, and we are introducing it now.

“(...) does require certain types of trusts to register. However the report says that the government ‘will need to exercise great care in ensuring that trusts do not slip into any gaps between the two frameworks’.”

So, what Great Britain is going to do in 2020, we are doing it now by virtue of the Anti-Money Laundering Bill that is being debated in this House today, in particular at clause 17 of the Bill.

Madam Speaker, let me say this. Sanctions are very important because sanctions are not gun-related, they are not weapon-related, there are no weapons used for sanctions. And in living memory, I can say that as far as in 1812, there was a war and back in 1812, we witnessed the first sanction ever which originated from the United States foreign policy. The then Secretary of Treasury, Albert Gallatin, administered sanction against Great Britain and you know why? Apparently, because Great Britain’s sailors harassed American sailors. That is why the American Treasury then imposed sanction on England. And then, in 1861, during the Civil War, American Congress approved Trading with the Enemy Act which prohibited transactions with the confederacy and called for the forfeiture of the goods involved in those transactions.

Then, during the World War II when the Germans invaded Norway, law was passed in order to ensure that the Nazis could not transfer money from those countries that they have invaded. So, after the World War II, then took birth the United Nations and now, the world lives under the regime of the United Nations Security Council Resolution to protect their territory, to protect their country, to protect their people.

As I said, in the beginning, Madam Speaker, that we are a Member of the United Nations and, to conclude, that we are duty-bound to follow suit as a country, as a nation so that we earn the respect of the international community.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Dayal!

(8.50 p.m.)

**Mr R. Dayal (First Member for Flacq & Bon Accueil):** Madam Speaker, the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill states

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“The main object of this Bill is to enable the Government of Mauritius to implement targeted sanctions, including financial sanctions, arms embargo and travel ban, and other measures imposed by the United Nations Security Council under Chapter VII of the Charter of the United Nations, with a view to addressing threats to international peace and security, including terrorism, the financing of terrorism and proliferation of weapons of mass destruction.”

Madam Speaker, this Bill allows for effective supervision and monitoring of compliance with the UN Security Council Resolution 1373 of 2001, 2231 of 2015 and 1737 of 2006 dealing with financial terrorism.

Part II of this Bill - National Sanctions Committee and National Sanctions Secretariat, makes Mauritius compliant with UN Security Council Resolutions and it is in the public interest, in the interest of our national security. It also enables the Multi-Agency National Sanction Committee comprising of key stakeholders at national level and many of them come from the National Security Council of the Republic of Mauritius and they have access to classified intelligence and reports from reputed institutions like Interpol, FBI, CBI, Scotland Yard, so on and so forth. And they are effective, proportionate and dissuasive sanctions against persons and organisations named in the UN Security Council Resolution and more precisely, those who are suspected of involvement in terrorism-related activities. I stretch on those words ‘who are suspected of involvement in terrorism-related activities and the financing of terrorism’. It also provides for a comprehensive legal framework and appropriate response mechanism to ensure that when there is reasonable suspicion for terrorism, terrorism-related activities and the financing of terrorism, the National Sanction Committee can share information as spelt out in the Bill with relevant stakeholders for proper law enforcement in order to trigger timely preventive responses and investigative actions to protect our sovereignty as enshrined in our Constitution.

Sections 35 and 36 make specific provision on arms embargo and travel ban which were previously not catered for in the Prevention of Terrorism Act 2002, which was

eventually amended in 2016. This provision, in a systematic manner and proactively, deals with the supply, selling, transfers directly or indirectly to a designated party or listed party, arms and related materials of all types, including weapons and ammunitions, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, as well as technical advice, assistance of training related to military activities; whether this conduct carried from Mauritius or by Mauritians living abroad or by anyone using flag vessels or aircraft of Mauritius, it must be highlighted that those who commit such offences upon conviction, not exceeding Rs10 m. and imprisonment for a term not exceeding five years, this will certainly deter potential offenders.

The arms embargo travel ban concerning other than a listed party who is a citizen of Mauritius or resident of Mauritius, shall not be allowed entry into or transit through Mauritius. This certainly will prevent the entry of prohibited persons as well as all arms and ammunitions together with ancillaries used in the perpetration of terrorism.

As a responsible Government, mindful of human rights, Sub-Part G - Mistaken Identity, at Section 33, caters for a redress mechanism. Furthermore, Part VII – Miscellaneous, deals with the proper administration of justice and Section 39 - Reporting of suspicious information, as well as in Section 40 – Supervision by supervisory authorities.

It is to be noted that following evaluation at the level of the Financial Action Task Force (FATF), certain drawbacks were observed in our legislation, as Mauritius did not fully comply with the UN Security Council Resolutions. Combatting terrorism in an effective and efficient manner rely to a great extent on the quality of intelligence as well as legal framework to identify terrorists, terrorists activities and terrorist financing. Now, these Bills cure the vital lacuna and allow law enforcement agencies to identify direction of financial flows in a comprehensive manner.

Madam Speaker, according to National Risk Assessment conducted by the World Bank, it is important to identify source and mode of funding, including financing of terrorism, through electronic mode, such as virtual currency. This Bill empowers all stakeholders in a concerted manner to combat financing of terrorism. One of the main weaknesses encountered by jurisdictions is the capacity to effectively prosecute and apply criminal sanctions against persons involved in terrorist financing and more precisely, to freeze without delay all funds and assets related to financing of terrorism and that no assets are made available to or for the benefit of persons involved in terrorist activities.

Part V of the Bill under the heading of Sanctions Against Designated Parties and Listed Parties, at Sub-Part A - Prohibition to Deal with Funds or Other Assets or Make Funds or Other Assets Available, at Section 23 - Prohibition to Deal with Funds or Other Assets of designated party or listed party, Section 24 - Prohibition on making funds or other assets available to designated party or listed party available, at Sub-Part B – Reporting Persons to Identify Funds or Other Assets of Designated Party or Listed Party, Sub-Part C – Freezing Order of Funds or Other Assets of Designated Party; these provisions squarely meet the lacuna observed by the World Bank. This Bill is very much in line with Recommendation 6 of the FATF, that is, targeted Financial Sanctions Related to Terrorism and Terrorist Financing, which states that we should be able to identify and designate persons pursuant to UN Security Council Resolutions on Terrorism and Sanction Regimes. This can only be done through the competent authority, that is, the National Sanction Committee which is being set up by this Bill.

This Bill also allows for freezing of assets, delisting, unfreezing and provision of access to frozen funds or other assets. Recommendation 7 of the FATF, which is targeted financial sanctions related to proliferation, prevent, suppress, and disrupt proliferation weapons of mass destruction and its financing. The National Sanctions Committee, set up through this Bill, is competent to implement sanctions against proliferation.

I must emphasize that this Bill enables Mauritius to have strong policy coordination at local and international levels, which can effectively mitigate financing of terrorism risks. It prevents the proceeds of crime and funds in support of terrorism. The threats and the liabilities posed by the challenges of financing terrorism are sustainably addressed with the appropriate institutional framework in the highest interest of our nation. Thus, the hon. Prime Minister, hon. Pravind Kumar Jugnauth, must be commended for this laudable initiative at national, regional and international levels to enhance the credibility of the Republic of Mauritius.

Madam Speaker, I will now come to the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill (No. VIII of 2019). The object of the Bill is to amend various enactments with a view to meeting international standards of the Financial Action Task Force on anti-money laundering and combating the financing of terrorism and activities related to the proliferation of weapons of mass destruction and to provide for matters related thereto.



Madam Speaker, various other enactments are consequently being amended further to the United Nations: financial prohibitions, arms embargo and travel ban – sanctions legislation. Here, I must refer to the statement made by Christine Lagarde, Managing Director of the IMF on 08 March 2018, whilst referring to the IMF on the fight against money laundering and the financing of terrorism. I quote –

“There is no doubt that money-laundering and terrorist financing can threaten a country’s economic stability, which is why the IMF has become increasingly active in supporting and promoting the AML/CFT efforts of our member countries, based on the Financial Action Task Force standards. What started as a small endeavour some 20 years ago have become part of our core work - from analysis and policy advice, to assessing the health and integrity of financial sectors, to providing financial assistance when needed, to helping countries build institutions and increase operational effectiveness.”

And this is what the Republic of Mauritius is doing with this Government. Professional researchers have established an intrinsic link between money laundering and terrorism and the proliferation of cross-border crimes, including drug trafficking. The process of financial layering, placement and integration are utilised extensively throughout the world and Mauritius is no exception to foster illicit activities, including terrorist activities. This Bill, therefore, addresses systematically with a compendium of measures or effective mechanism and responses to deal with money laundering and terrorist financing.

The very number of amendments to existing legislations in this Bill show the political will of this Government to leave no stone unturned to make Mauritius a compliant jurisdiction in the Committee of the United Nations to efficiently and expediently deal with the thorny issue of anti-money laundering and combatting the financing of terrorism and proliferation. This Bill caters for disciplinary proceedings, following complaints against law practitioner by the Attorney General, domestic corporation agreement, other *coopération judiciaire*, without the jurisdictions in terms of mutual legal assistance. It enhances, through sanctions 64(a), programmes against money laundering and terrorism financing, commensurate with the money laundering and terrorism financing risks to which persons and business institutions are exposed.

Specific provisions are made for internal policies, procedures and controls, namely –

- compliance management arrangements, including the appointment of compliance officer at Management;
- screening procedures to ensure high standards when hiring officers;
- ongoing training programmes for Directors and Officers;
- an independent audit function to test the programmes, thus ensuring proper capacity-building , and
- special provision is made for the suppression of the financing, in tune with the International Convention for the Suppression of the Financing of Terrorism of the United Nations 1999.

And here, I would like to mention one example. Following the recommendation of the Eastern and Southern Africa Anti-money Laundering Group (ESAAMLG), Mutual Evaluation Report, June 2018, identifying shortcomings which render Mauritius vulnerable to risks and challenges posed by money laundering. This Bill aims at amending legislations of different institutions engaged in combatting money laundering and to be in line with the recommendations made in the Mutual Evaluation Report of 2018. This Bill is vital to keep pace with the evolving global anti-money laundering and counter financing of terrorism environment and, therefore, to counter several weaknesses in our legislation that negatively affect the effectiveness. For instance, it is important to note, that gold and other precious metals and stones are becoming alternatives to cash and bank transfers to move illegal funds. It must be highlighted that recently MRA Customs effected a seizure of approximately 25 kgs of gold suspected to be linked with money laundering. At present, the Customs Act does not cater for seizure of such commodities for offences related to money laundering. This Bill aligns our legislation with the FATF Recommendations 32, which relates to cash courier. This Bill, therefore, makes provision to capture such high value goods which are easily transformable and interchangeable, such as gold and other precious stones and metals.

In the light of the above, amendment to Section 131(a) of the Customs Act is being amended to include precious stones and metals, including gold, diamonds and jewellery or any goods of high value, including work of art. Furthermore, this Bill makes provision for sharing of information with other law enforcement agencies with a view to ensuring coordinated actions and investigations, which this Government is doing as far as drug is concerned. In fact, at paragraph 9(4), the Customs Act amended makes provision for a proper officer, who, reasonably suspects that the amount of currency are better negotiable

instruments of precious stones and metals may involve money laundering, financial terrorism or any other criminal funds, shall forthwith pass on the information to the FIU, the Police, ICAC or the Counterterrorism Unit as the case maybe.

Timely sharing of urgent information is the key to successful detection investigation subscribes. This Bill makes provision for adequate legal framework and mechanism to mitigate risks posed my money laundering and terrorist financing. Law enforcement agency should work together to put in place - this is the wish of this Government - a mechanism for timely exchange of information, develop counter-measures to keep risks at bay and undertake capacity-building initiative to sharpen skills of our investigators. Terrorist needs to be lucky only once, but we need to be effective and efficient at all times. This is our main objective. This Bill will surely and safely pave the way for a safe and secure Mauritius.

To conclude, Madam Speaker, with this historic legislation, this Government is walking the talk in terms of National Security in the highest interest of the Republic of Mauritius.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Sesungkur!

(9.09 p.m.)

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

Thank you, Madam Speaker. At this very late hour, I do not intend to go too long as most of the previous orators have covered the bulk of the points covered in these two Bills.

Suffice it to say, Madam Speaker, these two pieces of legislations are of prominent importance for the Financial Services Sector for which I have the responsibility in this Government. But before I go into the subject matter, there are a few points which have been raised by the Opposition, mainly hon. Uteem who intervned second in the row of orators. So, he raised the point regarding the licensing process of the FSC and he tried to pinpoint the current processes as if the processes have been laxed. I would like to reassure the House that the FSC has never lowered the standard of treating applications for licensing. In fact, what FSC has been doing over the past few weeks and months, we have been reinforcing the procedures and in fact, the procedures of the FSC are being aligned with the best practices, the best procedures which are being applied by other major regulators around the world, including the FCA, Financial Conduct Authority, of the UK and other regulatory bodies.

With regard to the point made by hon. Shakeel Mohamed, whereby he mentioned that this Bill shouldn't have come to the House because in his opinion the Bills which are presented tonight are clearly not in line with our Constitution and clearly not in line with

international laws. So, I think this is his opinion and I think all those who have worked on these two pieces of legislations, they are not idiots, they are not fools, except from hon. Mohamed himself who believes that he is the only one who knows about human rights, about international laws. So, I think we have to be reasonable and I condemn the attitude of the hon. Member towards you, Madam Speaker. The way they act and it is becoming a practice, every now and then, Opposition looks for subterfuge, for scapegoats to run out of the House, take leaves and I hope that the whole nation is watching them with attention because it is not the first time, every time there are important Bills in this House for discussion, for debate, they always find something and *fer cinema*, like we say. So, I'm sure that this cinema should end now because the nation is watching and we cannot accept or tolerate this kind of irresponsible attitude and me personally I condemn these kinds of attitudes and actions.

Madam Speaker, my Colleague, hon. Gayan, has mentioned the importance of these two pieces of legislations for the Financial Services Sector. We all know that over the past 25 years since the Financial Services Sector, the International Financial Centre has been developing very fast. There has been sustained rate of growth of this sector and as the financial services activities grow, there are risks which are posed to the sector and those risks are risks that the financial centre attracts dirty money and our country, our system can be used by terrorists for financing activities or for arms dealings which ultimately would go towards terrorism activities. So, these are the risks which I believe these two Bills are tackling tonight. They are extremely important for us to have a clean, transparent and secure financial system so that we can plan ahead and expect even greater growth, greater development in this sector in the coming years.

Madam Speaker, I wish to congratulate and thank the Ag. Prime Minister for introducing these two pieces of legislations and, as I mentioned, the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill 2019 and the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill 2019 demonstrate the political commitment that Government has to tackle the issue of money laundering and financing of terrorism and proliferation.

Madam Speaker, it is the vision of this Government to double the size of the Financial Services Sector by 2030. Currently, the contribution of the Financial Services Sector to the Mauritian economy represents almost US\$1 billion to GDP and US\$180 m. in tax revenues, providing over 11,000 jobs for our youngsters.

In line with Government's Vision 2030, the Financial Services Sector aspires to grow its contribution to GDP in real terms to US\$1.9 billion. This will increase IFC-related employment by 1.5 times to approximately 17,000 jobs and increase tax revenue to approximately US\$0.3 billion in real terms.

To sustain the growth of our Financial Services Sector as a credible market for investors, a sound and robust framework that promotes the integrity of our Financial Services Sector is a *sine qua non* condition.

It is therefore essential for Mauritius to initiate all appropriate measures to protect its Financial Services Sector particularly as it has been noted in the recent past the IFC's ambitions are being challenged by growing international pressure, such as the Securities and Exchange Board of India (SEBI) and the European Union as well as adverse Press coverage and the changing international economic landscape.

It is therefore our vision, and I would even state that it is our obligation, Madam Speaker, to create a high level legal ecosystem to sustain our Financial Services Sector for at least the forthcoming decade and beyond.

Combatting money laundering and terrorism financing requires a strong political will and commitment. Our willingness to take bold measures bears testimony to our strong determination to fight money laundering and terrorism financing. Our work to update and align our framework with the international standards is ongoing.

Madam Speaker, we are before the House today to put in place a robust legal and regulatory framework to detect, deter, and take action against money laundering and terrorism financing. It is on the back of these resolute actions that we are building and strengthening our reputation as an international financial centre of integrity and excellence.

As already announced in my statement in this House on 16 April 2019, our first application for re-rating has met the approval of both the ESAAMLG Task Force of Senior Officials and the FATF Secretariat and we are awaiting the completion of the application process. It is expected that the report will be published by the ESAAMLG Secretariat any time during this week itself.

The House will also recall the Statement made by the hon. Prime Minister in this House on 03 May 2019 in which he mentioned the letter received from the Executive Director representing the African region on the Executive Board of Directors of the IMF in which he pointed out the significant progress made by Mauritius to strengthen AML/CFT

framework and, as a result, Mauritius has recently been upgraded by the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) on 11 FATF recommendations.

Based on the results of the Mutual Evaluation Report, the ESAAMLG Council of Ministers at its meeting in Seychelles in September 2018, placed Mauritius on the Enhanced Follow up Process of ESAAMLG. Accordingly, Mauritius has to report biannually on the progress made to implement the recommended actions contained in the Mutual Evaluation Report.

Madam Speaker, in our first application for re-rating, we applied for the re-rating of 12 Recommendations of which 10 have been rerated as largely compliant or compliant making Mauritius compliant or largely compliant on 24 out of the 40 Recommendations. Now, sixteen FATF Recommendations are still rated Non-Compliant or Partially Compliant and the technical compliance deficiencies must therefore be addressed.

In his letter of 15 November 2018, the FATF President informed me that due to the results of the Mauritius' most recent Mutual Evaluation Report, Mauritius has been placed in the FATF International Co-Operation Review Group process, the ICRG. A jurisdiction that enters the ICRG review process on the outcome of its mutual evaluation results, has a one-year Observation Period to work with the FATF or its FATF-Style Regional Body, in our case, the ESAAMLG, to address deficiencies before possible public identification and formal review by the FATF.

This observation period for Mauritius will end in October 2019. At the end of the observation period, the Africa/Middle East Joint Group will assess the degree and quality of progress made by Mauritius based on any relevant information submitted by Mauritius to the Joint Group, including the Mauritius's ESAAMLG enhanced follow-up report.

The Joint Group will, in particular, assess whether Mauritius has addressed the technical deficiencies identified in Recommendation 5 on criminalising terrorist financing, Recommendation 6 on targeted financial sanctions related to terrorist financing, and Recommendation 10 on customer due diligence. I have to highlight that the deficiencies relating to Recommendation 10 have been largely addressed. The ESAAMLG and the

FATF Secretariat have already agreed to upgrade the technical compliance rating from non-compliant to largely compliant and the Mauritius follow up report is expected to be published this week.

Madam Speaker, I wish to emphasize that in respect of countries under the ICRG process and having serious and longstanding strategic deficiencies, the FATF may call on its members and non-members to apply counter-measures against them in order to protect the international financial system. Counter-measures range from specific elements of enhanced due diligence and systematic reporting of transactions involving the jurisdiction, to a limitation or prohibition of financial transactions with the country.

Thus, to avoid the FATF naming and shaming process of ICRG, it is imperative for us, as a matter of priority, to take all necessary steps to address the recommended actions contained in the Mutual Evaluation Report.

Madam Speaker, complying with AML/CFT international standards is a conscious choice that this Government has made to consolidate the foundations of our financial services sector to enable it to sustain future developments in line with its Vision 2030.

Madam Speaker, despite the daunting task and many challenges, I am happy to say that we have made much headway in the last year as we aspire to achieve full compliance in implementing AML/CFT standards.

However, I cannot proceed further without saying, that we would have been spared much grief if the work had been effectively undertaken before we took office. *Je me dois de rappeler aux membres de l'opposition que ce n'est pas ce gouvernement qui est à pointer du doigt pour ce qui s'est passé.*

Allow me to explain. Pour ceux qui ont la mémoire courte, et surtout sélective, je rappelle qu'il y a eu une première évaluation en 2007 sur la base des procédures que le FATF avait mises en place en 2004.

Le *Mutual Evaluation Report* de 2008 contenait des recommandations auxquelles Maurice devait se conformer. Donc, à partir de cette date, le pays était sous le processus de déclaration de l'ESAAMLG. Mais qu'est-ce qui s'est passé ensuite ? Et c'est là où je vais rafraîchir la mémoire des honorables membres de l'autre côté de la Chambre, qui ne sont pas présents, Madame la présidente.

Pendant cette période où je le précise, Xavier Duval, l'actuel *Leader* de l'Opposition, était alors ministre du gouvernement travailliste et était aussi président de l'ESAAMLG en 2011-2012. La plupart des recommandations du rapport de 2008 pour améliorer l'environnement réglementaire eu égard à la lutte contre le blanchiment d'argent et le financement du terrorisme n'ont pas été mises en œuvre, Madame la présidente, hormis la promulgation de l'*Asset Recovery Act*. Les gouvernants d'alors, dont l'honorable Xavier Luc Duval ont failli à leur tâche car ils n'ont rien fait pour régler les déficiences notées. On se demande bien pourquoi!

Madam Speaker, although Mauritius held the ESAAMLG Presidency between September 2011 and September 2012 and in that capacity had a leadership role in ESAAMLG region, it failed to address its own AML/CFT deficiencies! Yes, Madam Speaker, facts are as they are. Furthermore, the low level of engagement of Mauritius with the ESAAMLG with limited participation in ESAAMLG meetings has undermined our commitment at the highest level of ESAAMLG.

Et pourtant depuis février 2012, Maurice était au courant des nouvelles normes du FATF. Faut-il encore une fois rappeler qui étaient ceux qui étaient au pouvoir durant cette période ?

Pour ceux qui n'ont toujours pas compris et encore pour ceux qui ont la mémoire courte, c'est Roshi Bhadain qui était le ministre des Services financiers de 2014 à janvier 2017. Il n'a rien fait pendant deux ans alors qu'il était ministre responsable de ce dossier. D'ailleurs, il n'a pas cru bon de recevoir l'équipe des assesseurs de l'ESAAMLG.

Mais moi, Madame la Présidente, en tant que ministre responsable de ce gouvernement et sachant bien l'importance de ce dossier, non seulement, je les ai reçus mais je me suis aussi assuré des suivis nécessaires.

Suivant l'adoption des recommandations révisées du FATF en 2012 et de la méthodologie d'évaluation en 2013, le Conseil des ministres de l'ESAAMLG a approuvé de nouvelles procédures d'évaluation mutuelle en septembre 2014. Lors de cette même réunion, le Conseil des ministres a approuvé la liste des évaluations, selon laquelle Maurice devait faire l'objet d'une évaluation mutuelle en 2016.

En octobre 2016, l'ESAAMLG a entamé le processus d'évaluation mutuelle avec un examen documentaire pour évaluer le système AML/CFT de Maurice à l'aide de la méthodologie d'évaluation 2013 du FATF. En fait, à ce moment-là, Maurice aurait dû



compléter, au minimum, l'évaluation des risques de blanchiment d'argent et de financement du terrorisme auxquels le pays est confronté ; et la promulgation de législations nécessaires et la mise en œuvre d'autres mesures pour rendre le cadre AML/CFT conforme avec les nouvelles normes du FATF. Malheureusement, encore une fois, en raison du manque d'engagement et de volonté de Bhadain, le processus d'évaluation mutuelle a connu un faux départ.

Je laisse donc le soin à ceux qui s'amuse à tronquer l'histoire et accusent ce gouvernement d'avoir mal géré ce dossier d'aller réviser leurs notes. J'ai fait ce que tout ministre responsable dans ma position aurait fait. J'ai la conscience tranquille et le sentiment du devoir accompli.

Aujourd'hui, Madame la présidente, nous allons, comme le dit l'anglais, *a level up* avec cette législation qui est aujourd'hui devant les parlementaires des deux côtés de la Chambre. Dont l'objectif est d'amender plusieurs législations existantes afin de répondre aux normes internationales requises par le FATF.

Aujourd'hui, Madame la présidente, je leur laisse à leur conscience. A eux de voir si encore une fois ils vont faillir à leurs tâches. En fait, ils ont déjà failli !

Bien souvent, les informations qui fuient dans la presse, sont infondées. Et elles font beaucoup de tort au secteur. Je le répète, ces attaques de bas étage contre Maurice ne nous freineront pas.

Madam Speaker, we are now doing our best to take remedial actions that ought to have been taken within the last 10 years. We are doing our very best to ensure that we are competently and regularly represented at ESAAMLG meetings, which was not the case previously. Furthermore, among other things, Mauritius has, on 01 March 2019, submitted to the ESAAMLG Secretariat a second application for the technical compliance of re-rating of 20 FATF Recommendations rated non-compliant, partially compliant or largely compliant. And to support this application for technical compliance re-rating, we are before the House today to present for Second Reading –

- (i) The United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill 2019, and
- (ii) The Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill 2019.

Madam Speaker, our world today is sadly defined by some contemporary realities which make nations live and shudder in fear in everyday life, and terrorism is one of them. From the United States, India, France, Kenya and more recently New Zealand and Sri Lanka, terrorist attacks have caused indescribable pain and trauma amidst families and communities. Terrorism knows no boundaries, no nationality, no colour. It destroys peace, it destroys the social fabric, it annihilates economic development and undermines political stability. Terrorists and terrorist organisations are today taking full advantage of modern technology to develop effective channels of communication that enable them to recruit and raise funds around the globe.

Madam Speaker, Mauritius is fully aware of its international obligations as a responsible citizen and is therefore taking bold measures to implement the targeted financial sanctions under the relevant United Nations Security Council resolutions and FATF standards by the introduction of these two Bills. The Bill will undoubtedly enable Mauritius to address the technical compliance deficiencies under FATF Recommendations 6 concerning targeted financial sanctions related to terrorism financing and 7 regarding financial sanctions related to proliferation, which were both rated non-compliant in the Mutual Evaluation Report.

Madam Speaker, our nation has placed in Members of this House, trust. Collectively, we all bear a common responsibility to ensure the security of our people. With the introduction of this important piece of legislation in a bid to complement our existing arsenal of laws and policies, we shall be consolidating efforts to defeat terrorists and root out terrorism financing activities. With the introduction of this legislation, we shall be fortifying response mechanisms, scaling up best practices and enhancing coordinated activities across countries so that, together, we can pre-empt the harmful intent of terrorists and terrorist organisations.

Madam Speaker, we are, in fact, seeking to ensure that Mauritius never becomes a safe haven for terrorists and terrorism financing activities.

Madam Speaker, the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill 2019 and The United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill 2019 being proposed to this House today will ensure that our International Financial Centre remain hostile to criminal activities and terrorism and terrorism financing activities. We should be mindful of the fact that as an IFC, our jurisdiction is particularly exposed and vulnerable to the threat of

being exploited as a destination or a potential transit point for illicit funds. It is undeniable, Madam Speaker, that unless we legislate in the direction that we are proposing today, we shall face serious consequences and might soon find ourselves in breach of international standards. Both pieces of legislation are much needed and necessary so that we can continue to honour our international obligations. It is important that we show our absolute commitment to global security. I am nearing the end, Madam Speaker.

Madame la présidente, je me dois aussi de rappeler à cette auguste Assemblée que notre République Maurice est classée comme une des *'top performers'* au niveau mondial que ce soit par la Banque Mondiale, le *'Ease of Doing Business'*, le *'World Economic Forum'*, *'Mo Ibrahim'*, *'Moody's Index'* pour ne citer que ceux-là.

Pour ce qui est de l'ESAAMLG, nous avons tiré les leçons qu'il fallait, nous avons fait ce qu'il fallait - défendre bec et ongle l'intégrité de notre juridiction et depuis avril 2019, nous avons franchi une étape majeure et sommes désormais sur les *«good books»* du groupe.

Madame la présidente, ce gouvernement a un plan global très ambitieux pour le secteur financier. L'environnement global a changé drastiquement. Notre secteur financier s'est beaucoup développé grâce aux multiples accords qu'on avait avec plusieurs juridictions financières. Et il est de notre devoir en tant que gouvernement responsable de protéger nos acquis et de porter plus loin ce secteur.

Il y a un processus de réforme enclenché dans le secteur financier. Celui-ci a été enclenché depuis l'arrivée au pouvoir de ce gouvernement. Ces réformes visent à solidifier l'écosystème du secteur financier tout en consolidant la réputation de Maurice à l'international.

Dans le même temps, Maurice répond aux exigences de l'OCDE et de l'Union Européenne en donnant plus de transparence et de substance à sa juridiction.

Maurice s'est aussi alignée sur les provisions du BEPS (*Base Erosion and Profit Shifting*). C'était nécessaire dans la mesure où l'on ne tolère plus les compagnies qui font du *Treaty Shopping*.

Nous sommes en train de jouer le jeu en nous conformant aux normes internationales. Il faut de la transparence et de l'équité dans le secteur financier, faute de quoi on mettra en péril notre compétitivité.

Madame la présidente, il y a beaucoup de concurrence dans le secteur financier. Certains ont beaucoup à perdre si Maurice accentue ses parts du marché. Croyez-vous que tout le monde est content que notre juridiction soit plébiscitée pour lever des capitaux à destination de l’Afrique ?

Il faut bien comprendre que si les investisseurs internationaux se tournent vers nous c’est parce qu’ils ont confiance dans le système et que nous leur inspirons une certaine garantie. En votant des lois, comme celles sur lesquelles nous débattons aujourd’hui, c’est un signal très fort que nous envoyons aux investisseurs locaux, régionaux et internationaux. Ils savent que leur *business* peut se développer dans un environnement stable.

*D’ailleurs, en termes de facilitation des affaires, Maurice se classe première en Afrique.* Madam Speaker, I am confident that the proposed legislative package will go a long way to ensure that our financial sector remains robust and internationally competitive. The legislations are pre-emptive and will act as deterrent so that our jurisdiction does not find itself on the back foot amidst a virally active money laundering and terrorist financing landscape. In so doing, we are fostering a conducive environment for the financial services sector to continue to prosper in a sustainable and ethical manner buttressing its position as an active player in the global financial market.

So, I seize this opportunity to appeal to hon. Members of the House to support these Bills and reaffirm our commitment to be a responsible member of the international community and uphold our standing as a well-regarded and well-regulated financial centre. I wish here to draw from words of Prime Minister Narendra Modi when he announced historic measures to fight black money in India, and I quote –

“In a country's history, there come moments when every person feels he too should be part of that moment, that he too should make his contribution to the country's progress. Such moments come but rarely. Now, we again have an opportunity where every citizen can join this mahayajna against the ills of corruption, black money and fake notes.”

Madame la présidente, la réputation d’un pays n’a pas de prix. Et quand il s’agit de l’image de la République, on ne peut, comme le font certains membres de l’Opposition, agir d’une manière irresponsable et antipatriotique. Souvent, les honorables membres, de l’autre côté de cette Chambre, ne réalisent pas le tort immense qu’ils font à l’image et à la réputation du pays en faisant, souvent, des déclarations irréfléchies.

Our strength and determination on this battlefield must be in absolute terms. So, I make a plea to hon. Members to give support to these Bills and help the Government in its resolve to be responsible and vigilant. Let us not use these Bills endeavouring to achieve public good as a tool for political retaliation.

In closing, I wish to take this opportunity to thank the hon. Prime Minister for his steadfastness, his support and commitment in this fight against Money Laundering and Terrorist Financing. It is on the strength of his exemplary leadership that we are taking bold and decisive measures to ensure that Government honourably serves the people of Mauritius.

Thank you very much, Madam Speaker.

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

(9.44 p.m.)

**The Ag. Prime Minister:** Thank you, Madam Speaker. Of course, I have to thank all interveners, especially the last intervener, my good hon. friend, the Minister of Financial Services and Good Governance, for his consistent, unfailing approach to protect our financial services.

It is my task to sum up the debates on what are two extremely important Bills for the economy of Mauritius. I have to take the time of the House, and I am sorry if I have to do so at this late time of the night. But I have to take up a few points that have been raised. The first point that was taken, and perhaps the only serious point made by the hon. Member for Constituency No. 3, is that there was no consultation, that we should have consulted everyone, as if before a Bill is passed, before a Bill is debated, before there is that process of consultation, we should have a referendum. That is not so at all.

But, in fact, Madam Speaker, what this hon. Member for Constituency No. 3 omits to say, is that he was invited to participate in consultations held by Government with the United Nations Office of Drug and Crimes. Hon. Uteem was invited, hon. Uteem was present, hon. Rutnah was present, many Members of the House, because these are two important Bills. I said in my opening speech, in my opening address, how, since the beginning of the century, we are under threat, and these consultations were important. But, today, we have seen what has happened for the hon. Member for Constituency No. 3 to react in this hysteric manner that he has...

*(Interruptions)*

Not as usual! More than usual today; more than usual! And there is method behind his attitude, there is reason for his attitude. He adopted an attitude which was singularly distinct from that of another Member of the Opposition, hon. Uteem. And as this hon. Member for Constituency No. 3 was talking, he realised one thing: that he was showing a division in the Opposition. And that is why he had to create that havoc! This is why he had to provoke disorder, because there needed to have a walkout. It was not folly. It was folly with a purpose. They are not there; they had no choice because they were being exposed by their own betted, by their own *discours*, by their own speeches. They had no choice; they had to leave. The population is witnessing, has witnessed and perhaps will continue to witness the attitude of the Opposition. *Tonneau vide*, Madam Speaker, without any argumentation! This is what we heard. That the Constitution is supreme!

Madam Speaker, this legislation is being brought because we need to be compliant with international instruments. Hon. Minister Gayan has so admirably - in his usual manner - demonstrated, and so has the hon. Minister of Financial Services and Good Governance, that we need to be compliant with these instruments. Therefore, I shall not need to repeat what I have said.

The constitutionality of the Act! If a terrorist is deprived of his assets, this is inhumane and degrading treatment...

*(Interruptions)*

But whoever said that forgets that under this Bill, which will soon become law, even the worst terrorist who has been deprived of his assets can apply to the Judge to say: 'I need some money for my ordinary expenses and even for extraordinary expenses' - clothing, food, legal fees. Hon. Gayan says that in Mauritius, he can retain the services of hon. Uteem. But hon. Uteem, as a lawyer, is not going to do it for free. He is going to charge fees, and I assume substantial fees. How will this poor terrorist pay his lawyer? He applies to the Court and he will get money from the frozen assets.

Now, we must follow standards. The FATF is there, and it has got a role and a purpose. It must set standards. That is what it is doing. Now, we have the choice. We can, like this Member for Constituency No. 3, say that we have a supreme Constitution, we are not going to listen to FATF, we are not going to listen to G7, we are not going to listen to the United Nations, we are going and we decide to live as a pariah State. We can do that. And probably, if this Member is in power next time, this is what he is going to do, and we will be left living

in poverty. That is the fate that he wants us to meet. What will happen? Hon. Gayan is so right. If we do not pass the test, we are called before the International Cooperation Review Group (ICRG), and then, some countries are blacklisted; some are on a grey list. But we do not want to be on a grey or black list. We want to continue business; we want to continue with healthy financial services. True it is we had failings. True it is that we were told: review your system. We did it last year, and we are doing it tonight. This Member - I believe he is First Member for Constituency No. 3 -, let us not think as he says; we are going to say he talks nonsense, he is ridiculous. He is neither nonsense nor ridiculous; he knows who he is protecting. There are people who have associated themselves with arms traffickers, who were going to sell arms to terrorists, and these people would have had their assets frozen. He does not want that law to pass and he is probably going to repeal it if ever he comes back to power, because he wants to protect certain persons. He does not want to have assets of people who finance terrorists to be frozen. He does not want that at all! He wants them to continue their business and he would like Mauritius to be the haven of traffickers, and that is why he is so hysteric tonight.

On the other hand, we had hon. Uteem who had made his point in a sober manner as befits the honourability of the House. I do not agree with what he said. In fact, I do not agree with all that he said, but there are some points which have been valid to be taken and which are the subject of additional amendments, which are being circulated and which I will be moving at Committee Stage. I thank him for this actually, because he has been able to enlighten the debate.

Let us see one or two points made by hon. Uteem. He gives the impression, and so does the First Member for Constituency No. 3, as if that National Sanctions Committee is political stooges who are going to do things arbitrarily, fancifully, whimsically. It is not true!

Hon. Rutnah has so ably demonstrated the calibre of that Committee. So, I will not repeat it. But these are not people who can act arbitrarily. The first - they do not mention it - line of subsection 1, 'The National Sanctions Committee shall, where it is satisfied on reasonable grounds'. Therefore, there must be grounds, and the grounds must be reasonable and not satisfied of anything that a person is about to commit a terrorist act or has committed a terrorist act, is financing, is paying, like there was a Mauritian couple who sent £40 to their nephew to pay for an air ticket to Istanbul. They were sent to jail in England and their assets were made subject of similar orders. £40! If you travel to a state, to a country for the purpose of perpetrating terrorism. But then, after they are satisfied that one of these grounds

exist, they do not do anything. They issue a directive to the Secretary for Home Affairs, and the Secretary for Home Affairs declares the party to be a designated party. And there, we see the intervention of the Court. When we listened to the two Members, it is as if there is a dictator who is going to steal the assets of people. Not so! Section 26 -

“Where the Secretary for Home Affairs declares a party as a designated party (...).”

He has got, without delay. Before that, there were 48 hours. Let me explain why we moved this amendment, because sometimes there can be delay in administrative processes. So, if somebody has been declared a designated party because he is going to be a terrorist, if he comes on the 49<sup>th</sup> hour, the Judge cannot freeze his assets and the terrorist walks away with all his money. So, we changed it and we said ‘reasonable delay’. It will be for the Judge to appreciate. If he comes there after two months, the Judge will throw him out. And then, the Judge will make a freezing order. But that is not enough!

When a person has been declared, the Secretary for Home Affairs - as if they have not seen it in the law - has to write to that person, a terrorist, and tell him the grounds for the declaration. So, not in camera, etc.! The grounds must be spelt out, and the information relied on in making the declaration must be given, except if the information should not be disclosed on grounds of national security. We can imagine many cases where national security prevents you from telling a terrorist why we have made an order against him. And then, he must state for how long the declaration is going to last and the details of the order. And what is most important, the right with the amendment is going to apply for judicial review before a Court of Law. So, it is dictatorship! We are going to *dépouiller les gens de leurs biens* ! They will not have the right to go to Court!

What we say is that - Section 15 - he may make judicial review because he has got a letter telling him the grounds, and he will say these grounds are not true. The Secretary for Home Affairs will come and give his explanations, but there are certain matters which cannot be disclosed to a terrorist. So, it would be disclosed to the Judge and the Judge will decide whether to agree to have it in camera or not. Therefore, there is a judicial process; there is a protection of the rights of the person, because that person is not being put into prison. We are only freezing his assets; we are not depriving him of his property. There will be an ultimate determination. Ultimately, we will see whether the Committee was right to declare or not to declare him a terrorist or a designated party, but Mauritius will have been protected. The people will have been protected. Christchurch, Sri Lanka and Nairobi are not far from us. It is a belt. If we do not protect our people, it will be too late.



New Zealand was reputed for being a haven of peace. People were killed just because they were praying. Sri Lanka, people have been killed just because they were praying. And you want us to stay silent and not do anything?

Madam Speaker, it has been said that the persons are not protected. I have demonstrated that they are. These people will have all their rights, and we are not the only country. The world over is adopting similar legislation. Example has been given of somebody who has his photograph together with a terrorist. Just being taken in a photograph with a person does not make you guilty by association. But even if the Committee should conclude that this is enough to brand you a designated party, when the Secretariat writes to him and tells him: 'Sir, we are making a designation against you because your photograph appears before the terrorist', he will go to judicial review. He will say: 'Look, I was at a party, somebody told me let us make a selfie. That's all.' Unreasonable? Which Court will uphold a decision like this? So, that is how lamentable the arguments that we heard.

I will not continue, Madam Speaker. I just have to say, not one word but two paragraphs in conclusion. The hon. Prime Minister is on his way to New York. On the 22<sup>nd</sup>, he is going to appear before the United Nations. Just before he takes the steps to the United Nations, he will have known, and the United Nations will have known, that we have passed that legislation to comply with all the Security Council Resolutions which have been passed by the United Nations.

Before leaving for New York, the Prime Minister entrusted me with the task of leading these two Bills into this House. He could have waited for next Tuesday. He thought that it was urgent, and he told me: 'Do this.' Not too difficult for me because I had participated in the drafting of the FIAMLA 15 years ago. So, I had to brush up with my notes, and I must thank all the very kind and efficient officials who assisted me. I must thank Minister Sesungkur for having lent me his staff to prepare the Second Reading. I must thank the State Law officers who have been helpful. Some of them, regularly, every Tuesday, stay there listening to us and taking notes, and I thank them for their help, their assistance. They have been so kind to me.

The Bill, I said, is serious, but I must place on record my thanks for the mark of trust which the Prime Minister showed to me by entrusting me with the task of ushering these two very important Bills to the House; a mark of trust which only trusting partners can have between them. This should silence our detractors who, for four years, have been announcing to the population that, next week, ML will be out of the Alliance and of this Government. Well, the Alliance is still very strong, and the proceedings for this Bill have brilliantly

illustrated the unity between the two partners in Government. We have never been treated as a small minority party. We have always been treated decently, with trust and, today, when we see that hon. Gayan and hon. Rutnah, two members of the ML, have stood up to defend the Bill of the Prime Minister, this is an indication of how strong our Alliance is in spite of what all those people have said. We are strongly behind the Prime Minister's actions, motivations and desire to protect, I repeat it, to protect the population, to protect the people of Mauritius. We thank the Prime Minister for the hard work that he has put behind this Bill. And with these words, Madam Speaker, I commend the Bill to the House.

*Question put and agreed to.*

*Bills read a second time and committed.*

### COMMITTEE STAGE

*(Madam Speaker in the Chair)*

#### THE UNITED NATIONS (FINANCIAL PROHIBITIONS, ARMS EMBARGO AND TRAVEL BAN) SANCTIONS BILL

(NO. VII OF 2019)

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

*Clause 2 (Interpretation)*

**The Ag. Prime Minister:** Madam Chairperson, with regard to Clause 2, I have three amendments which had been caused to be circulated. I move as per these amendments –

“in clause 2 —

- (i) in the definition of “designated party”, by deleting the words “Secretary for Home Affairs” and replacing them by the words “Secretary for Home Affairs pursuant to section 9 or 10”;
- (ii) in the definition of “UNSCR 1737”, by deleting the figure “1373” and replacing it by the figure “1737”;
- (iii) in the definition of “UNSCR 2231”, by deleting the figure “1373” and replacing it by the figure “2231”;

*Amendment agreed to*

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

*Clauses 3 to 12 ordered to stand part of the Bill.*

*Clause 13 (Designated party to be notified)*

**The Ag. Prime Minister:** Madam Chairperson, I move for the amendments in clause 13 as per those two amendments which have been circulated –

“in subclause (1)(e), by deleting the word “appeal” and replacing it by the words “make an application for judicial review”;

“in subclause (2)(b), by deleting the word “newspapers” and replacing it by the words “newspapers having wide circulation”;

*Amendment agreed to*

*Clause 13, as amended, ordered to stand part of the Bill.*

*Clause 14 (Review of declaration by National Sanctions Committee)*

**The Ag. Prime Minister:** Madam Chairperson, I move for amendment as per circulated draft –

“in clause 14(3)(a), by deleting the words “such manner” and replacing them by the words “2 newspapers having wide circulation and in such other manner”;

*Amendment agreed to*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clauses 15 to 21 ordered to stand part of the Bill.*

*Clause 22 (Notice of delisting)*

**The Ag. Prime Minister:** Madam Chairperson, I move for amendment as per amendment circulated –

“in clause 22(1), by deleting the words “by notice in the Gazette” and replacing them by the words “in 2 newspapers having wide circulation and in such other manner as it may determine”

*Amendment agreed to*

*Clause 22, as amended, ordered to stand part of the Bill.*

*Clauses 23 to 25 ordered to stand part of the Bill.*

*Clause 26 (Application for freezing order)*

**The Ag. Prime Minister:** Madam Chairperson, I move for amendment as per proposed amendment circulated –

“in clause 26 –

- (i) in subclause (1)(a), by deleting the words “48 hours” and replacing them by the words “a reasonable time”;
- (ii) in subclause (4), by deleting the words “such manner” and replacing them by the words “2 newspapers having wide circulation and in such other manner”;

*Amendment agreed to*

*Clause 26, as amended, ordered to stand part of the Bill.*

*Clauses 27 to 33 ordered to stand part of the Bill.*

*Clause 34 (Lapse of freezing order or prohibition)*

**The Ag. Prime Minister:** I move for amendment as per amendment circulated –

“in clause 34, by inserting, after subclause (1), the following new subclause, the existing subclause (2) being renumbered as subclause (3) –

(2) A prohibition under section 23 shall lapse where a freezing order is granted under section 26.”

*Amendment agreed to*

*Clause 34, as amended, ordered to stand part of the Bill.*

*Clauses 35 to 46 ordered to stand part of the Bill.*

*The First Schedule was agreed to.*

*The Second Schedule was agreed to.*

*The title and enacting clause were agreed to.*

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

*The Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill (No. VIII of 2019) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the following Bills were read a third time and passed*

- (i) The United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Bill (No. VII of 2019), and*
- (ii) The Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill (No. VIII of 2019).*

**ADJOURNMENT**

**The Ag. Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Monday 10 June 2019 at 4.00 p.m.

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

*Question put and agreed to.*

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

*At 10.24 p.m., the Assembly was, on its rising, adjourned to Monday 10 June 2019 at 4.00 p.m.*

**WRITTEN ANSWERS TO QUESTIONS**

**SIFB - CROP 2018 - COMPENSATION**

**(No. B/433) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Agro-Industry and Food Security whether, in regard to Crop 2018, he will, for the benefit of the House, obtain from the Sugar Insurance Fund Board, information as to if compensation has been paid to the planters.

**Reply:** I am informed that, on 14 May 2019, the Sugar Insurance Fund Board had transferred an amount of Rs237.90 m. to the Mauritius Sugar Syndicate (MSS) for payment of compensation for crop 2018 and the MSS is effecting payment this week itself to 9,386 planters.

I wish also to inform the House that the SIFB had, on 21 March 2019, declared an Event Year for Crop 2018 on account of Drought and Excessive Rainfall for the Growing Units of Alteo, Médine and Omnicane Enlarged Factory Areas (EFAs) as well as the large planter group of Alteo Enlarged Factory Area.

### **MAURITIUS CANE INDUSTRY AUTHORITY - SEASONAL WORKERS**

**(No. B/434) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Agro-Industry and Food Security whether, he will, for the benefit of the House, obtain from the Mauritius Cane Industry Authority, information as to if the exercise to define the percentage of seasonal workers to work for corporate planters and miller planters has been carried out.

**Reply:** I wish to inform the House that the exercise to determine the number of seasonal workers required by sugar companies for crop 2019 has already been initiated and is ongoing.

A total of 33 sugar companies are presently concerned with the determination of the percentage of seasonal workers following the recent closure of Medine Sugar Factory.

As per section 21 of the Sugar Industry Efficiency (SIE) Act, all sugar companies which will have recourse to the services of seasonal workers for the forthcoming crop need to inform the MCIA of their labour requirement for the MCIA to determine the percentage of seasonal workers to work for corporate planters and millers.

For Crop 2019, out of 33 sugar companies, only five submitted their annual return to the MCIA by the due date of 31 March 2019 as per the requirement of the law. As at 20 May 2019, a total of 28 companies have submitted their return to the MCIA.

In view of the fact the SIE Act does not provide any offence created for non-submission of their return, MCIA is pressing on the remaining companies accordingly.

Notwithstanding the fact that the remaining submissions are yet to be received, MCIA had convened a first meeting of the Technical Committee on 14 May 2019 to consider the way forward for computation of seasonal labour for the Crop 2019 and a programme of work for the Crop 2019 to enable MCIA to determine a reasonable percentage to be submitted to the Technical Committee.

I have been apprised that the representatives of Trade Unions have informed the MCIA that they would not be in a position to attend the meeting of the Technical Committee

scheduled on 14 May 2019. But they have pressed on the MCIA to consider the issue of manual cane cutting and harvest of cane for the Crop 2019 in the first instance.

In this regard, I am given to understand that the MCIA has already had a meeting on 15 May 2019 with representatives of the Trade Union on the problem of manual cane cutting and is looking into the matter.

The meeting of the Technical Committee on seasonal labour at the level of the MCIA has been postponed to a later date.

The MCIA is presently pursuing the exercise for the determination of the percentage of seasonal labour to ensure that the exercise is completed within the shortest delay and before the start of harvest 2019.

The House is aware that the cane industry is facing a precarious situation, taking into consideration the drastic fall in the price of sugar. Nobody can predict precisely as to whether the price will pick up in the near future. This is one of the reasons why we have requested the World Bank to carry out a thorough study of this sector and come up with appropriate recommendations.