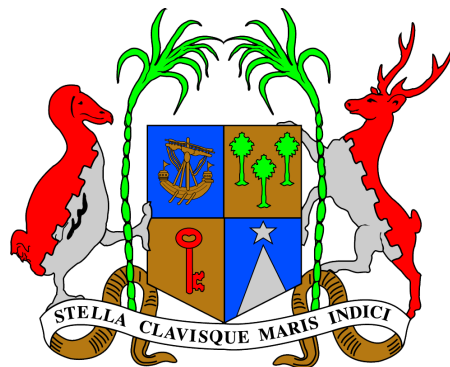


ARBITRATION UNDER ANNEX VII OF THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA

REPUBLIC OF MAURITIUS

v.

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**



MEMORIAL OF THE REPUBLIC OF MAURITIUS

VOLUME III

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ANNEX 90

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931 *Public Bill* 13 MAY 1980*Public Bill* 932

nominated to the Legislative Council then, by the British Colonial Administration. But, I think, for historical record's sake, it is worth pointing out that, in 1946, under these thirty hard colonial masters of ours, when the Hindu Maha Jana Sangham Incorporation Ordinance was introduced in the House, it was done, Mr. Deputy Speaker, by way of Private Bill. As I said, I have not had the opportunity to look, since 1940, how many times such fit legislation, such positive legislation has found a way to be introduced through a Private Bill. But, I think, it is worth putting it on record that this Ordinance of 1946 was introduced by way of Private Bill by, of all people, Mr. André Rattray — I won't go into that part of things — but, in fact, it was a private Bill in 1946, and we hope that Government will think over this past event and will allow the House to go back to such positive procedure in the future. Thank you, Mr. Deputy Speaker, Sir.

probably did not exceed fifteen thousand people, it was necessary to afford some measure of protection to fish stocks and to the environment.

The population of the island is now nearing one million — of these, there are some 3,000 full-time professional fishermen, and it is estimated in addition that some 75,000 people go fishing in the sea at least on an occasional basis. This fishing effort would subject fish stocks to intolerable pressure — which might even result in extinction for certain species, — if no measures were taken to regulate the fishery.

The simplest form of regulation consists in limiting, to a very small number, the people allowed to catch fish. Although a step of this nature might eventually become necessary, I consider that it would, at this stage, be a serious limitation on the liberty of the Mauritian people.

Bill read a second time and committed.

Question put and agreed to.

(3.43 p.m.)

THE FISHERIES BILL (No. IV of 1980)

Order for Second Reading read.

The Minister of Fisheries and Co-operatives and Co-operative Development (Mr. Seetaram) : Sir, I beg to move that the Fisheries Bill (No. IV of 1980) be read a second time.

The first law regulating fisheries in Mauritian waters dates from the eighteenth century. Even in these early days, when the population of the island as a whole

The new bill placed before you to-day has therefore been constructed along a different principle — a principle that has been tested by time, since this bill is a direct descendant of the Fisheries Ordinance of 1948. The existing law relating to Fisheries which was adequate in the past is now incapable of meeting the challenges of the present world as regards fishing activities. The Fisheries Ordinance has had to be amended on many occasions and it has become so complex that I felt I had to do something about it.

The object of the Fisheries Bill is to consolidate and modernise the law relating to Fisheries and the opportunity has been seized to tie up the fisheries legislation with the Maritime Zones Act, 1977 and with emerging international legislation on this matter.

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The extension of our jurisdiction over this vast expanse in the Indian Ocean necessitates a wide range of legislation covering everything from the exercise of sovereign rights to the final benefits accruing to our people from exploitation of the resources of our Maritime Zones. The Maritime Zones Act 1977 laid the foundation for this jurisdiction and the Fisheries Bill 1980 is a natural development in the field. It is by no means the final word — it is just a first step in this direction.

This Bill is predicated on the premise that the seas around us have tremendous potential not only in satisfying the nutritional requirements of our increasing population but also in providing employment opportunities and in creating subsidiary industries dependent upon fishing operations. This Bill attempts to achieve a balance between the needs of fishermen and the needs of society as well as the necessity to manage the fish stocks with a view to their optimum utilisation. Fish stocks are very fragile and in the absence of effective conservation measures, these stocks can be depleted very fast. My Colleagues will undoubtedly appreciate the multi-faceted nature of the Bill and I shall now highlight a few of the issues that are contained therein. This Bill, to begin with, prohibits the use of any fishing method which is damaging to the environment — poisons and explosives are in this category. It severely limits the use of fishing methods which scare fish into deeper waters, and deny them access to their normal feeding grounds. An extreme example is underwater fishing which, in addition, is frequently a cover for other illegal activities, and this must be banned completely.

At this stage I have to lay stress on the fact that, when underwater fishing

was introduced, it was done as a sport, but, during the course of time, many persons have made it their profession and thus are getting their daily bread. My Ministry is fully aware of it, this is why we have been as lenient as possible to them up to now, although we know it has been illegal practice.

No professional underwater fisherman is registered with my Ministry; all genuine ones, who will be affected by the prohibition of underwater fishing, appropriate steps will be taken to recycle and invite them to join multipurpose fishermen cooperative societies.

Finally, it gives the basis for protecting fish until they have reached a harvestable size, by direct size restriction, by placing minimum mesh sizes on nets and basket traps, in order that small fish may harmlessly swim out and by protecting nursery areas where small fish can grow unhindered. The protection afforded to small fish is also extended to rare endangered species, through the possibility to control exports of rare shells and of corals, and through the protection afforded to sea turtles, and marine mammals. In the case of these animals, we are committed internationally as signatories of the Addis Ababa Convention on the Protection of Nature, and as parties to the Indian Ocean Whale Sanctuary. The welfare of the general public has not been forgotten either — the landing of toxic fish is prohibited and the conditions under which fish is kept, transported and sold are regulated.

Since the adoption of the Maritime Zones in 1977, our fishery limits have expanded considerably, and now cover not only the 200 mile EEZ's around the islands of Mauritius, Rodrigues, St. Brandon, Agalega and Tromelin, but also the

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waters of Saya de Malha Bank and the Chagos Archipelago, where Mauritians have exercised traditional fishing rights for a long, long time. The future needs of Mauritius in fish reside in these waters, and this Bill provides the necessary extension to the Maritime Zones Act by permitting regulation of the fishing by citizens as well as by foreigners, for the proper management of the stocks.

These days complaints are regularly being made in the press about rampant illegal fishing. The main reason for such a situation is the lack of strong legislation and the somewhat light penalties inflicted upon those persons accused of illegal fishing. This Bill provides for the imposition of heavier penalties which, it is expected, will serve as a deterrent to hardened offenders. The number of persons caught fishing illegally in 1977 was 319. In 1979 this number increased to 328. During the last two-and-a-half months alone the flying squads of my Ministry have seized not less than 10,950 feet of illegal nets, Mr. Speaker, Sir.

I consider, and you will agree with me, that the time has come to do away with underwater fishing for, under the present legislation, it is not lawful for any person to fish ten fishes in a day or to be in possession of ten fishes. The law, as it is, prevents effective control being exercised on the activities of the underwater fishermen. For example, someone can catch ten fishes at Cap Malheureux in the morning and catch the same number at Souillac in the afternoon. Also, the present legislation makes no mention of the size of the fish. Ten fish can weigh 4,000 lbs !

There is also the point that people who do underwater fishing usually carry with them spear guns and other imple-

ments to catch fish, lobsters, octopus, shells etc., which live in the cavities of the reef structure and at the bottom of the sea. Most of them take advantage of their diving equipment to kill the fish in their habitats and make them desert the place. Others ransack the basket traps of professional fishermen and thus cause a social conflict among them. There is yet another group using diving equipment to lay explosive charges into the cavities at the base of the live coral reefs. These charges are connected by means of an electric wire to a dry cell ashore or in a boat. This method, which is rampant all round the island, results into severe damage to the fish habitat and affects the marine environment and resources.

I should like to point out that this Bill does not ban underwater fishing in respect of aquarium fish. The trade in aquarium fish which is developing is seen as a way of putting to value a considerable stock of fish which have no possible use as food.

The Bill provides for the establishment of a Fishery Advisory Board wherein all categories of fishermen will be represented. The intention is to provide a forum for the discussion of all problems connected with fisheries, whether of an artisanal nature or of an industrial one, whereby all groups can put forward their views on problems which affect them and on improvements which may be brought to the fishing industry. At present, only lobby groups are active and this does not permit discussion of problems with all concerned.

Pollution has been a main hazard to our fish stock. The Bill also has provisions for the protection of the environment. It would prevent any person from throwing or discharging within the fishing

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limits of Mauritius or in rivers or lakes any substance likely to injure any fish. This measure is also directed against the use of pollutants for fishing in small scale — accidental or chronic cases. It is expected that the water law which is in preparation will cover industrial scale aquatic pollution more comprehensively and with higher penalties.

The Bill aims at rationalising the conditions for fishing generally and those for the sale of fish. It will be possible to frame regulations for carrying into effect the provisions of the Act. These regulations will provide for all aspects of the fishing sector, namely the formulation of measures for the efficient protection of the fisheries resources, the planning and implementation of research project and the development of the fishing industry. As regards the sale of fish, this Bill will compel all fishmongers to have a licence, which will automatically entail certain conditions to be satisfied. Also, no fishmonger can refuse to sell fish at a fish landing station. This measure will surely satisfy the public, especially those from the coastal villages.

In this Bill, fish means any animal organism but does not include fresh water fish, camaron or any other animal organism living in fresh water. The intention is to frame a separate legislation in view of the development of freshwater fish and camarons in lakes and ponds.

In short, the Bill aims at rationalising the conditions for the issue and the use of various types of nets and fishing implements. This will ensure the conservation of fish stocks and the protection of marine resources. The proposed measures will also aim at avoiding the elimination of stocks and the replenishment of those which have been overfished. In

the long run, it is expected that the application of general conservation measures will lead to an increase in the productivity of fishing activities and will have a beneficial effect not only on the social and economic life of the professional fishermen but also on the fishing industry as a whole.

It must be remembered, hon. Members, that this Bill which is before you to-day is not one which touches the fundamental liberties of our people and which should therefore be considered immutable — its object is to derive for the benefit of the people the maximum sustainable benefit from the resources of the waters which surround us. As such, it should be effective and sufficiently flexible to cater for change.

Sir, with this, I commend the Bill to the House.

Mr. Parryag rose and *seconded*.

(4.00 p.m.)

The Leader of the Opposition (Mr. A. Jugnauth) : Sir, this Bill, in fact, if I may call it like this, modernising and consolidating the law that already exists, with certain exceptions, regulating the fishing industry. As we are aware, there are many clauses which already exist, for example, dealing with fishing with dynamites, with explosives, nets which are allowed during a certain season and for which a licence is to be obtained, and registration of boat and all the rest — we already had provisions in the existing law. But, as we know now, there are certain new clauses which are being added and, naturally, we are pleased to see that Government is attempting, at least, to do something in that direction, and for that we welcome the Bill, although we

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are not fully satisfied that everything that ought to be done is being done. Nevertheless, as we say, on this side of the House, it is one step forward in the right direction; we always welcome it.

Sir, what is to be regretted is that, as we know, there is an important number of people already engaged in this industry and naturally, we know with what difficulties this class of people have to struggle in order to make ends meet, so far, they have been left, to a great extent, to fend for themselves, and there has not been in that direction real development in order to industrialise the fishing industry.

We may say that it is being done, up to now, on a very small scale so that, although we know that Mauritius is surrounded by sea and that one of our resources is to be found in the sea surrounding the country — and especially now with the new economic zone, with the Maritime Chart that is going to be published and which naturally will expand the limits in which the fishing industry of Mauritius operates — it is a pity to see that, up to this stage, really not much has been done in that direction.

Sir, how many times has this question been raised in this Assembly? Have we not been told that, for a long time now, the sea which should have been exploited by the Mauritian nationals, in fact, are being exploited, in very irregular and unlawful manner, by foreigners, be they Russians, be they Koreans, be they Japanese, Vietnamese or whoever, they are? The fact remains that it is admitted by one and all, on both sides of the House, that, in fact, they are exploiting all the seas which should have been exploited by the Mauritian people and in a very crude way, in certain cases,

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in a very criminal way. So that when the Minister says as a matter of fact: all our riches, the marine life is being depleted, that is true. Therefore, it is not enough to pass certain laws in order to protect certain waters surrounding Mauritius — because we know that this does not deal with fresh water fish, it deals with the sea and with the 'barachois' that we have around the coast. We, on this side of the House, we have always maintained that Mauritius cannot afford to do otherwise than exploit to a maximum all the natural resources that are available in this country; and when we say that, we have always meant that it should have been a priority of Government in order to industrialise the fishing industry, to modernise it, have a fishing fleet and train our people so that we could stretch our fishing industry up to the last limit of the ocean where we have a right to fish. And therefore, we believe that Government should have started on this line long ago, instead of wasting large amounts in other sectors; take for example, in the cooperatives how many millions have been spent, when these amounts which have been spent year in and year out could have been made better use of, if we had really had a plan and had started industrialising and developing our fishing industry.

Now, there are certain clauses obviously in this Bill with which we are dealing to-day, which aim in a way at protecting the new limits that we have now, and within which we have the economic right to exploit and to fish and what not. But, Mr. Deputy Speaker, we know that, being given our resources, although we may have laws, yet it is one thing to have the law in the Statute books, and it is another to have this law implemented, this law put into real force and practice. Now insofar as the neighbouring sea is concerned, within a certain limit, where

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our Mauritian fishermen fish with their small boats we know that we have in the Ministry the Enforcement Branch with Inspectors and what not, they have certain facilities at their disposal, and for the local fishermen definitely these laws can be applied and can be implemented; naturally this is being done, even during the past years, under the existing law — except for a few changes, for example, now any person who is engaged in fishing must have a licence and, therefore, there will be better control of the number of fishermen who are real professionals, and who are really engaged in fishing; and through that better control of the other things that are meant to be controlled under the law. Nevertheless what we consider is still of great importance to this country is not only to limit ourselves to the small scale fishing, but what we should do is to expand and make sure that we can protect our rights far beyond where our local fishermen are able to reach and fish. In order to do that, although we have heard statements being made here and outside that there are certain friendly countries which are prepared to help us and to put certain vessels at our disposal for controlling and supervising the sea, and that a sort of patrol was going to take place, nevertheless up to now we have not heard anything materialising in that line. Here I will appeal to this Government, whether help is coming from this country or that country, I think that if there are friendly countries which sincerely want to help us, personally we, on this side of the House, we believe in that, in fact there is tremendous and unlimited scope in the fishing industry for this country. Because when you realise, Mr. Deputy Speaker, it is one of the main industries of some countries. We believe that in Mauritius, after the sugar industry, we can make of the fishing industry the next main industry of this

country. Because with it, not only can we get all the fish that we require. As you know we are still importing, we are still depending on other nations to provide us with the fish that we require for our local consumption — but there is more than that: we can still export, and that is why we say that with the other neighbouring countries of the region, we can work in cooperation in order to make the fishing industry a success, because there will be markets not only locally, but we can also find markets elsewhere and there is tremendous scope for a canning industry, and with the by-products, for animal feed and all the rest.

Therefore, I think Government should really start thinking seriously on that line and we should, instead of asking help and getting money from other sources, and spending that money on useless things, one of the priorities of this country ought to be to develop the fishing industry and try to get the know-how and the necessary help from friendly countries which genuinely want to help us in that line. And for that matter, it may come from anywhere, be it from the West, be it from the East, be it from India; because we know that there are certain countries that have been willing to help in that direction, but so far we have not availed ourselves of that help, and that is why, I may say, that our fishing industry has remained stagnant as it has been for so many years past. Therefore, Mr. Deputy Speaker, I do not want to be very long on this, but we know that now we have a fishing vessel like the "Lady Sushill" which, of course, is a good thing for this country — one example of how interesting it is to have this sort of vessel modern, fully equipped, that can do a lot of service and a lot of good to this industry — but we should not content ourselves with having one vessel.

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As I said, we must have a fleet of fishing vessels, we must have properly trained people and being given that we are going through a very crucial moment, with the economic crisis, with unemployment problem, we can have a fair number of our population engaged in that industry. That is why I am appealing to this Government, although it is late, but it is not too late, that we should do our best to bring all that we can in that direction in order, at least, to make a start and to go on developing that industry.

Mr. Deputy Speaker, I don't want to enter into all the details of the clauses that have been introduced, and the new clauses specially that are being introduced; I wanted to give our opinion on what we believe should be done and where we are lagging behind, and as I said, we appeal to this Government to try and make use of every help possible and help that can be even asked for, because it will be spent in a worthwhile way if we really develop that industry for the benefit of our country.

There is a clause in this law where it is stated that even fishing with explosive can be done, provided there is a permit that has been obtained from the PAS of the Ministry.

I fail to see why there should be this question of permit from the PAS, why this power is granted to the PAS, even to allow fishing with explosives, because we know how destructive it is to fish with explosives. In fact wherever it is used — I am no expert, but I have been told that for a long time — fish is completely destroyed and won't come in that region again. It destroys almost everything. Therefore, I think this should be completely banned. There should be no question of anyone, at anybody's

discretion, to grant any permit, or licence, to fish, in any circumstances, with explosives.

With these remarks, Sir, as I was saying, we, on this side of the House, we welcome the Bill, because we believe that, as a matter of fact, it is a move in the right direction and we hope that from there on, we will go further still in order to be able to make the most, and exploit to the maximum all the resources of the sea, and especially with the economic zone that has been declared as belonging to this country.

(4.18 p.m.)

Mr. M. Dulloo (Second Member for Grand Baie and Poudre d'Or): Mr Deputy Speaker, Sir, I won't be long. We have just heard the Minister of Fisheries commending this Bill to the House, make certain remarks, and he has been putting emphasis on certain figures as if he has done a good job; but, I, for my part, I would say that very little in fact is being done by this Bill, because this Bill does not touch upon the fundamental question that has been raised by the Leader of the Opposition, namely, the question of the fishing industry itself on the proper scale as required from our economical point of view, and based on the social point of view, especially the point of view of food for our people.

The Bill itself, in fact, we should put, it is a sort of consolidation of past legislation, with a few touches here and there, and most of the new legislation that has been brought will only affect small fishermen, those we find in our villages, round the coast. I won't go back on the fundamental issue raised by the Leader of the Opposition, but suffice it to say that, in fact, we are losing a lot of our

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potential resources from the sea because these are not being properly exploited. The Leader of the Opposition has referred to the "Lady Sushli", but, unfortunately whatever fish is being caught by the "Lady Sushli" goes, as we know, for industrial purposes. And, even then, I have been told that the recent trip of the "Lady Sushli" has not been that successful and that there has been the necessity for making provision from the Seychelles.

To come to the legislation itself, I, as a lawyer, have had the opportunity of having to deal with the former legislation in Courts of Law, and we know that the law, formerly, was in a mess. We have a representative of the Crown Law Office here, they too have had headaches in drafting their information, and there have been a lot of loopholes; we have taken pleasure in having cases before the Courts of law. But, unfortunately, going to the new legislation I see that some of the difficulties would not be eliminated by this new legislation. This Bill, as has been pointed out, aims at organising, regulating and controlling fishing generally in Mauritius. As we see, there is a vast number of powers given to the PAS. As has been pointed out by the Leader of the Opposition, in various instances he has to use his discretion. But I, for one, submit that, in fact, there is a danger here. At a time when we should try to aim at decentralising, we see we are going the other way in this Bill: we are centralising all powers in the hands of the PAS. For any matter, the least licence, the poor fisherman would have to come up to the PAS. So, I hope that a proper procedure will be established — perhaps he may be the person having the last say in the matter — but a procedure should be established that all these applications, all these formalities, should be

able to be done by the poor fisherman in his own village, and that he would not have to come up to the office of the PAS for them. Because, what is the fisherman being given in return? We have all that red tape being set up, all those formalities to go through — the poor fisherman, has got to go through all that — but, in fact, we see very little protection given to him in return. Because, if we are regulating as far as their activities are concerned, we should try to see that they are given adequate protection; not only that, but also encouragement for their daily activities, specially when they depend on that for their daily bread. Recently, we have had a lot of cases of fishermen, specially during the bad weather, who have been affected, they have not been able to go out to sea and they have been compensated for certain days when they were out of activities, but many of them have not been so compensated; only a few days have been actually reckoned as bad weather and have been credited to them, whereas there have been many other days when the sea was very rough — though the weather was bright — and they have not been able to put to sea, and they have not been adequately compensated for that.

It is one thing to pass legislation for the sake of controlling, for regulating, certain activities. But we should also see to it that, at the same time, we have the man-power necessary and the training necessary to put into effect that legislation, and that abuse be not made possible and that, the law, in the last alternative, does not become arbitrary. I have here in mind the many Fisheries Officers around the coast who, I submit, should be given the proper training of how to deal with the fishermen in certain circumstances. Because — it is sad — we have had many

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cases of conflict between the fishermen and the Fisheries Officers; there have been cases also where people have been very seriously assaulted — Fisheries Officers — as a result of the bad relationship between the Fisheries Officers and the members of the public. This is the result of the poor training the persons in charge have had. In fact, we see here that powers are being given to the PAS and also to some Officers — for example, under Section 7 and Section 8 — when those Officers can, when fish is being landed at a particular fish-landing station, declare that the fish is fit for consumption or not; and, when a person is selling fish in the street, he, too, can be arrested and it is for the Fisheries Officer or the Police Officer to decide whether the fish is fit for human consumption, to arrest that person or not. In the case of fish landing stations, the Fisheries Officer can decide that the sale be prohibited and the fish destroyed, without compensation, straightaway. So, there is the danger of abuse, there is the possibility of abuse. We should see to it that, in practice, the proper training is given and that these people know how to go about doing their work.

There is the question of supervision itself. We don't have enough Fisheries Officers to go around our coasts for the proper supervision of our coasts. We have, for example, in Section 9, subsection (3) the question of supervising our rivers, lakes and all that, the question of pollution and so on. Most of our rivers, in fact, have been polluted, specially during crop season, and we have had the recent case which has been brought up before the House here by one Parliamentary Secretary — the question of the ponds in Pamplonousses Botanical Gardens where there has been outright pollution by factories nearby. So, we should have trained Officers to go around seeing to it;

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because, in the long run, who would be responsible to draw the attention of the authorities concerned to such type of pollution? Most of the time, it is the members of the public — when they are suffering from the repercussions of the pollution then they draw the attention of the authorities to it. But, when they do this, the damage has already been done. And, very often, in most of our villages, the members of the public have been accustomed to a certain state of affairs, they take it for granted that the river should be in such a state and, sometimes, the matter is never brought to the notice of the authorities concerned.

There have been a few instances of the law being amended but, in my humble opinion, far from contributing to redressing matters, on the contrary we are going back to a situation which was creating injustice. We can come to that when we come to the Committee stage, but I would draw attention here to the question of the disposal of fish which has been obtained by means of explosives. Formerly, when the fish was seized, it was offered to orphanages and charitable institutions; but now we see that the whole matter is left at the discretion of the PAS. We are not imputing anything as far as the present PAS, or any future PAS, is concerned; we are just saying that if such discretion is given to one man, there is the danger of abuse. And once there is the possibility of such abuse, we should be very careful as to how we entrust powers to one particular person.

There are, also, certain anomalies in the legislation which, I think, are best taken up at Committee Stage. But I should say one thing — and I make a plea here to the Minister and, through him, to the Officers concerned — to see to it that the law be implemented, yes, but in the true spirit of

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the law. And, secondly, that the authority or department be given the manpower necessary; and, thirdly, that ways and means be found to protect and to encourage those small fishermen, let alone the small fishmongers along the high street. Here I have specially in mind a lot of our youngsters in our villages along the coast who have nothing to do, and, as a hobby, go fishing with a rod and line; they may catch some fish more than is necessary for their own personal consumption, and they just go around in the village selling to their neighbours, to the people around, thereby earning some extra money. So, if we are regulating that each fishmonger should have a licence, these people will have a lot of hardship to go through. So, we should see to it that the law be applied, yes, but not as stringently as to affect our traditional way of life, specially village life, and cause such hardship to these people. At Committee Stage, I will come with a few specific points on this legislation. Thank you, Mr. Deputy Speaker.

(4.33 p.m.)

Mrs. S. Caiffa (Second Member for Stanley and Rose Hill): Mr. Deputy Speaker, Sir, this new piece of legislation is very complex and various points have been raised by my friend and colleague, the member for Grand Bay and Poudre d'Or. For my part, I would like to join him specially on the question of hardship and raise a point only as concerns the sentences and penalties which a Court could inflict in cases of infringement of the various sections.

Sir, it is very difficult for any legislator to strike the right balance for the protection of society and, at the same time, for the protection of the individual. But the section concerning penalties in general —

section 34 (5) provides that a Court "may forfeit implements and any boat..."

that is, the instrument of the offence — which is nothing new. Of course the magistrate has the discretion to apply this penalty or not. But I wish to make the point, Sir, that the fishing implements, and the boat specially, are instruments of work; and, in cases of the person having already been either fined or imprisoned, I think it would be very harsh, specially in cases of very poor families where, perhaps, a father may have committed the offence and the children may still carry on fishing, using the same instruments, the same boat etc. — it would be very hard on them if such instruments were forfeited. Because it might mean that we are removing from these families their very *gagne-pain*. I don't know whether this should be done away with completely because, on the other hand, I can quite see that other people who do not fish for a living might be abusing. I think it should, probably, be restricted to the cases where the boat itself, for example, is being used repeatedly — dans des cas de récidive de la chose et non pas de la personne, je pense qu'on pourrait, éventuellement, proposer un amendement à cette section.

That is all, Mr. Deputy Speaker.

(4.34 p.m.)

Mr. Bérenger (First Member for Belle Rose & Quatre Bornes): M. le président, si le ministre du plan et du développement n'était pas entré dans la salle des débats, j'allais commencer mon intervention en soulignant que l'intérêt avec lequel les *senior Ministers* de l'autre côté suivent ce débat — ou plutôt l'absence d'intérêt, le peu d'intérêt — est, en lui-même, la preuve, si preuve était encore nécessaire, d'abord

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que le Gouvernement lui-même dans sa majorité n'est pas conscient de l'importance du projet de loi que le ministre des pêcheries apporte aujourd'hui devant cette Chambre, et, deuxièmement, que ces *senior Ministers* ne sont certainement pas conscients de l'importance que l'industrie de la pêche — que la pêche, en général, et l'industrie de la pêche en particulier — devrait avoir dans une Ile Maurice véritablement en développement. De ce côté de la Chambre, j'ajouterais des commentaires à ce que le *Leader* de l'Opposition, mon Collègue Madun Dulloo et d'autres ont dit, et j'utiliserai ces mots qui figurent dans le *White Paper* annonçant les amendements au *Companies Ordinance*. Vous vous souviendrez, M. le président, les mots utilisés à cet effet pour dire que des amendements au *Companies Law* de 1973 sont depuis longtemps nécessaires — les mots suivants sont utilisés : *long overdue*. Je dirai que dans le cas qui nous intéresse ici, c'est-à-dire l'industrie de la pêche, le texte de loi et surtout les mesures qui devraient suivre ce texte de loi, sont *long overdue*. Pour rester à l'Ile Maurice, je veux dire que, dans une large mesure, en langage mauricien, c'est aussi une question "d'après la mort la tisonne".

Lorsque nous constatons ce qu'on a fait de nos lagons, de nos passes et du corail en dehors de nos brisants, en utilisant la dynamique mais aussi la pêche sous-marine pendant des années, lorsque nous considérons le pillage systématique, criminel qui a été fait de nos coquillages depuis des années — et je constate que le ministre n'a même pas fait mention du mot coquillage qui a une importance quand même — je répète malheureusement nous sommes en présence ici d'un cas d' "*après la mort, la tisonne* !" Voyons où en sont les choses ! Et là, je rejoins totalement mon Collègue Madun Dulloo lorsqu'il est venu dire qu'en écoutant le ministre des

pêcheries on aurait l'impression que malgré tout, il a fait son travail plus ou moins comme il le fallait jusqu'à présent, que la situation était plus ou moins ce qu'elle devrait être ! Mais en fait, je dirais sans hésitation, au nom de l'Opposition que, lorsque nous nous penchons sur l'évolution de l'industrie de la pêche, au cours de ces dernières années à ce jour, nous sommes en présence d'une faille plus grande encore que celle constatée dans le cas de la diversification agricole. Finalement, la faille de la pêche à l'Ile Maurice et dans les régions avoisinantes, forme partie de la faille de la diversification agricole. Pour moi, il n'y a rien de plus éloquent que le fait que le ministre de l'Agriculture et des ressources naturelles n'estime même pas nécessaire de suivre ces débats ! Les pêcheries ont été la responsabilité de ce ministre pendant des années. On lui a retiré la responsabilité des pêcheries, mais il est encore ministre de l'Agriculture et des ressources naturelles de l'Ile Maurice ! Une des ressources naturelles les plus précieuses et appelées à connaître un avenir des plus importants est précisément l'industrie de la pêche. Et ce ministre, ne mesurant absolument pas la portée de ce projet de loi et des mesures qui devraient le suivre, n'estime même pas nécessaire de suivre les débats ! Pour moi, rien n'illustre plus l'absence de sérieux avec lequel le Gouvernement s'attaque à ce problème. Quand je dis donc que la faille de l'industrie de la pêche est à la mesure de la faille de la diversification agricole, je ne vais pas seulement me payer de mots, je vais mettre quelques faits et quelques chiffres en avant.

Pillage de nos lagons, du corail se trouvant juste à l'extérieur des récifs et même de l'Ile Plate et des autres îles avoisinantes — le ministre sait autant que moi que ces régions ont déjà été pillées à la dynamique, c'est le pire crime qui puisse

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être commis; lorsqu'on a utilisé la dynamique c'est la mort des coraux, de la vie marine sous toutes ces formes pour des années sinon des décennies à venir — je parle de faille parce qu'en fait la dynamique a, plus ou moins, tout nettoyé, non seulement dans nos lagons mais en dehors de nos lagons; non seulement en dehors de nos lagons, à l'extérieur de nos récifs mais dans des îles comme l'Ile Plate, le Coin de Mire et tant d'autres îles encore. Pillage donc des lagons et de ses régions !

Je prends une autre référence pour constater la faille : les "*barachois*". Dans le plan de développement de cinq ans 1975/80 — dans la mesure où il est décent d'y faire référence — il est prévu dans ce plan de développement qu'en 1980, l'Ile Maurice produirait trois cent tonnes de poissons à partir des "*barachois*" — pages 84 et 85 du plan de développement. Les chiffres sont là, M. le président — douze tonnes en 1977; seize tonnes en 1978; les chiffres de 1979 n'ayant pas encore été publiés. Le pillage dont je parlais tout-à-l'heure n'a pas seulement détruit les lagons et les régions avoisinantes de l'Ile Maurice. Ce pillage a déjà — à ce stade le ministre sera d'accord avec moi, je suis sûr — détruit Rodrigues. Depuis combien d'années à Rodrigues pêche-t-on les homards de nuit, illégalement avec des senes ? Depuis combien d'années permet-on, qu'à Rodrigues aussi, les lagons et les régions à l'extérieur des lagons, s'essouffent. J'ai parlé de Rodrigues, de l'Ile Plate; je vais plus loin ! Je vais à St. Brandon. De 678 tonnes pêchées à St. Brandon en 1972, nous tombons à 408 tonnes pêchées en 1978. Encore une fois, les chiffres de 1979 n'ont pas encore été publiés et il est prévisible que les chiffres seront encore, plus bas à St. Brandon. A moi, la compagnie qui gère St. Brandon — compagnie qui forme partie du groupe Rogers — s'est plainte et se plaint toujours

que le pillage existe aussi à St. Brandon. Je ne citerai pas de noms — le ministre sait sûrement de qui je veux parler — la certain capitaine de petit bateau — la tentation me vient de citer son nom. Ils sont entrain de piller — parce que ce sont comme on le dit à Maurice, des "butors" — les îles de St. Brandon et les alentours. Ils sont entrain de débarquer illégalement, ils font ce qu'ils veulent : torpillage de tortues, pillage systématique dont se plaignait la compagnie elle-même, mais il n'y a pas un seul policier sur cette île. Il n'y a aucun moyen de contrôle. Donc, St. Brandon, aussi est entrain d'être détruit. Agaléga qui était gérée par une compagnie privée; actionnaire majoritaire, seychellois; actionnaire minoritaire, mauricien; Agaléga était donc une compagnie gérée précisément par seychellois majoritaire et mauricien minoritaire. Agaléga était une entreprise rentable. Agaléga produisait, en tant qu'entreprise, non seulement du copra mais du poisson. Le Gouvernement est intervenu dans un louable effort de récupérer le patrimoine national, de le développer dans l'intérêt du pays. Bravo ! Le *Agaléga Corporation* a été mis sur pied à travers une loi ! Le *Agaléga Corporation Act* voté en octobre 1976 ! On en est-on aujourd'hui ? Agaléga peut non seulement fournir à l'Ile Maurice du poisson en grande quantité mais aussi des légumes ! Agaléga — j'en ai discuté longuement avec ceux qui connaissent l'île — a un potentiel énorme de production, non seulement en ce qui concerne la pêche, mais aussi en ce qui concerne l'agriculture. Qu'en est-il aujourd'hui ? Qu'importons-nous d'Agaléga ? Poisson ? Zero, rien ! Plus de poisson importé d'Agaléga ! Et pourtant, M. le président, je dois vous citer du texte de loi — je suis sûr que l'honorable premier ministre a dû complètement oublier, c'est l'impression qu'il me fait — *the objects of the Corporation. There are two objects — paragraph 4 of The Agaléga*

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Corporation Act of 1976 — (1) "to exploit and develop coconut plantations in Agalega" (2) "to carry on such other agricultural activities or fishing activities as may be determined by the Prime Minister". Encore une fois, je constate une faillite totale. Agalega dégingole, nous ne faisons plus rien entrer dans le pays, à partir d'Agalega, comme poisson, comme c'était le cas dans le passé.

Faillite encore, que je constate, dans les banes de pêche. Je prendrai un exemple entre dix mille que je pourrais prendre. Un article dans PROSI — le mensuel du secteur privé — en date d'août 1974. "Les Produits de la Mer"; "L'Avenir de l'Industrie de la Pêche". Cela date d'août 1974 pour ne prendre qu'un exemple ! "Les industriels de la pêche sont inquiets; les rapports pessimistes de certains experts sur le potentiel des banes de Nazareth et de Saya de Malha, l'interdiction rapportée de certaines nations de venir exploiter les endroits traditionnels exploités par les mauriciens". Cet article fait état de la publication du rapport Lebeau et Queff qui constate un essoufflement des banes de Saya de Malha et de Nazareth. La chose a continué allégrement. Les banes de Nazareth et de Saya de Malha — je vous vais citer des chiffres — permettaient en 1974 à l'île Maurice d'obtenir 3,079 tonnes de poisson au moment où est écrit cet article alarmiste qui tire la sonnette d'alarme en regardant l'avenir. De 3,279 tonnes de poisson qui nous parvenaient des banes en 1974 donc, nous tombons, en 1978 à 1,900 tonnes — derniers chiffres disponibles. Le ministre sait que les chiffres pour l'année 1979 seront écrasants et ce sera encore pire pour 1980.

Les deux grosses compagnies de pêche ont déposé leur bilan; elles ne fonctionnent plus. "Nazareth Fishing" d'un

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view, très lucide d'ailleurs, présenté par le ministre du Plan et du Développement. Les importations se chiffraient à 1,800 tonnes en 1970; dernier chiffre dont parle ce rapport — 1977 — 5,500 tonnes.

Vous m'entendez bien: de 1,800 tonnes d'importation de *fish products* à 5,500 tonnes de 1970 à 1977. Et, si nous prenons 1978-79, nous verrons, qu'encore une fois, la faillite continue, s'approfondit et que les importations augmentent. La première remarque, donc, que je voulais faire: constater très amèrement que l'industrie de la pêche qui devrait être, comme l'a dit quelqu'un, qui devrait venir immédiatement après l'industrie sucrière est en faillite. Le deuxième point que j'aimerais souligner, c'est que le ministre, d'après moi, aurait dû quand même, en commentant son projet de loi, faire remarquer que nous avons eu affaire ici à différents genres de pêche. Présenter le tout comme un amalgame ne fait que créer de la confusion. Je prends un exemple. Si quelqu'un se référerait au *'Lady Sushil'*, aux poissons capturés par le *'Lady Sushil'* pour montrer que l'industrie de la pêche est, à Maurice, en bonne santé, ce serait faire dangereusement fausse route; car la *'Lady Sushil'* fait un genre de pêche; la pêche au thon, qui n'a absolument rien à voir avec la pêche sur les banes. C'est une autre entreprise complètement — une se fait à partir des chalutiers en haute mer, l'autre se fait à partir des bateaux qui débarquent, les petites pirogues qui vont pêcher sur les banes, qui reviennent — deux genres de pêche totalement différents. Et, encore une fois, deux genres de pêche à leur tour différents du genre de pêche pratiquée sur les îles elles-mêmes; encore une fois, différente du genre de pêche pratiquée à partir des bateaux qui quittent l'île Maurice pour se rendre dans les régions avoisinantes hors des lagons; encore une fois, différents du genre de pêche pratiquée dans les lagons; encore une fois différents du genre de pêche pratiquée dans les *"barachois"*. Donc, ne pas insister sur la réalité des différents genres de pêche pratiquée à Maurice, c'est causer de la confusion, et c'est empêcher de voir la vérité: que certains secteurs ont été profondément meurtris, comme je le disais plus tôt. Je ne puis m'empêcher d'être pessimiste, malgré les déclarations d'intention du ministre en question qui, je suis sûr, a véritablement les meilleures intentions au monde; je ne puis m'empêcher d'être pessimiste. Vous me demanderez pourquoi? Je vous répondrai à cause de deux précédents. Le précédent du *Martime Zones Act* voté par cette Chambre en 1977, et le précédent de l'*Agalega Corporation*. Je ne reviendrai pas en détail sur l'*Agalega Corporation*. L'occasion nous sera donnée en d'autres circonstances, quand il nous faudra nous pencher sur toute cette affaire de l'*Agalega Corporation*, sur tout ce morceau de patrimoine mauricien absolument sacrifié, absolument délaissé. Mais le fait que, comme je le disais tout-à-l'heure, une législation ait été votée en octobre 1976 visant à promouvoir le développement de l'industrie de la pêche à Agalega, et que cela ait débouché sur le fiasco dont je viens de faire état, est un précédent qui, de mon point de vue, augure mal pour l'avenir. Deuxième *Martime Zones Act* de 1977: nous avons voté le cœur plein de patriotisme en 1977 ce texte de loi. Qu'en est-il advenu? Qu'est-ce qui a suivi dans la pratique le vote par cette Assemblée de ce projet de loi? Quel moyen de contrôle l'île Maurice, le Gouvernement mauricien s'est-il donné pour appliquer ce *Martime Zones Act* de 1977? Rien 1,000 fois, 100,000 fois rien! On nous a promis la collaboration avec les Seychelles, surtout dans le cas

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de Saya de Malha, une collaboration étroite, pour empêcher que des tierces parties ne viennent piller les bancs de Saya de Malha. Je citerai l'accord du 15 avril 1977. M. Albert René alors Premier ministre, entretemps devenu président de par la grâce de Dieu, visitait l'île Maurice. Le 15 avril 1977 un communiqué conjoint, signé par Sir Veerasamy Ringadoo, le ministre Busawon, le ministre Seetaram, le ministre Chong Leung et la délégation seychelloise, fait état au paragraphe 8 de la chose suivante :

"The two delegations agreed that should problems of delimitation arise in the exercise of the respective jurisdictions of the two countries over the maritime space, amicable solutions in the spirit of the traditional type binding the two countries, would be sought having regard to the principles of international law and state practice governing the matter."

Au paragraphe 9 nous allons plus loin :

"The two delegations further agreed that the two countries should cooperate in all activities geared to the development, control, management and conservation of resources, the prevention of pollution and the conduct of scientific research in the maritime space under their respective jurisdiction."

Force m'est de constater que cette coopération, de plus en plus étroite avec les Seychelles dans ce secteur, ne s'est absolument pas concrétisée. Trois officiers du Gouvernement se sont rendus, il y a quelques jours, à la conférence régionale ACP qui a discuté, entre autres choses de la pêche aux Seychelles. Souhaitons que l'avenir soit meilleur que le passé. Mais, je constate, quant à moi, qu'absolument rien n'a été fait pour que l'île Maurice et les Seychelles ensemble contrôlent leurs ressources maritimes, collaborent autant que possible, pour empêcher le pillage de nos bancs et la pollution dans les régions qui nous intéressent conjointement, surtout dans le cas de Saya de Malha. Je ne ferai pas de violence au ministre en lui rappelant qu'il avait absolument tort,

en 1977, lorsqu'il déclarait ici à la Chambre :

"But if you are going to take into consideration the 200 miles limit you will see that the Saya de Malha Bank is almost covered by the extension of our territory."

Je sais que depuis le ministre s'est certainement renseigné, et que tel n'est pas le cas. Si nous mesurons 200 milles à partir du dernier morceau de territoire mauricien qui est précisément, Agalega, et que nous mesurons 200 milles à partir du dernier morceau de territoire seychellois qui est l'île de Coetivy, nous trouvons un huitième des bancs de Saya de Malha. Les Seychelles couvrent légèrement plus les bancs de Saya de Malha — 90% des bancs de Saya de Malha tombe en dehors des zones de 200 milles de l'île Maurice comme des Seychelles. Si le ministre a des difficultés, je peux aisément lui prêter un compas ; mais s'il va faire état du concept des droits historiques, c'est une toute autre affaire. Si le ministre croit pouvoir faire état des droits historiques, sur telle ou telle région de l'océan indien, c'est une toute autre affaire ! Je parlais moi, uniquement du concept de 200 milles qui est lui, au moins, bien établi à ce stade, et qui montre, donc — je le répète — que la plus large partie des bancs de Saya de Malha tombe en dehors de la zone économique et de Maurice et des Seychelles, et que c'est bien pourquoi la collaboration entre les Seychelles et Maurice est, non seulement, nécessaire mais indispensable. Le ministre — je ne reviendrai pas là-dessus longuement — comme moyen de contrôle, nous avait aussi annoncé un patrouilleur, qui est une nécessité vitale pour l'île Maurice. J'y reviendrai tout-à-l'heure. Le ministre nous avait annoncé un patrouilleur qui est resté, sans doute, en cale véritablement sèche en Corée du Sud. En tout cas, nous attendons toujours le patrouilleur. On nous

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avait promis les cartes maritimes. Je vous rappelle que le Premier ministre avait déclaré à cette Chambre :

"They are being prepared. To avoid doubts..."

Je me souviens des mots du Premier ministre, je n'aurais pas le temps de chercher sa déclaration, mais je me souviens des mots du Premier ministre en 1978 :

"To avoid doubt a chart will be published in a few days, in a very few days".

Nous attendons encore la carte en question, délimitant ne serait-ce que notre zone économique de 200 milles. Nous attendons toujours ce document. Au fil des mois le Gouvernement a systématiquement promis — je retrouve le document, ce n'est pas 1978 mais le 18 octobre 1977 le Premier ministre répond :

"For the avoidance of doubt..."

Comme toujours, ma mémoire est quasiment infallible.

"...charts will be published shortly setting out the limit of our historic waters".

Plus que notre zone de 200,000 — les *historic waters*. Nous attendons toujours, comme je le disais, la publication de ces cartes. Le pillage maintenant, faute de ces moyens de contrôle, le pillage de nos bancs continue. Je ne citerai qu'une déclaration d'un des directeurs d'une des compagnies. Le 26 février 1980, problème numéro 1 de l'industrie de la pêche à en croire M. George Eynaud directeur de la *Mauritius Fishing Development* — il aurait tout à gagner à dire que le problème No. 1 est la productivité des pêcheurs — il en parle ! Il aurait tout à gagner de dire que c'est la manque de financement de la part du Gouvernement — il n'en parle pas. Mais, la raison numéro 1 qu'il met en avant, les bancs sont systématiquement pillés par

les bateaux de pêche étrangers ! Donc, ce précédent, M. le président, me fait être très pessimiste. Mais, en même temps qu'il me rendent pessimiste, ces deux précédents me poussent à demander au Gouvernement cette fois, au moins, puisqu'il y va du cœur même de l'île Maurice, du patrimoine le plus précieux même de l'île Maurice pour une fois d'agir d'urgence. Il faut agir d'urgence véritablement pour mettre fin aux méfaits de la dynamite, et de la pêche sous-marine. Je crois que le ministre m'avait très mal compris l'autre jour lorsque j'avais soulevé le cas des pêcheurs sous-marins. J'y reviendrai dans quelques minutes. Nous disons depuis des années — je me suis débout en 1977, si le ministre se rappelle, pour dire que, comme aux Seychelles, la pêche sous-marine doit être interdite à l'île Maurice.

Nous le répétons depuis des années. La dynamite d'abord, mais la pêche sous-marine aussi. J'ai écouté le ministre tout-à-l'heure, et il a dit deux choses. Il a dit d'une part — il se souviendra du mot qu'il a utilisé. Je ne mets pas le mot dans sa bouche — en parlant de la pêche à la dynamite il a été jusqu'à dire : "It is rampant". Constater le 13 mai 1980, que l'utilisation de la dynamite *is rampant*, ce que nous constatons nous tous qui allons quelquefois au bord de la mer ! Qui n'entend pas régulièrement le son sourd de la dynamite suivie de la gerbe d'eau qu'on aperçoit n'importe où à l'île Maurice, à l'est, au nord, au sud ? Et venir dire en mai 1980 que l'utilisation de la dynamite pour pêcher "is rampant" ! Quel aveu de défaite, quel aveu d'impuissance incroyable de la part du Gouvernement ! Et, j'ai écouté aussi avec attention le ministre lorsqu'il nous a dit que, dans le cas des pêcheurs sous-marins son ministère — encore une fois je ne mets pas des mots dans sa bouche — en core une fois le ministre nous dit que,

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dans le cas de la pêche sous-marine, quoique son ministère savait que c'était illégal, depuis des années :

" *My ministry has been lenient* "

Ce sont les mots utilisés par le ministre ! Pendant des années, donc, plus l'Opposition criait — depuis 1977 j'avais suggéré de trouver de l'emploi alternatif pour ces gens-là, empêcher la pêche sous-marine — on a été *lenient* ! Pendant des années, on a permis que ce problème se multiplie pour finalement, aujourd'hui, d'un coup de loi, si je puis dire, vouloir trancher le problème. Mais, cela fera mal, ce ne sera pas aussi facile que ça. J'ai heureusement entendu aussi le ministre dire que, lorsque son ministère va appliquer son projet de loi, il sera *sufficiently flexible* parce qu'il faut être humain. C'est *grossa modo* ce que le ministre a dit, nous faisons, de ce côté de la Chambre, un appel particulier au Gouvernement sous cet aspect de choses. C'est un problème explosif. Je serais étonné si le ministre n'a pas eu des menaces etc., je souhaite que non. Mais, c'est un problème explosif, et je souhaite, pour le bien du ministre lui-même et pour le bien de toute l'île Maurice, que la mise en pratique de cette loi soit bien étudiée. En ce qui concerne la dynamique il faut être sans pitié, mais en ce qui concerne la pêche sous-marine il faut être *sufficiently flexible*.

Il faudra offrir à des pères de famille, qu'on le veuille ou non — parce que le ministère a été *lenient* depuis des années, parce que le chômage était là. Il y a des centaines de pêcheurs sous-marins professionnels, qu'ils soient enregistrés avec le ministère ou non, qu'ils aient agi dans la légalité ou non, que le ministère ait été *lenient*, alors qu'ils étaient dans l'illégalité ou non, peu importe tout cela — nous faisons un appel particulier au Gouverne-

ment pour lui dire de traiter ces pères de famille et ces pêcheurs sous-marins professionnels comme des Mauriciens à part entière, comme des humains et, donc, de ne pas les mettre au pied du mur du jour au lendemain. Le ministre a suggéré qu'ils soient intégrés dans des coopératives de pêche. Je souhaite sincèrement que cela soit possible dans la quasi-totalité des cas; mais tout comme certains ministres ont eu recours à des *hardship cases*, si nous nous trouvons dans le cas de ces pêcheurs, devant des cas de *genuine hardship cases*, je fais un appel personnel et particulier au Gouvernement, qu'il accorde toute son attention à ce problème.

Je reprendrai maintenant quelques choses que le *Leader* de l'Opposition a dit. Le *Leader* de l'Opposition a eu raison de dire — et je crois que le Premier ministre d'ailleurs s'est mis en colère contre le ministre des pêcheries — qu'il faudrait *délester* cette section de la loi qui permet au PAS du ministère des pêcheries de permettre, si bon lui semble, à certains de pêcher à la dynamite. Je crois que la suggestion a été acceptée et que *at Committee stage, we will do away with that*. Mais je note que la même clause couvre la pêche sous-marine, que le PAS est autorisé à permettre à certains de continuer à exercer leur métier de pêcheur sous-marin. J'aimerais donc, savoir du ministre concerné, si cela a été fait volontairement, pour *phase out* le problème, si je puis dire, ou, si du jour au lendemain, l'interdiction de la pêche sous-marine va être appliquée comme une guillotine.

J'aimerais attirer l'attention du ministre pour lui demander de porter une attention particulière aux touristes. Mes informations sont que des touristes, régulièrement, dans les quatre coins de l'île, pêchent avec bonbonne d'oxygène, etc., donc, non seulement pratiquent ce genre de pêche

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sous-marine que pratiquent nos pêcheurs sous-marins professionnels à partir de la surface, mais avec bonbonne, ce qui est encore plus criminel que la pêche sous-marine ordinaire. Je dirai donc au ministre, sans appeler les foudres de notre ministre du tourisme — je ne crois pas qu'il interdise la pêche sous-marine aux touristes, va les faire fuir pour d'autres lieux — qu'il y a là quelque chose à faire en particulier.

Je parlais de l'urgence avec laquelle le Gouvernement...

Sir Harold Walter : Un de vos députés vient de demander une permission pour la pêche sous-marine.

Mr. Bérenger : Well, refuse him, for once you will do a good thing !

Sir Harold Walter : Cela vous gêne !

Mr. Bérenger : Sir, I cannot help being precise and exact.

(*Interruption*)

Ta lère poisson rouge là. Tout-à-l'heure je vais venir sur cette économie rouge qui va devenir poisson rouge, M. le président...

Sir Harold Walter : Vous allez faire une expérience de cobaye...

M. Bérenger : Heureusement que le *Muppet Show* ne se manifeste pas sous l'eau parce qu'autrement cela ferait un raz de marée lorsque la belle pénétrerait les flots !

M. le président, je retourne à mes poissons, pour ne pas dire, mes moutons. Je demanderai au ministre et au Gouvernement d'agir avec toute l'urgence nécessaire dans le cas de l'île Maurice,

dans les lagons, hors des lagons, d'agir aussi vite que possible, surtout en ce qui concerne la dynamique, mais aussi en général.

Je demanderai au ministre de le faire avec encore plus d'urgence dans ce qu'il nous reste à l'île Plate, dans les autres îles entourant l'île Maurice, à Rodrigues, à St. Brandon; et tout-à-l'heure je viendrais sur les moyens qu'on refuse au ministre en question. Sans doute par solidarité collective, il n'a pas critiqué l'absence des moyens qui lui lient les mains. Je ne dirai pas qu'il est venu me dire de dire cela à sa place, non, du tout pas; ce n'est pas qu'il est venu me dire de dire à sa place, parce que le ministre ne peut pas le dire. Mais je sais que, fondamentalement, cela doit être ce qu'il ressent; qu'il n'a pas les moyens de sa politique; et je lui demanderais, donc, d'accorder son attention d'urgence à ces îles et d'aller plus loin même; de pousser le Gouvernement à agir en coopération avec les Seychelles pour empêcher que continue le pillage de nos banes de Saya de Malha et de Nazareth.

Je lui demanderai aussi, puisqu'il est ministre des pêcheries et que l'*Agalega Corporation* ne tombe pas sous sa responsabilité, mais quand même, en tant que ministre des pêcheries, de pousser le Gouvernement à exploiter à fond le *fishing potential*, si je puis dire, d'*Agalega*, de faire revivre *Agalega*, en ce qui concerne les possibilités de pêche.

Je lui demanderai aussi d'agir d'urgence dans le cas des "*barachois*". Les chiffres que j'ai cités tout-à-l'heure sont éloquentes. S'il faut reprendre les "*barachois*" à des individus privés, pour que les chiffres mis en avant dans le plan de développement soient atteints, qu'on le fasse ! On vient toujours nous conter les oreilles avec l'inefficacité du secteur privé, le potentiel de

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production, la rentabilité du secteur privé ! Je ne vais pas faire un discours là-dessus aujourd'hui mais dans le cas des "*barachois*", le secteur privé est coupable ! J'ai cité les chiffres officiels du Gouvernement, j'ai cité les chiffres que je répète : alors que le plan de développement prévoyait 300 tonnes en 1980, 16 tonnes ont été produites en 1978 ! Je n'oserais pas dire que le seul et unique "*barachois*" gouvernemental de Mahébourg est un exemple de productivité sous-marine, mais je dis que, là aussi, il y a quelque chose à faire très vite. Comme il y a quelque chose à faire très vite, dans le cas de la pollution ; mais je le disais tout-à-l'heure, le ministre en question, qui a certainement les meilleures intentions au monde, a-t-il les moyens de sa politique ?

Je vous rappelle, M. le président, que le plan de développement quinquennal 1975/80, le ministre des pêcheries — je cite à la page 173 du plan de développement :

"Il était prévu que pour le projet de développement au cours de ces cinq années, le ministre en question dépenserait Rs. 25 m."

C'est le cas de dire que ce n'est pas la mer à boire ! Pour une industrie de cette importance, ce n'était pas la mer à boire, Rs. 25 m. en cinq ans supposément, pour développer l'industrie de la pêche ! Vous savez, en cinq ans, combien a été dépensé, M. le président ? En cinq ans, moins que Rs. 2,5 m. pour être exact, Rs. 2,3 m. en projet de développement ! Rs. 25 m. prévus au projet de développement, Rs. 2,3 m., dépensés y compris l'année financière en cours. J'ai inclus l'année 1979/80 où à peu près Rs. 400,000 ont été alloués au budget de développement, c'est-à-dire moins de 10%. Il suffit de regarder *Plan Projects du Draft Capital Budget de 1979/80*, à la page 36, *Services under the control of the Minister of Fisheries*, et vous verrez la vérité des chiffres que je cite.

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le cyclone 'Gervaise' : "*Boucoup poissons fine noyer dans barachois Mahébourg*" A la télévision, j'ai entendu cela ! Je suis sûr que le ministre s'en rappelle, un des ministres qui a précédé le ministre actuel, lorsque le reporter lui a demandé : — "*Est-ce qui cyclone 'Gervaise' fine faire boucoup dommages ?*" "*Boucoup poissons fine noyer dans barachois Mahébourg*" Avec les deux oreilles, j'ai entendu la chose ! Alors, sans doute, on nous dira que *Gervaise* a emporté avec elle l'aquarium et tout le reste. Je ne m'appesantirai donc pas sur les moyens qu'on refuse sous le *Capital Budget* au ministre en question.

Quant aux moyens, sous le *Recurrent Expenditure*, je suis certain et le ministre rendra l'île Maurice service en étant d'accord avec moi. Je crois qu'on va changer de ministre. Comme dans le cas de Sir Harold Walter, je crois que c'est un officier qui va prendre la relève.

Comme je disais, si nous regardons les *Estimates de 1979/80...*

(*Interruption*)

Comme les poissons, il a émigré.

Si nous regardons les *Estimates de 1979/80*, je demande au ministre de me donner raison et de rendre service à l'île Maurice. Avec l'*establishment* qu'il a, on ne pourra pas appliquer ce texte de loi, surveiller vraiment les lagons, la mer hors des récifs, les îles avoisinantes, St. Brandon Rodrigues, Agalega, les bancs. Il est clair que, si nous allons, en tant que Mauriciens, appliquer véritablement ce texte de loi, il faut mettre à la disposition du ministère concerné les moyens de sa politique, pour la surveillance d'abord, le nombre d'officiers ; je m'attends à ce que le ministre m'explique comment, dans la pratique, tels officiers de son ministère, chargés de la surveillance et de l'appli-

tion de la loi, travailleraient avec la Police ? Quelle serait la relation entre eux, quel rôle les officiers de Police joueraient dans l'application de cette loi concrètement, pratiquement ?

Pour le nombre de bateaux dont disposent ces officiers, pour la surveillance des lagons et hors des lagons, pour la surveillance de l'île Plate et des autres îles, quel est le nombre de postes de surveillance — je ne parle pas de postes de débarquement des poissons — mais le nombre de postes de surveillance, l'utilisation nécessaire d'hélicoptères ou même d'avions. Un petit pays comme les Seychelles, qui a bien moins de 10% de notre population, a trouvé moyen d'obtenir de l'étranger, y compris de la France, de l'aide pour avoir patrouilleurs et avions patrouilleurs. L'île Maurice en est encore au point mort. Je ne suggérerai certainement pas que l'*AMAR* soit utilisé dans ce sens ; l'*Amar* est un puissant outil de défense nationale. Je pense que nous devrions laisser l'*Amar* à son rôle de puissant outil de défense nationale. Je parle de patrouilleurs armés, et d'avions patrouilleurs, et je parle aussi de l'utilisation qu'il faudra faire des hélicoptères, si nous allons véritablement exercer la surveillance nécessaire, non seulement à Maurice, mais à Rodrigues, à St. Brandon, à Agalega et ailleurs. J'ai parlé aussi du cas des "*barachois*"; si nous allons, véritablement, exploiter les "*barachois*" de l'île Maurice, comme il faut les exploiter, il est clair que le personnel du ministère en question aura à être augmenté sérieusement, quoique nous ne soyons pas en temps de *boom* économique, de prospérité sans précédent ; mais, encore une fois nous parlons là d'un secteur clef de l'économie mauricienne.

Lorsque nous parlons de bateaux de pêche, je ne serai pas méchant, je ne ferai

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pas référence, comme je l'ai fait l'année dernière lorsque j'ai parlé sur le discours du budget, j'ai cité le ministre du plan. Il nous avait annoncé combien de bateaux de pêche l'île Maurice aurait dans les jours à venir. J'ai oublié d'apporter mon dossier. Si je ne me trompe — le ministre m'aidera, tout-à-l'heure, il me rafraîchira la mémoire — il s'agissait de huit chalutiers de pêche; pas un, pas deux, pas trois, pas quatre, pas cinq, pas six, pas sept — huit chalutiers de pêche, si ma mémoire ne me fait pas défaut, mais il est possible que cela m'arrive, à moi aussi, de temps en temps; le ministre me corrigera tout-à-l'heure ! En tous cas, le ministre nous avait annoncé un nombre considérable de chalutiers : Zéro ! Au contraire, deux chalutiers dorment; et ces chulutiers — je ne suis pas expert en la matière, mais je me suis intéressé depuis des années personnellement à ce problème de l'industrie de la pêche à Maurice — et je sais que ces deux bateaux qui dorment, j'ai oublié leur tonnage exact, mais leur grossier est telle que ces deux bateaux ne pourront pas être utilisés tout simplement pour aller faire une campagne sur les bancs de pêche et revenir. Cela exige une trop longue durée de campagne qui étiente les hommes, et qui finalement, jette à bas la productivité. Mais le ministre me donne raison : Oui. Est-il possible de permettre que ces deux bateaux de pêche mauriciens soient vendus à je ne sais qui, disparaissent du patrimoine mauricien, pour qu'ensuite, supportivement, si nous allons véritablement développer l'industrie de la pêche, nous allions commander d'autres bateaux — qui ne couleront pas cette fois, j'en suis certain — mais que nous allions commander d'autres bateaux neufs au prix que cela coûte actuellement. Je reviendrai tout-à-l'heure sur un genre de rêve que moi-même, et certains cadres progressistes du secteur privé, avons caressé et que nous caressons toujours en ce qui concerne

l'industrie de la pêche. Quand je viens là-dessus, cela me fait me rappeler que, aussi étonnant que cela soit, M. le président, lorsque j'ai posé une question au ministre des pêcheries la semaine dernière, il m'a dit : "*If the Member had read the Speech from the Throne, he would have seen that we mean to have our fish farm at La Ferme*". But it seems that the Minister has not read the whole of the Speech from the Throne. I was listening intensely today, waiting to hear the Minister speak of the National Fishing Corporation which is in the Speech from the Throne. And how amazing, how disturbing it is, to hear the Minister speak at length on fishing in Mauritius, on such an important Bill, without even mentioning the National Fishing Corporation which has been announced in the Speech from the Throne !

Devons nous déduire de cela que — ce *National Fishing Corporation*, absolument indispensable, absolument urgent, subira le même sort que le *State Trading Corporation* ? Je me souviens de Sir Veerasamy Ringadoo, se mettant debout, et annonçant, il y a des mois de cela, au sujet du *State Trading Corporation* : "*My legislation is almost ready*". C'est pour cela, que j'ai utilisé ces mots l'autre jour, à l'adresse du ministre de l'éducation, en référence à l'*Education Broadcasting Authority*, qui va regrouper le MCA etc. "*My legislation is almost ready*". Le *legislation is almost ready*, mais comme dirait le ministre du logement, the *Corporation is a dead duck, despite the legislation which is almost ready*. Donc, ce même sort que le *State Trading Corporation* où que le *Cargo Handling Corporation*, porté courageusement à dos par le ministre de l'éducation ? Nous attendons voir, mais en tous les cas, vous serez d'accord avec moi, M. le président, que le fait que le ministre n'ait pas fait mention du

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National Fishing Corporation en question, is very fishy indeed. Et qu'il semble que ce soit là une des victimes de l'épidémie de capitulation actuellement en cours dans certains milieux.

Avant de conclure sur le rêve dont je parlais tout-à-l'heure, j'aimerais quand même dire deux mots sur Diégo Garcia et Tromelin. Dans le passé, le Premier ministre a fait des déclarations largement contradictoires à propos de Diégo Garcia; mais, au moins, en une occasion, il a déclaré que l'île Maurice avait gardé ses *fishing rights* à Diégo Garcia, ou plutôt sur l'archipel des Chagos, et que nous avions même gardé nos *landing rights*. J'espère que le PAS aura les épaules solides. J'espère qu'il sera au moins — je ne dirai pas *green beret*, parce que le CAM va sauter — mais enfin un "*calypso*", comme on dit à Maurice, parcequ'en fait, c'est le PAS qui va interdire aux Américains, aux Chagos d'utiliser plus que huit filets de pêche ! Et qui va interdire aux Français, à Tromelin, d'utiliser plus que huit filets de pêche ! Il ira dire aux Américains — je suis sûr que le ministre des pêcheries va l'accompagner courageusement — à Diégo Garcia, et aux Français à Tromelin : Attention ! Sous la loi, maintenant, à Agalega, à St. Brandon, à Tromelin et dans l'archipel des Chagos, tout ça ajouté ensemble, vous n'aurez pas le droit d'utiliser plus que *eight large nets, eight "canard" nets, and eight gill nets* ! Je félicite le ministre pour le courage dont il a fait preuve d'inclure ces régions de notre territoire national dans son texte de loi. Je me souviens que, lorsque mon Collègue, Finlay Salasse, avait posé une question — au Premier ministre, si je ne me trompe, ou au ministre des affaires étrangères — *Will you give a list of all the islands and territories forming part of the Mauritian territory* ? Le Gouvernement de Maurice avait été

jusqu'à en exclure l'archipel des Chagos et l'île de Tromelin. Aujourd'hui, nous voyons que ces territoires sont inclus dans ce texte de loi. Il faut, donc, s'attendre à ce que, dans le cas des Chagos, comme dans le cas de Tromelin je cesse de faire rire, que le Gouvernement fasse les efforts pour cet élevage de tortues à la Réunion pour ces tortues par milliers ! Alors, nous demandons au Gouvernement, puisque dans ce projet de loi, il est fait mention de Diégo et de Tromelin, de prendre les choses au sérieux, et d'obtenir que ces activités cessent dans un premier temps, en attendant que, et Tromelin, et l'archipel des Chagos soient véritablement retournés au patrimoine, au territoire mauricien. Nous votons, donc, aujourd'hui, M. le président, je le répète, en conclusion, un texte de loi fondamental, qui nous le souhaiçons, en tant que patriotes, en tant que mauriciens, sera suivi des faits, et qui fera, donc, que l'industrie de la pêche à Maurice — sous ses différents aspects, artisanal, industriel, sur les bancs, sur les îles, à Maurice même, dans les "barachois", hors des lagons, à l'intérieur des lagons, sous tous ces différents aspects — que l'industrie de la pêche devienne vraiment ce qu'elle devrait être à l'île Maurice, c'est-à-dire un des secteurs les plus importants de notre économie et de notre pays. Nous souhaiçons et nous demandons que le Gouvernement mette à la disposition du ministre — je n'en fais pas une affaire personnelle, je ne dis pas du ministre —

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du ministère concerné, tous les moyens en terme de cadres, d'équipements, de surveillance et autres, et de *staff*; et en terme de capital pour le fonds de développement — qu'on mette à la disposition de ce ministère, tous les moyens dont il a désespérément besoin. Je disais tout-à-l'heure, qu'après de longues discussions, et je conclurai là-dessus, avec certains cadres du secteur privé qui ont été directement mêlés à cette industrie de la pêche depuis des années, nous avons constaté que la relance, sur une vaste envergure, de l'industrie de la pêche, qui engloberait donc, les bancs, les îles, sera extrêmement difficile si nous n'innovons pas. Et à discuter avec certains, un rêve qui peut se réaliser commence à prendre forme, et pour parler plus économie, plus technique, un projet de développement qui lierait Agalega, St. Brandon, les bancs eux-mêmes, les bateaux de pêche, pêchant dans ces régions, des chambres froides à être construites sur certaines de ces îles, et une piste d'atterrissage à Agalega — possible ment ailleurs, mais en principe, je pense que cela devrait se faire à Agalega. En jouant sur ce clavier, en associant bateaux à faciliter à terre, chambre froide à terre, pêche autour de ces îles — Agalega, St. Brandon — pêche sur les bancs, bateaux qui pêcheraient, mais plus petits bateaux qui amèneraient les équipages à terre, à Agalega, pour qu'un autre équipage de relève vienne prendre la relève pendant que d'autres rentrent à Maurice par avion pour se reposer, ce qui permettrait aux bateaux de rester plus longtemps en campagne de pêche, ce qui permettrait d'utiliser à fond les chambres froides — cette idée n'a pas été discutée à fond, mais contient l'avenir de l'industrie de la pêche dans une large mesure. Nous, en tant qu'Opposition sur des questions pareilles, nous sommes prêts à collaborer à fond. Si le Gouvernement dans des cas pareils est prêt à accepter des idées positives, des suggestions concrètes — bien sûr nous ne sommes pas expert en pêche, la première chose que nous ferions, si nous avions la possibilité d'agir en tant que Gouvernement, ou au sein d'un *Select Committee or what-have-you*, la première chose que nous ferions serait comme nous le faisons toujours, d'écouter les experts, de rechercher les opinions, d'écouter ce que ceux qui connaissent ce secteur auront à dire et ensuite de créer. Je le dis, nous estimons que tout reste à être fait, et que tout peut être fait, dans ce secteur. Je pense que ce rêve que j'ai ébauché de marier tous ces différents secteurs — navires de pêche, chambres froides sur les îles, facilités sur les îles d'Agalega, St. Brandon, bancs de pêche au Saya de Malha, de Nazareth — à partir du *National Fishing Corporation* qui ne doit pas rester lettre morte, qui ne doit pas disparaître — à partir d'un tel *Corporation*, tout doit être fait, et tout peut être fait, pour l'industrie de la pêche à l'île Maurice. C'est sur une note positive que je voulais conclure. Je veux même aller plus loin et dire au Gouvernement — je ne sous-estime pas le ministre en question. Je ne suis pas expert dans tous les domaines, mais je connais le secteur concerné — si le Gouvernement estime que ce serait positif pour l'île Maurice, non pas pour le gouvernement ni pour l'Opposition, pas pour un parti, mais pour l'île Maurice, de mettre nos têtes ensemble pour voir comment, à partir de maintenant, quelle forme prendrait ce *National Fishing Corporation*. Est-ce que ce rêve que j'ai ébauché peut se réaliser, est-ce que le développement de la pêche devrait prendre d'autres formes ? De ce côté de la Chambre nous n'en faisons pas une question partisane. Nous sommes prêts à offrir notre collaboration, comme dans de nombreux autres cas, qu'il s'agisse du *"National Transport Corporation"*, du *"Cargo Handling Corporation"* ou du vrac dans le port, où nous avons donné maintes

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preuves de nos capacités de travail et de l'aspect constructif de notre action parlementaire. Il s'agit ici d'un secteur où nous sommes particulièrement intéressés, en tant que patriotes, et Mauriciens, de donner le meilleur de nous-mêmes. Je conclurai en disant que notre aide soit acceptée ou non, je demanderai au gouvernement encore fois de suivre, l'exemple seychellois, uniquement en ce qui concerne la présence du président de la République des Seychelles sur les îles. Je n'ai pas besoin de circuler une carte pour vous rappeler de combien d'îles se compose l'archipel des Seychelles — le Mahé group, l'Aladabra group, etc. Il est une politique déclarée du président de la République des Seychelles, et il l'a déjà mise en pratique, de visiter régulièrement ces îles, de s'y rendre personnellement, d'encourager les Seychellois qui travaillent sur ces îles dans des conditions extrêmement difficiles. Ce n'est certainement pas le paradis — c'est sûrement le paradis pour les touristes, les îles — j'allais dire paradisiaques de l'océan indien — mais ce n'est pas ainsi pour ceux qui y travaillent. De par sa présence, le président de la République des Seychelles les encourage. Je ne demande pas au Premier ministre de se rendre à St. Brandon, à Agalega, à Diego Garcia et ailleurs. Mais je crois que ça devrait être une politique du Gouvernement de montrer, par la présence des *senior Ministers* et d'autres ministres, par la présence des dirigeants de notre pays, que ces îles forment vraiment partie du territoire mauricien, sont vraiment partie im- portant de notre patrimoine et doivent contribuer au développement de l'île Maurice d'une façon extrêmement précieuse pour l'avenir.

Voilà les remarques générales, M. le président, que je voulais faire sur le texte de loi. Je reviendrai sur certains commentaires au *Committee Stage* quand nous

examinerons certains paragraphes particuliers de la loi. Merci, M. le président.

(5.30 p.m.)

Mr. Sectarum : Mr. Deputy Speaker, Sir, I am thankful that hon. Members have paid so much attention to this Bill and a considerable amount of participation has been made, in particular, the various points raised in connection with this Bill.

Sir, as you may see, in the very first page of the Bill, in the explanatory memorandum, it is said that a few of the objects of the Bill are to : —

"to regulate and control all fisheries within the fishing limits.....to improve the system for the distribution of fish etc.....to ban underwater fishing.....to control pollutants thrown into the marine environment....."

I quite agree with the suggestion which has been made by the first Member for Belle Rose and Quatre-Bornes, in connection with the industrial side of the fishing industry. The omission of a National Fishing Corporation is not something I have done deliberately. Considering that this Bill has nothing to do with the industrial side of the fishing industry I have not referred to it at all. I have laid stress on the aspect of the law which exists presently, and the various amendments that have taken place and what are the changes we are going to bring to-day. I have devoted my speech to these points.

Now, Sir, I would like to refer to a few comments made by hon. Members. I would like to refer to the Clause, on which the hon. Leader of the Opposition and the hon. Second Member for Grand Baie and Poudre d'Or talked, that is of the prohibition of the use of explosives where it is said that :

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"No person shall, except with the written approval of the Principal Assistant Secretary, fish with an explosive in, above or near any water within the fishing limits".

Even our friends on this side of the House are a bit confused about it. I will explain to the House what we mean by this Clause.

We don't want to say that we shall give a license or permission to any one to fish with explosives. That is not the point. The problem, Sir, is that we have reefs all around Mauritius. So, where these pass become too narrow we have to get them enlarged. In that particular case, explosives are required and the Special Mobile Force does the work. Assuming that, to-morrow, we are going to have part of our port deepened, there too, explosives will be used. So, when such action takes place, there is killing of fish. If we look at our explanatory notes here, there is an interpretation of the meaning of the word fish :

"fish" — means any aquatic animal organism; and includes shells and corals, whether live or dead; salted fish, dried fish....."

Therefore you see, and "fishing" includes catching or killing any fish, being given that fishing leads to the killing of fish, it is a technical term which is being used. This is the reason why it is put there. It is not meant to allow people to make use of explosives for fishing, Sir. It is only meant for giving permission to the authority which will be responsible for blasting or for deepening the sea, or for widening a pass. So, our ministry is approached to give such permission, and if we are not authorised to do so, we can't give it, because, in one way or another, it leads to the killing of fish when such an operation takes place. Well, the House will decide, when we come to the clause, whether you want to bring any change to it.

Sir, when we come to powers given to the Permanent Assistant Secretary, which was referred to by the Second Member for Grand Baie and Poudre d'Or, we read the meaning of the "Principal Assistant Secretary" it is said :

"the Principal Assistant Secretary of the Ministry of Fisheries, and Co-Operatives & Co-Operative Development; (b) includes any person deputed by him".

The Principal Assistant Secretary, of course, can't go in all the fisheries posts. He directs officers of his ministry to go and do all this work. He is going to delegate power to his officers who are responsible for holding registers and entering all requests or registration and what not. Therefore, there is no question of centralising all powers in the Principal Assistant Secretary. The work is done like that and it is a standing practice that these duties are done by officers in the name of the Principal Assistant Secretary with powers delegated to them. I should like to assure the hon. Member that such is not the case.

With regard to the bad weather he mentioned, Sir, in my ministry, we recommend to the Ministry of Social Security to pay a small sum to all registered fishermen who have not been at sea on such and such day. But we rely on the report of the Meteorological Services to know when were these various days, of bad weather. But assuming that, in the south of Mauritius the sea was rough, and, in the north, the sea was good, and the Meteorological Services has not been able to assess in which part it was a good day or a bad day, we, in the Ministry of Fisheries, can't take the decision on our own, Sir. We are at their mercy. Therefore, if any fisherman undergoes difficulty because of the procedure, I hope hon. Members will understand.

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Now, in connection with the powers given to Officers who may stop anyone to inspect what type of fish a person is selling, or effecting any search, Sir, we have given these powers because there are many varieties of toxic fish. If hon. Members remember, a few years back at Bambous, in one family, out of nine who were poisoned, six lost their lives on the same day, for the sole reason that they had eaten toxic fish. And there are many cases where those who consume fish that is prohibited from being fished and sold, fall victims to this practice. Therefore, the duty of our Officers is to see that toxic fish is not put up for sale, Sir. There is no question of abuse of authority. These powers are entrusted to them for the proper performance of their duties. Let's take another example : there are undersized fish, and if this fish is caught and sold, it destroys the young stock that could be fished when it reached a certain size. Therefore, we have to stop people doing this kind of fishing. So, I maintain that these powers are necessary for our Officers to do their duty properly.

As regards pollution, we did not have this power previously and, according to the Bill, provision is made for our Officers to prevent the pollution that takes place. We are aware of this. Sugar factories and also fibre factories are causes of pollution of our rivers and this law will be very helpful to prevent such things happening.

Sir, I do agree that there is a lot of destruction of coral and reefs; even the stock of fish is being depleted every day. Sir, this type of illegal fishing is not done by genuine fishermen. It is done by people who have got all the facilities, during week-ends, they take a boat which is very powerful, they go to Ile Plate and other places where they do damage to

our reefs. And they even collect corals and other shells, sell it at a very high price. Once we ban the collection of shells, corals, this practice will stop, Sir. These shells and corals are usually sold to tourists, to strangers, who take it to their country. And since authority will not be given for the export of such things, no-one will pick these corals and shells from our sea.

The hon. Member has referred to fishing in "barachois". Well, Sir, our Ministry is doing its utmost to encourage owners of "barachois", in order that the output per acre is increased; and if ever there is any practical difficulty — even at the Ministry we have faced it — we shall do our best to find solutions to these difficulties.

In connection with the incident to which the hon. Member has referred in St. Brandon, the Ministry is aware of it; and there is one thing which is very surprising : the gentlemen in question, not later than two months back, were working in close collaboration. The owner of the ship was even transporting the catch of that company to Mauritius. We don't know what has happened between them. And, once, trouble arose between these two parties, both of them have come to the Ministry to report about illegal activities done by each other. My Ministry has set up a Committee where all parties concerned, even officers of the Meteorological Services, will have to come and depone before the Committee, and we are going to look for a solution to all the problems prevailing over there. But we must extend our thanks to the administrators of this company which has done a very good work since it has been looking after these islands.

The hon. Member has also referred to the chart that we were to publish. Sir, our

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negotiations with the French authorities are over and, not later than last week, I wrote a minute in order to have a letter sent to my counter-part in Seychelles informing him that we shall be free next month to continue the negotiations I started when I was there, along with the Minister of Justice, in connection with the delimitation of our maritime zones. To help in the preparation of our chart, we have the services of Commander Peasley who is helping us. I would say to the hon. First Member for Belle Rose and

Quatre Bornes that, when we have a map, showing our various islands, take a compass, draw a circle round them, putting the points — it is not that which gives a solution to the problem, because when we take a compass and draw a circle on a piece of paper which is flat. We know that the globe is round, thus the differences in the points are miles apart physically. He has made a confusion when he has mentioned that Seychelles has got part of Saya de Malha, when a circle is drawn round Coetivy. That is not the case. What Seychelles has done is take Coetivy as one point and St. Brandon as another point, and they have drawn a line at the middle. When they take this factor into consideration, it is only then that, according to their calculations, part of Saya de Malha falls into their map. This is one point which we raised in Mahé when we were there last time and discussed about this. We made it clear to our friend over there, that the two points, they have to take, are Coetivy and Agalega, but not Coetivy and St. Brandon. Therefore, what our Friend has said — that Seychelles has got a slight part of its economic zone in Saya de Malha, — is not correct.

Regarding the fish farm at La Ferme, hon. Members must not be surprised to see only a token vote in the budget. Because the amount that we will be spending for the farm will come from foreign sources. The reason why we have been late in starting the work there is very simple. The engineers and the surveyors had surveyed the land; they had worked a plan according to contour lines, and it was found that when the level of La Ferme Reservoir is high, the place which was earmarked for the farm would be flooded. Now they are making plans to have it at a higher level and, as soon as the plan is ready, work will start.

As regards the aquarium, this will not cost Rs. 65,000 but Rs. 6 m. I don't have information about the figure of Rs. 65,000 here, but, most probably this has been used for the maintenance of the one which exists at Pamplemousses Gardens. I am not very sure about this.

Regarding the two ships that are lying in the harbour, my hon. Friend fortunately confessed that these people were having great difficulties in recruiting fishermen. Because you know, Sir, those who were fishing there, were fishermen, who were traditionally fishing at Grand'Caube or at Souillac. Whenever their services were required, they went on board on a contract and they had to stay longer at sea. And the money they were getting then, was easily earned here, in Mauritius, without going to sea for such a long time. There was even an incident. When one boat was fishing, a fisherman wanted to return home, he took a knife and held it at the throat of the Captain and said: "If you don't return, I'll push it in your throat". These are the problems that they have had. This does not mean that these companies have stopped operating because of labour, but there are other problems — over-head expenses and what not. However, we are thinking about this

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problem and, once we have done with the planning of the fishing industry, people will know the intention of Government and of my Ministry.

Sir, the hon. First Member for Belle Rose and Quatre Bornes said that we had the boldness of mentioning Agalega, Diégo Garcia and Tromelin in the bill. Well, it is not an initiative of mine. If the Bill is here today, it is with the blessing of all my Colleagues in Cabinet. Therefore his appreciation must not come to me alone, but to all my Friends who accepted the introduction of the Bill in the House and this is a concrete proof that we, as a Government, we are not going to renounce our rights on our territories.

I hope my explanations have convinced my Friends about the necessity of bringing this Bill, and I commend the Bill to the House.

Thank you, Sir.

(5.54 p.m.)

Mr. Bérenger : Sir, on a point of personal explanation, since the hon. Minister seems to imply that, in the course of my speech, I made reference to what the Seychelles Government has done as far as the Saya de Malha bank is concerned, I am perfectly aware that, in fact, what they have done is to place the whole of the

Saya de Malha bank in the supposedly economic zone of the Seychelles — this is not at all what I said. What I said and I maintain — and I will prove the hon. Minister wrong — is that, if you measure two hundred miles from Coetivy on the one hand, and from Agalega on the other, only a small part of the Saya de Malha banks is covered either by the two hundred miles from Agalega or by the two hundred miles from Coetivy and that, therefore, most of the Saya de Malha banks fall outside this 200-mile zone measured either from Coetivy or Agalega. I do not think, Mr. Speaker, that I will have to take the hon. Minister there to make him understand that finally !

Question put and agreed to.

Bill read a second time and committed.

(5.55 p.m.)

The Prime Minister : Mr. Speaker, Sir, it would be good if the Committee Stage were taken next time. I therefore ask that the House be adjourned to Tuesday, 20th May, 1980 at 11.30 a.m.

Mr. Seetaram rose and seconded.

At 5.56 p.m., the Assembly was, on its rising, adjourned to Tuesday, 20th May, 1980 at 11.30 a.m.

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**THE HINDU MAHA JANA SANGHAM
BILL (NO. III OF 1980)**

Clauses 1, 2 and 3 ordered to stand part of the Bill.

Clause 4 (Objects of the Association)

Motion made and question proposed: "that the clause stand part of the Bill".

Mr. Purayag : I move for a small amendment at clause 4 subsection (e), to add after subsection (e), a subsection (f) reading as follows: "to administer the Rengaden Seeneevassen Fund".

Amendment agreed to.

Clause 4 ordered to stand part of the Bill.

Clauses 5 to 11 ordered to stand part of the Bill.

The title and the enacting clause were agreed to.

The Bill, as amended, was agreed to.

**THE FISHERIES BILL
(NO. IV OF 1980)**

Clause 1 ordered to stand part of the Bill.

Clause 2 (Interpretation)

Motion made and question proposed: "that the clause stand part of the Bill".

Mr. Seetaram : I want to move the following amendments in clause 2, the addition of the definition of "fishermen" immediately after the definition of the word "fish". "fisherman" means a person who fishes with a view to selling his catch and includes the owner of

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(c) is made up of square meshes measuring not less than 11 centimetres when stretched diagonally and when the net is wet. This is the amendment I want to include, Sir.

Amendments agreed to.

Mr. Seetaram : The next amendment is to add after the definition of "lure", the following definition:

"Minister is the Minister to whom the subject of fisheries is assigned".

Amendment agreed to.

Mr. Seetaram : In the same clause, Sir, after "Principal Assistant Secretary" I want the definition of "professional fisherman" to be deleted.

Amendment agreed to.

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

Clause 3 (Licences)

Motion made and question proposed: "that the clause stand part of the Bill".

Mr. Michel : A la clause 3 sous-section (3) la dernière ligne:

"and on payment of the prescribed fee".

Je voudrais demander au ministre, s'il n'a pas encore fixé le montant pour l'octroi d'un permis, à ce que ce montant soit le plus faible possible en tenant compte, naturellement, de la situation financière des pêcheurs.

Mr. Seetaram : Jusqu'à présent cela n'a pas été fixé, M. le président, mais nous allons prendre en considération tous les critères pour ne pas pénaliser les pêcheurs.

Clause 3 ordered to stand part of the Bill.

Clause 4 (Restriction on import and export of fish)

Motion made and question proposed: "That the clause stand part of the Bill".

Mr. Venkatasamy : Clause 4(1) says:

"No person shall, except with the written approval of the P&S import into or export from Mauritius —

(a) any live fish ;"

This concerns mostly the small fish from aquariums, and many small kids like possessing small coloured fish. I would like to know whether this Bill will not cause this pastime to disappear, from our shores where there are many kids.

Clause 4 ordered to stand part of the Bill.

Clause 5 (General Prohibition of fishing).

Motion made and question proposed: "that the clause stand part of the Bill".

Mr. Seetaram : I move the amendment as circulated that is, the words:

"other than with hook and line".

should be deleted in the third line.

Amendment agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Restriction of fishing)

Motion made and question proposed: "that the clause stand part of the Bill".

Mr. Seetaram : In clause 6 subsection (2) I move that the word "other" in the first line be replaced by the word "any".

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Mr. Béranger : Has the Minister discovered, after presenting the Bill, that a turtle is not a marine mammal? Is this the point? I am asking why this amendment to the very substance of that paragraph? Has the Minister discovered, after presenting the Bill, that a turtle is not a marine mammal?

Mr. Seetaram : It is a question of misprint.

Mr. Béranger : If a turtle is a marine mammal, it is not a misprint. The paragraph is correct. An amendment is required only if a turtle is not a marine mammal.

I do not pretend to be an expert on marine mammals. So, I am asking the Minister; is he telling us that a turtle is not a marine mammal?

(6.05 p.m.)

Mr. Seetaram : It is, Sir.

Mr. Béranger : If the Minister is satisfied that a turtle is a marine mammal, then the amendment has got no reason.

Mr. Seetaram : The best word suited in the sentence, Sir.

Mr. Venkatasamy : In sub-section (1) of clause (6), it is said "except under a licence granted by the Prime Minister", I would like to know whether this will not make confusion with the definition of "Minister" in the list of definition? And why also should the licence be granted by the Prime Minister? A person, for example, for industrial fishing, where has he to submit his application? To the PAS of the Ministry of Fisheries or to the Permanent Secretary of the Prime Minister? This is not clear.

Mr. Seetaram : For any industrial fishing, when an application is made for a licence, it is addressed to the Prime Minister's office. Then it is channelled to my Ministry for all proper work. This is the procedure which is being followed.

Mr. Béranger : Is the Minister confirming that, for fishing within the territorial waters, which mean 12 miles — there is no definition here, but the definition can be found elsewhere? Is the Minister saying that for fishing within the territorial waters which are 12 miles, or something like that, 12 miles but nautical miles — then the permit must be obtained from the Minister? But once we move outside these territorial limits, then we have to go to the Prime Minister? This is what the Minister is saying?

Mr. Seetaram : Sir, for a licence for industrial fishing by trawlers in our high seas, the law that we take into consideration is the Maritime Zones Act.

The licence for industrial fishing is given, under the Maritime Zones Act, and as regards the other type of fishing, general fishing and what not, it concerns my Ministry.

Amendment agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 10 ordered to stand part of the Bill.

Clause 11 (Authorised fishing implements)

Motion made and question proposed: "that the clause stand part of the Bill".

Mr. Seetaram : Sir, I move that in clause 11(2), the words "Principal Assistant Secretary" be deleted and replaced by the word "Minister".

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Mr. Jugnauth : My hon. Colleague asked a simple question: that, in the previous law, cast net was not an authorised implement for fishing. Why is there the introduction of this type of net for fishing now?

Mr. Dooloo : Sir, in clause 11, sub-section (1)(e): Authorised fishing implements — cast net; we know that, in the past, this was not so; it was "unlawful or unauthorised implement." So I would just like to know why cast net has been included as an authorised fishing implement?

Mr. Seetaram : This is the net which is usually used, as the hon. Member says; in the definition, there is the word "cast net" in the second clause.

Mr. Dooloo : Why has it been introduced as an authorised fishing implement; cast net? What are the reasons?

Mr. Seetaram : Sir, I cannot give the hon. Member a full explanation on this, but we feel that this type of net is necessary for proper type of fishing.

Mr. Béranger : I would ask the hon. Minister — I think my colleague is talking of what is known in Mauritius as "*la pêche avec l'épervier*" — so I think the hon. Member is asking whether this is it? Is "*l'épervier*" becoming legal? But when I look at the definition of "cast net", "cast net" means "a conical net with weight attached to the open circumference of the base" it looks like it but wait for the rest. It seems that there are cast nets for mammals and having meshes measuring not less than nine centimetres! Can you imagine an *épervier* with meshes measuring not less than nine centimetres? So it seems that the definition of cast net excludes those *éperviers*. So we would like to be enlightened by the Minister.

Mr. Seetaram : The cast net type of net is not a destructive means of fishing, and this is the reason why we are including it.

Mr. Jugnauth : My hon. Colleague asked a simple question: that, in the previous law, cast net was not an authorised implement for fishing. Why is there the introduction of this type of net for fishing now?

Mr. Seetaram : As I have just said, I repeat it again: the cast net from the Ministry's point of view, is not a destructive way of fishing. This is why we are introducing it. I would like to give supplementary information to hon. Members: there are about 250 professional cast net fishermen.

Mr. Béranger : Can I ask the Minister whether he is confirming — because he has just said — that there are, I do not know how many hundreds of professional cast net fishermen, as he has called them — now is the Minister saying that these hundreds of cast net fishermen are using cast nets as defined in the law, that is, with meshes measuring not less than nine centimetres?

Mr. Seetaram : Yes, Sir.

The Chairman : Going back to clause 11(2), the Minister has moved that only the words "Principal Assistant Secretary" should be deleted and replaced by the word "Minister", but in accordance with the amendment circulated earlier, I find that he goes further and that the word "approval" is to be deleted and replaced by the word "advice of the Board and on such terms". I should be grateful to the hon. Minister to read in full all he wants to have amended in sub-paragraph (2).

Mr. Seetaram : To make it easier for hon. Members to understand, I move that clause 11(2), should be amended to read:

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"the Minister may, on the advice of the Board and on such terms and conditions as he thinks fit, authorise the use of any fishing implement for any purpose".

Mr. Bérenger : The amendment has been moved in this way — already this section looked very fishy. It gave to the PAS, as the Bill stood at first, a blank cheque, "subject to the approval of the Board". Now it is only "on the advice of the Board". Now we are replacing "PAS" by "Minister". Would the Minister have any objection to adding a few words : that any such authority being granted the wording could be worked out very easily — would have to be gazetted ? I am not saying that the Minister is going to use this power in a very irresponsible manner, I am not saying that. But I am saying that for us, Members of this Legislative Assembly, for professional fishermen outside, and for many people who are interested in the situation of the fisheries sector in Mauritius, we would like to know when the Minister allows the use of any fishing implement for any purpose, what is happening when he is doing that ? And this would give an opportunity to the House to ask him questions on that. So I am asking the Minister — if the House does give to him the power to go completely outside this Bill, he can allow for any purpose, any fishing implement — whether he would have any objection to any such authority granted by him being gazetted ?

Mr. Seetaram : Sir, at this stage it cannot be accepted and perhaps the hon. Member must be explained the reasons why we have changed the wording, because in clause 35, the definition here is :

"35 (1) There is established for the purposes of this Act a Fishery Advisory Board".

And whereas, here, in clause 11, sub-section (2) we have seen :

"may, subject to the approval",

Therefore, because of this difference in the interpretation, we have moved for this amendment.

Amendment agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 (Licensing of nets)

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Seetaram : Sir, I move that in clause 12, this section should be amended as follows : "No person shall have in his possession any fishing net, other than a carlet net or a landing net, unless he holds a licence to that effect".

Amendment agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Clause 14 (Disposal of nets)

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Venkatasamy : This illustrates the type of bureaucracy that now we introduce into the fishing industry. In sub-section (b) of clause 14 (1) :

"(b) No licensee shall replace any licensed net unless —

(i) the net has become unserviceable ;

(ii) the net is returned to the PAS ;

(iii) the PAS approves the replacement in writing."

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You imagine the loss of time that this is going to cause. What happens to the fishermen in the meantime ?

Mr. Seetaram : Sir, you know, we have the close season.

(6.20 p.m.)

Mr. Bérenger : Sir, I am going to go a bit further. I agree that it is important that it should be so. May be what worries my Colleague is the fact that it should be the PAS who is to do all this work and so on. But, in fact, as we know, the Bill provides that "PAS" means the PAS or includes any person deputed by him. So I was going to ask the Minister, in this particular case, what does he envisage, at what level does he envisage that authority to be deputed ?

Mr. Jugnauth : We are talking of nets generally, but we see above there has been an amendment whereby no permit or either licence is required for carlet and landing net ; therefore we fail to see why here we should include all type of nets.

Mr. Seetaram : Regarding carlet net and landing nets. When the fisherman returns from fishing, he has to make use of these nets for taking the fish out of his boat and bringing it ashore.

In connection with the manufacturing of the traditional basket traps, no licence is required.

Clause 15 ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17 — Setting and removal of gill nets.

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Bérenger : So far as gill nets are concerned, we have a definition of "gill net", which means a net which is set for catching migrating fish, etc. I have ample evidence — and I wonder whether the Minister will agree with me — that gill nets are being used on many

Clause 14 ordered to stand part of the Bill.

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occasions as ordinary *la sème*, as ordinary fishing nets. Does not the Minister feel that a subsection should be added not allowing gill nets to be used in that way?

Mr. Seetaram : It is not allowed, Sir, it is an offence. For example in (c) :

"beat the surface of the water or make any noise for the purpose of luring any fish to enter gill net."

In fact the word "the" should be inserted between the words "enter" and "gill"

Mr. Bérenger : I suggest that we put "a gill net", instead of "the gill net".

Amendment agreed to.

Clause 17, as amended, ordered to form part of the Bill.

Clause 18 — Fishing with artificial light.

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Venkatasamy : In section 18, Sir, there is no definition for "prawn net."

Mr. Seetaram : It has the same meaning as the word "shrimp net", in clause 11 (k). In the definition "shrimp net" means "a net in the form of a bag not exceeding two square metres". I don't have any objection if hon. Members would wish to have the words "shrimp net" instead of "prawn net".

Mr. Bérenger : Before we suggest that, we want to know technically whether the Minister or his officials make a difference between a shrimp and a prawn as far as fishing with nets is concerned. If it makes no difference, then fine.

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Clause 18, as amended, ordered to stand part of the Bill.

Clause 19 — Fishing in reserved areas.

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Seetaram : There is an amendment here to the effect that paragraph (a) of clause 19 be deleted and replaced by the following :

"(a) fish in a reserved area with a large net, gill net or canard net;"

Amendment agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20 — Fishing in a pass

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Bérenger : Can I ask the Minister whether I am not correct in saying that gill nets are used precisely in passes? "Gill net" means a net which is set for catching migrating fish. Is the Minister saying that "gill nets" are not to be used in any pass?

Mr. Seetaram : Not in the pass.

Clause 20 ordered to stand part of the Bill.

Clause 21 — Prohibition of the use of explosives.

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Seetaram : I move that the words "except with the written approval of the Principal Assistant Secretary" be deleted.

Amendment agreed to.

Mr. Dulloo : I just want to get an explanation from the Minister. I see here "fish near any water with explosive". How can one fish with explosives near water within the fishing limits?

Mr. Seetaram : For example, Sir, there is the blasting of lime being done in Grand Port, the action takes place near the sea, near any water.

Mr. Bérenger : I was intrigued as well. Fishing limits as defined by the Bill is very far reaching. It is the continental shelf, of 200 miles area where Mauritius has traditional or historic rights and so on, as provided in the Maritime Zones Act; but what that part says is that fishing with dynamites is not only prohibited inside those limits. Is it serious to say that it could not be used in water outside our fishing limits? That is what it says: "above or near any water within the fishing limits". In fact the Bill prohibits the using of dynamite outside our fishing limits, anywhere near our fishing limits. Is this what the Minister means?

Mr. Seetaram : As I have just said, Sir, for example, if someone has to blast lime or rocks near the sea, he must have the prior permission of the Commissioner of Police, with the consent of the Ministry of Fisheries, before the blasting is done; and when such work is done, an Officer of the Ministry of Fisheries is present to see that no abuse is made.

Clause 21, as amended, ordered to stand part of the Bill.

(6.35 p.m.)

Clause 22 — Prohibition of underwater fishing.

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Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Bérenger : On this section, as the Bill had it in section 21, it allowed the PAS to approve of fishing with dynamite in certain cases. This has been amended and fishing with dynamite is prohibited in any condition. Fine, we agree fully with this. Now with this section 22 :

"... no person shall do any underwater fishing within the fishing limits of Mauritius without the written approval of the Principal Assistant Secretary."

But it specifies that the PAS can grant the authority only for two purposes : for scientific purposes, or for the purpose of capturing aquarium fishes, "in accordance with such terms and conditions as he thinks fit to impose". If we vote the Bill as it stands, the PAS cannot grant authority to a single fisherman to fish in any condition — except these two, as I said ; this is not called underwater fishing; for scientific purposes or catching aquarium fishes. Is this what the Minister intends doing ? That is, as soon as this Bill is voted, proclaimed, comes into force, that, from one day to the next, without any condition, underwater fishing will become illegal right across the island ? That is, is the Minister not allowing himself and his PAS any breathing space, if I may say so, any period through which the number of fishermen will be decreased, even if abruptly, but brought to zero within a given period ? Is the Minister saying that he wants that section to stand as it is, so that, from one day to the next, underwater fishing becomes illegal and the PAS has no authority to do anything about it ?

Mr. Seetaram : Yes, Sir.

Mr. Dilloo : Mr. Chairman, in 22 (6) we see that the PAS may decide how to

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Mr. Seetaram : We are going to define it by regulations.

Clause 25 ordered to stand part of the Bill.

Clauses 26 and 27 ordered to stand part of the Bill.

Clause 28 — Search warrant to be issued by the P.A.S.

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Venkatasamy : Perhaps my friends who are barristers have understood this, but I would like some enlightenment. The clause states :

"Where the Principal Assistant Secretary is satisfied upon sworn information...."

Does the Oath Act enable the PAS to take sworn information ?

Mr. Bérenger : More than that ! The PAS means anybody. That is the PAS could delegate his power to a Fisheries Officer who, then, supposedly, takes in sworn information.

Mr. Seetaram : This provision has been included here to cover the situation where our officers get information on week-ends and the Court does not sit. Then if there is any illegal activity which is taking place, or, according to information, which will take place, it is impossible for our officers to execute their work properly, Sir. Therefore they pass on the information to the PAS who does the work, then reports it to the Minister.

Mr. Bérenger : The point is that, as the paragraph stands, it authorises the PAS to issue a search warrant, authorising an Officer to, for example, enter and search

any premises — that is the private house of any Mauritian citizen. Now, the further complication is that PAS means the PAS or anybody that he delegates his authority to. Therefore, if he delegates his authority under that section to an officer, it is an officer who is going to issue a search warrant to any other officer, and then the sworn information comes in. I think the Minister will agree that we are dealing here with fundamental freedom — the privacy of homes, of a fisherman's home or anybody's home.

The Prime Minister : But he does it now !

Mr. Bérenger : He does not do it now.

The Prime Minister : Of course he does it now !

Mr. Seetaram : It exists now, Sir, according to the law. But, in any case, the PAS, I am sure, is not going to delegate his powers in that particular case.

Mr. Bérenger : The Prime Minister is wrong. The Minister has just said that the PAS, in that clause, means only the PAS. Then, let us say so. Let us move an amendment that PAS means... I don't know, there is Learned Counsel there to define it.

The Prime Minister : It is there already !

Mr. Bérenger : It is not in there.

The Prime Minister : Don't talk nonsense !

Mr. Bérenger : You are not following the discussion !

The Prime Minister : You don't know whether this law exists already.

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Seetaram : Sir, I move that in subsection 2 (a) the word 'stern' be deleted and replaced by the words "stern post".

Amendment agreed to.

Clause 24, as amended, ordered to stand part of the Bill.

Clause 25 — Register of fishing boats

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Venkatasamy : Sir, I wanted to raise this point at clause 23, but I can do it as well. Mention is made of an identification badge, but I can't see any definition of it, what is the meaning of this identification badge ?

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Mr. Bérenger : Obviously, if it existed, the Minister would not have said that in this clause, PAS means the person of the PAS only, as you are perfectly aware...

The Prime Minister : It means what is there.

Mr. Bérenger : And what is there is "the PAS or the person deputed by him".

The Prime Minister : You are talking nonsense !

Mr. Bérenger : Well, you are free to say stupid nonsense !

Mr. Seetaram : For the guidance of the House, I will read what the existing law says : It is the Fisheries Ordinance No. 7 of 1948, clause 26 :

"In case of emergency, when communication with a Magistrate might cause delay whereby the ends of justice might be defeated, any officer authorized in writing in that behalf by the Chief Agricultural Officer may, upon sworn information that a person has in his possession any undersized fish, or any unauthorized nets or other fishing implement, or that any boat, net or other fishing implements have been used in or about the commission of an offence against this Ordinance, issue a warrant to search for such fish, boat, nets or other fishing implement."

Mr. Juganath : That was an exception that was made in exceptional circumstances. But here, generally, we are giving the power to the PAS to issue a search warrant.

Mr. Seetaram : It is clearly stated here, Sir "when communication with a Magistrate for the purpose of securing a search warrant might cause delay..." And I am sure the PAS is not going to delegate his powers to an ordinary officer in that particular case.

The Prime Minister : It must be done speedily and quickly.

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Mr. Seetaram : I move that we leave it as it is. I have confidence that my PAS will do his work according to his conscience.

Clause 33 ordered to stand part of the Bill.

Clause 34 ordered to stand part of the Bill.

Clause 28 ordered to stand part of the Bill.

Clause 35 — The Board

Clauses 29 to 32 ordered to stand part of the Bill.

Motion made and question proposed : "that the clause stand part of the Bill."

Clause 33 — Boats etc. used in the commission of an offence.

Motion made and question proposed : "that the clause stand part of the Bill".

Mr. Dulloo : I would like to say one thing. We have a similar provision in the existing law under section 10A — it states that, in such circumstances, that person will be committing an offence.

(6.50 p.m.)

Here we say that such person will be committing the same offence. So, I find it difficult to understand how, if a person has been found fishing with a net without licence, this has been so worded in the information, how can the owner of the net also be prosecuted for fishing without a licence ? If, in fact, it is proved that he has not fished with a net without a licence, can this person be prosecuted ? So, what I am suggesting is why don't we stick — unless the Minister gives us a special reason for not doing that — to the wording of the former legislation ? Namely, that the owner, or the person in charge thereof, shall "commit an offence." We have here "shall commit the same offence." This will lead to confusion and difficulty.

Mr. Seetaram : It is done purposely to discourage owners of boats to leave their boats and fishing implements lying about haphazardly, and for any person to make illegal use of.

Mr. Seetaram : I move that, in sub-clause (2) (f) the full stop after "fishermen" should be replaced by a semi colon and the following added; (k) a representative of basket trap fishermen ; (l) a representative of net fishermen.

Mr. Venkatasamy : I have an amendment. I was wondering whether a representative of the Ministry of Health and a representative of the Ministry for Prices and Consumer Protection should not be represented on the Board since the function of the Board will be to advise the Minister on all matters of general policy relating to fisheries ; matters concerning food — that is food poisoning, food contamination — should be under the control of the Ministry of Health. The Ministry for Prices and Consumer Affairs is responsible for the pricing of our fish products — I think there should be two representatives — one from each Ministry — on the Board.

The Chairman : The amendment proposed by the hon. Member is to the effect that in Clause 35(2) after '(e)' we should have (f) a representative of the Ministry of Health; (g) a representative of the Ministry for Prices & Consumer Protection; and the remaining paragraph to be relettered accordingly.

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Amendment agreed to.

Clause 35, as amended, ordered to stand part of the Bill.

Clauses 36 to 39 ordered to stand part of the Bill.

Clause 40 (Repeal)

Motion made and question proposed that the Clause stand part of the Bill.

Mr. Seetaram : Sir, there is an amendment and I move that Clause 40 be amended to read 'The Fisheries Ordinance 1948 is repealed'.

Mr. Béranger : I would like to know from the hon. Minister how is it that, when the Bill was being prepared — since it deals with the sea and sea fishing — the Shrimps and Camarons Protection Ordinance which deals on the contrary with fresh water was included in that ?

Mr. Seetaram : At the beginning, we wanted to incorporate both of them but then we thought it better to have a separate legislation.

Mr. Béranger : Just for my own information, is the hon. Minister preparing another Bill to deal with fresh-water fish ?

Mr. Seetaram : Yes, Sir.

Clause 40, as amended, ordered to stand part of the Bill.

The title and the enacting clause were agreed to.

The Bill as amended, was agreed to.

The Forests and Mountain and River Reserves (Amtd.) Bill (No. VII of 1980) was considered and agreed to.

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

Third Reading

On motion made and seconded, the following Bills were read the third time and passed :

The Hotel and Catering Training School (Levying of Fees) Bill (No. I of 1980)

The Local Government Service Commission (Amendment) Bill (No. II of 1980)

The Hindu Maha Jana Sangham Bill (No. II of 1980)

The Fisheries Bill (No. IV of 1980)

The Forest and Mountain and River Reserves (Amendment) Bill (No. VII of 1980).

ADJOURNMENT

(6.58 p.m.)

The Prime Minister : I beg now to move the adjournment of the Assembly to Tuesday, 27th May, 1980, at 11.30 a.m.

ROADS AND DRAINS CONSTRUCTION — CONSTITUENCY No. 4

M. Michel (Third Member for Port Louis North and Montagne Longue) : M. le président, les problèmes causés par un système de tout-à-l'égout défectueux, des routes défoncées, des drains ne servant plus à rien, ne relèvent pas seulement de deux ministères mais de six ministères, notamment : le ministère du logement, le

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ministère des travaux, le ministère des administrations régionales, le ministère du plan, le ministère de la santé et le ministère de l'emploi.

M. le président, ces problèmes-là ne datent pas d'aujourd'hui; ils remontent très loin dans le passé, avant même que mon Collègue Baligadoo et moi-même, ne fassions notre entrée à cette Assemblée. Si vous jetez un coup d'œil sur les *Hansards* de 1976 à 1979, M. le président, vous serez surpris de voir combien de fois nous sommes intervenus à l'Assemblée, à travers des questions, pour que ces problèmes soient résolus. Malheureusement, à ce jour, rien a changé. Au contraire, je dirai même que la situation a empiré. Dernièrement, M. le président, il y a eu même des cas de mortalité suite à ces problèmes qui, comme je le disais, datent d'assez longtemps. Nous n'avons pas seulement fait des interpellations et posé des questions, mais nous avons aussi rendu visite aux ministres, aux chefs de départements concernés. Malheureusement, nous avons toujours eu d'eux des réponses évasives et, finalement, leur attitude n'a pas aidé les gens qui habitent dans la circonscription numéro quatre à avoir un niveau de vie décent et les aménités nécessaires pour une vie agréable.

Je prendrai en premier lieu, M. le président, la question des drains. Dans ma circonscription, qui est une circonscription mi-urbaine et mi-rurale, il y a six cités, notamment : Cité La Cure, Cité Roche Bois, Cité Briquette, Cité Batterie Cassée, Cité Colombo et Cité Congomah. Les drains dans ces cités ne servent plus à rien parcequ'ils sont obtusés. Quand il pleut naturellement toutes les maisons de ces cités sont inondées. Vous pouvez vous imaginer la vie des personnes qui habitent ces cités ! A Roche Bois, pour comble de malheur,

le système des drains est dépassé en 1980 et permet la prolifération des germes de la typhoïde et de la malaria. Les drains ont été complètement obtusés par la boue et les immondices, créant un peu partout des mares d'eau contaminée par des matières fécales. Ce qui constitue un foyer idéal où se développe la typhoïde.

"Le système des drains est dépassé en 1980 et permet la prolifération des germes de la typhoïde et de la malaria. Les drains ont été complètement obtusés par la boue et les immondices, créant un peu partout des mares d'eau contaminée par des matières fécales. Ce qui constitue un foyer idéal où se développe la typhoïde."

M. le président, ce jugement du Dr. Ghurburun, ministre de la santé, ne semble pas préoccuper les responsables du ministère des travaux et surtout du ministère du logement, car à toutes les questions posées à cette Chambre, ils ont préféré donner des réponses évasives, comme je viens de le dire. Au début même de notre arrivée à cette Assemblée j'avais envoyé une lettre au ministre du logement, lui signalant les problèmes dans les cités. Il n'a jamais daigné répondre à cette lettre. Mon Collègue Baligadoo, avait interrogé le regretté ministre de la santé, Mahesh Teeluck, au sujet d'un canal qui traverse la cour de l'école Emmanuel Anquetil et d'un autre canal qui passe devant cette école. Ces canaux viennent d'une tannerie et constituent un foyer de microbes. La réponse du ministre à la question parlementaire B/24 était — je cite —

"Mr. Ah To and the owner of Luxor Tannery cannot be compelled to demolish the drains as they are not the owners thereof."

Il y a eu trois grèves organisées par les parents d'élèves. Nous étions, mon Collègue Baligadoo et moi-même présents à ces grèves. Heureusement, le ministère de l'éducation a pu faire recouvrir le canal traversant la cour de l'école Emmanuel Anquetil, mais il est malheureux que le

ANNEX 91

Mauritius Fisheries Act 1980, Act No. 5 of 1980

6

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THE FOREST AND MOUNTAIN AND RIVER RESERVES
(AMENDMENT) ACT

Act No. 4 of 1980

I assent

23rd May, 1980.

D. BURRENCHOBAY
Governor-General

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Section 4 of the principal Act repealed and replaced.

To amend the Forest and Mountain and River Reserves Act, 1971
(24th May 1980).

Short title. ENACTED by the Parliament of Mauritius, as follows—

1. This Act may be cited as the Forest and Mountain and River Reserves (Amendment) Act 1980.

Interpretation.

2. In this Act—
“principal Act” means the Forest and Mountain and River Reserves Act, 1971.

3. Section 4 of the principal Act is repealed and replaced by the Section 4 of the principal Act repealed and replaced.

4. (1) Any person who—

- (a) destroys or removes any tree from—
(i) any Crown land or reserves without the written consent of the Conservator; or
(ii) any private land without the written consent of its owner or occupier; or

(b) is found in possession of wood from and tree destroyed or removed contrary to subsection 1 (a) without being able to account satisfactorily for the possession,
shall commit an offence and shall, on conviction, be liable to a fine not exceeding one thousand rupees and to imprisonment for a term not exceeding twelve months.

(2) The Court before which a person is convicted of an offence under subsection (1) shall, in addition to any penalty imposed, order the offender to pay three times the value of the tree or wood in respect of which the offence was committed or such sum as it thinks fit to repair or make good the damage caused by the commission of the offence.

ACT No. 5 of 1980

7

THE FISHERIES ACT 1980

Act No. 5 of 1980

I assent,

23rd May, 1980.

D. BURRENCHOBAY
Governor-General

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Licences.
4. Restriction on import and export of fish.
5. General prohibition of fishing.
6. Restriction of fishing.
7. Fish landing stations.
8. Sale of fish.
9. Protection of fish and the environment.
10. Oyster farming.
11. Authorised fishing implements.
12. Licensing of nets.
13. Duties of licensee of net.
14. Disposal of nets.
15. Restriction of importation, manufacture, etc.
16. Close periods.
17. Setting and removal of gill nets.

MAURITIUS

ARRANGEMENT OF SECTIONS—*Continued*

Section	
18.	Fishing with artificial light.
19.	Fishing in reserved areas.
20.	Fishing in a pass.
21.	Prohibition of the use of explosives.
22.	Prohibition of underwater fishing.
23.	Fishing boats.
24.	Identification of fishing boats.
25.	Register of fishing boats etc.
26.	Power to search boats and vehicles.
27.	Power of entry and search.
28.	Search warrant may be issued by the P.A.S.
29.	Power to arrest and detain.
30.	Origin or source of fish.
31.	Seizure.
32.	Disposal of articles seized.
33.	Boats etc. used in the commission of an offence.
34.	Penalties.
35.	The Board.
36.	Functions of the Board.
37.	Meetings of the Board.
38.	Regulations.
39.	Transitional provision.
40.	Repeal.

ACT NO. 5 OF 1980

*The Fisheries Act 1980*To amend and consolidate the law on Fisheries
(24th May 1980).

ENACTED by the Parliament of Mauritius, as follows—

1. This Act may be cited as the Fisheries Act 1980. Short title.2. In this Act— Interpretation.

“accessory”—

(a) means any equipment used on a boat; and

(b) includes a sail, an oar and any motor of any description;

“bait net” means a net approved by the Principal Assistant Secretary for catching fish to be used as bait;

“parachois” means a pond enclosed towards the sea by a weir or dam fitted with one or more barred gates or grids through which the sea flows and reflows;

“basket trap” means a basket with one or more entrances and having meshes of sufficient size to allow a cylinder measuring not less than 4 centimetres in diameter to pass through easily;

“Board” means the Fishery Advisory Board established under section 35;

“canard net” means a net—

(a) used in conjunction with a large net for catching mullets;

(b) made by several layers of nets fitted with poles to maintain the whole net afloat on the surface of the water;

(c) the meshes of any of the layers of which measure not less than nine centimetres when stretched diagonally and when the net is wet;

“carlet net” means a net in the shape of a bag with meshes of any size, the mouth of which is kept open by a hoop not more than one metre in diameter;

“cast net” means a conical net with weights attached to the open circumference of the base and having meshes measuring not less than nine centimetres when stretched diagonally and when the net is wet;

“citizen” means a citizen of Mauritius;

“close period” means the periods specified in section 16 and any prescribed period during which fishing with any specified implement may be prohibited;

“explosive” has the same meaning as in the Explosives Ordinance, 1959;

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*The Fisheries Act 1980***"fish"—**

(a) means any aquatic animal organism; and

(b) includes—

(i) shells and corals, whether live or dead;

(ii) salted fish, dried fish, cooked fish and frozen fish;

"fisherman" means a person who fishes with a view to selling his catch and includes the owner of any boat used;

"fishing" includes catching or killing any fish;

"fishing boat" or "boat" means any raft, craft or vessel of any size, used, intended to be used or capable of being used for fishing;

"fishing limits" includes—

(a) the territorial waters;

(b) the exclusive economic zone;

(c) the continental shelf; and

(d) areas where Mauritius has traditional or historic rights,

as provided for in the *Maritimes Zones Act 1977*;

"fish spear" includes a fouine, a gaffe and a hand propelled harpoon;

"gill net" means a net which—

(a) is set for catching migrating fish;

(b) does not exceed 250 metres in length;

(c) is made up of square meshes measuring not less than 11 centimetres when stretched diagonally and when the net is wet;

"implement" or "fishing implement" means any article or thing used or intended to be used for fishing;

"landing net" means a net in the form of a bag having—

(a) meshes of any size;

(b) a hoop measuring not more than 50 centimetres in diameter and fitted with a handle;

"landing station" means any area near the shore which is designated by the Minister as a landing place for fish;

"large net" means a net which—

(a) does not exceed 500 metres in length;

(b) is made up of square meshes measuring not less than 9 centimetres when stretched diagonally and when the net is wet;

"lure" means any artificial bait;

"Minister" is the Minister to whom the subject of fisheries is assigned;

ACT NO. 5 OF 1980

The Fisheries Act 1980

"net" or "fishing net" means any net used or intended to be used for fishing;

"officer"

(a) means any Fisheries Officer; and

(b) includes a police officer, a customs officer, a forest officer;

"pass" means a channel through the reefs in which the sea flows and reflows and includes the entrance to any harbour, bay or creek;

"permit" means any written authority or approval granted by the Principal Assistant Secretary;

"Principal Assistant Secretary"—

(a) means the Principal Assistant Secretary of the Ministry of Fisheries, and Co-operatives & Co-operative Development;

(b) includes any person deputed by him;

"reserved area" means such area of the sea as the Minister may prescribe where fishing with a large net or a gill net is prohibited;

"sardine net" means a net used for catching sardines, lamprunes or mangoustes;

"sell" includes hawk, expose, keep, offer, transport and consign for sale;

"shrimp net" means a net in the form of a bag not exceeding two square metres which—

(a) is used for catching shrimps; and

(b) is fitted with a hoop measuring not more than 50 centimetres diametrically or diagonally; or

(c) is mounted on two handles and fitted with weights;

"undersized fish" means any species of fish the size of which may be prescribed;

3. (1) Any person who wishes to obtain a licence for any purpose under this Act shall make a written application to the Principal Assistant Secretary.

(2) Upon receipt of an application under subsection (1), the Principal Assistant Secretary may request the applicant to furnish such particulars as he may require for the purpose of determining whether the application should be granted.

(3) Where the Principal Assistant Secretary is satisfied that a licence may be issued, he shall, subject to subsection (6), issue the licence in the prescribed form, on such terms and conditions as he thinks fit and on payment of the prescribed fee.

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The Fisheries Act 1980

- (4) No licence issued under this Act shall be transferable.
- (5) Every licensee shall, on demand, produce to an officer any licence issued to him under this Act.
- (6) The Principal Assistant Secretary shall not at any time license the use of more than—
 - (a) thirty three large nets, thirty three canard nets and twenty gill nets in the island of Mauritius;
 - (b) fourteen large nets, fourteen canard nets and ten gill nets in the island of Rodrigues;
 - (c) eight large nets, eight canard nets and eight gill nets for Caragados Carajos Archipelago, Agalega, Tromelin and the Chagos Archipelago and any other area where Mauritius has fishing rights.

Restriction on import and export of fish.

4. (1) No person shall, except with the written approval of the Principal Assistant Secretary, import into or export from Mauritius—

- (a) any live fish;
- (b) any coral or shell, whether live or dead.
- (2) The Principal Assistant Secretary may, in writing, authorise the introduction into Mauritius of fish intended for release.
- (3) No fish introduced under subsection (2) shall be released except—
 - (a) after it has been kept under observation and control for such period and on such terms and conditions as the Principal Assistant Secretary may think fit; and
 - (b) with the written approval of the Principal Assistant Secretary.

(4) Where the Principal Assistant Secretary is satisfied that fish introduced into Mauritius and intended for release is unsuitable for the purpose, he may order the fish to be forfeited and destroyed without any compensation to the importer.

General prohibition of fishing.

5. Subject to the other provisions of this Act, the Minister may, by Order published in the *Gazette*, prohibit fishing by any means in such area and for such period as may be prescribed in the Order.

Restriction of fishing.

6. (1) Notwithstanding any other law in force in Mauritius, no person shall fish within the fishing limits of Mauritius, other than the territorial waters, except under a licence granted by the Prime Minister.

(2) No person shall fish any turtle or any marine mammal within the fishing limits of Mauritius without the written approval of the Principal Assistant Secretary.

The Fisheries Act 1980

7. (1) No fisherman shall land any fish except at a fish landing station.

(2) Any fisherman who lands fish at a fish landing station shall—

- (a) at the request of an officer, cause the fish to be weighed by the officer;
- (b) keep or store the fish in such manner and at such place as an officer may direct;
- (c) not expose the fish to rain, sun and flies and other unhygienic conditions.

(3) Where an officer is satisfied that fish landed is unsuitable for human consumption on account of its bad state of preservation or of its toxic nature, he shall order the fish to be forfeited and destroyed without any compensation to its owner.

8. (1) Subject to subsection (2), no person shall sell or have in his sale of fish, possession for sale any fish unless he holds a licence.

(2) Subsection (1) shall not apply to a fisherman who sells fish to a fishmonger at a fish landing station.

(3) No fishmonger who purchases fish at a fish landing station shall refuse to sell fish at the landing station.

(4) No person shall sell or have in his possession for sale any fish which is unfit for human consumption.

9. (1) Subject to subsection (2), no person shall fish or have in his possession any undersized fish, crab 'carlet' or spiny lobster in the berried state.

(2) The Principal Assistant Secretary may, subject to such terms and conditions as he thinks fit, authorise the capture of—

- (a) the fishes specified in subsection (1) for scientific or reproductive purposes;
- (b) undersized fish by the owner of a barachois for stocking the barachois.

(3) No person shall put, throw, discharge or cause to be put, thrown or discharged into the waters within the fishing limits of Mauritius and into any river, lake, pond, canal or tributary any substance likely to injure any fish.

10. (1) Subject to subsections (2) and (3), no person shall run an oyster farm without the written approval of the Minister.

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The Fisheries Act 1980

- (2) Any person who wishes to run an oyster farm shall—
 (a) make a written application to the Minister in the prescribed form;
 (b) cause a notice of his application to be published in the *Gazette* and in two daily newspapers.
- (3) Any person who wishes to object to an application made under subsection (2) may, within one month after the publication of the notice in the *Gazette*, lodge a written objection to the application with the Minister.
- (4) The Minister shall, not later than fourteen days after receiving an objection under subsection (3), by written notice require the applicant to show cause, within such time as may be specified in the notice, why the objection should not be upheld.
- (5) Where no objection is lodged in accordance with subsection (3) the Minister may grant or refuse the application.
- (6) Where an objection to an application has been lodged in accordance with subsection (3), the Minister shall, after the time limit specified in a notice issued under subsection (4) has elapsed, hear and consider the application and any objection to it and, after making such enquiries as he considers necessary, grant or refuse the application.
- (7) The Minister shall specify the grounds for refusing to grant an application or the reason for rejecting any objection lodged against the application, as the case may be.
- (8) This section shall not apply to any person farming oysters in a barachois.
11. (1) Subject to subsection (2) and the other provisions of this Act, no person shall fish with, or have in his possession at sea, any fishing implement other than—
 (a) a hook, lure, line, rod or reel;
 (b) a fish spear;
 (c) a bait net;
 (d) a basket trap;
 (e) a canard net;
 (f) a carlet net;
 (g) a cast net;
 (h) a gill net;
 (i) a landing net;
 (j) a large net;
 (k) a shrimp net;
 (l) a sardine net.

The Fisheries Act 1980

- (2) The Minister may, on the advice of the Board and on Licensing of such terms and conditions as he thinks fit, authorise the use of any fishing implement for any purpose.
12. No person shall have in his possession any fishing net other than a carlet net or a landing net, unless he holds a licence to that effect.
13. The licensee of a fishing net shall—
 (a) keep or store the net in such place as may be approved by the Principal Assistant Secretary;
 (b) on demand, produce the net or indicate its location to any officer;
 (c) return the net to the Principal Assistant Secretary upon the expiry or revocation of his licence;
 (d) report to the Principal Assistant Secretary any damage to any seal affixed to the net by an officer.
14. (1) (a) Subject to subsection (2), no licensee shall dispose of any licensed net without the written approval of the Principal Assistant Secretary.
 (b) No licensee shall replace any licensed net unless—
 (i) the net has become unserviceable;
 (ii) the net is returned to the Principal Assistant Secretary;
 (iii) the Principal Assistant Secretary approves the replacement in writing.
- (2) The Principal Assistant Secretary shall cause to be destroyed any net which is returned to him under subsection (1).
15. (1) No person shall, unless he holds a licence to that effect—
 (a) import or deal in any net;
 (b) manufacture or deal in fishing implements other than basket traps, fish spears, hooks, lines, rods, reels and lures.
- (2) Any person who holds a licence under subsection (1) shall—
 (a) keep a register in which he shall daily enter—
 (i) every sale or purchase made by him;
 (ii) the name and address of every seller or purchaser;
 (iii) the description, measurement and number of nets sold or purchased by him;
 (iv) the number and date of issue of the licence held by the seller or purchaser;

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Close deroids.

(b) not later than fourteen days after any sale or purchase, inform the Principal Assistant Secretary in writing of the sale or purchase, giving the particulars specified in paragraph (a).

16. (1) No person shall, between sunset and sunrise, fish with or be in possession at sea of a large net or canard net.

(2) No person shall fish with or be in possession at sea of—
(a) a large net or a gill net from the first of October in any year to the last day of February of the year following;
(b) a canard net from—

(i) the first of May to the last day of July in any year;
(ii) the first of October in any year to the last day of February of the year following.

(3) The Principal Assistant Secretary may, subject to such terms and conditions as he thinks fit, authorise fishing with a large net, a canard net or a gill net in any barachois during any close period.

Setting and removal of gill nets.

17. No person shall between sunset and sunrise—

(a) set or remove a gill net at sea;

(b) displace a gill net after it has been set, except with the approval of the Principal Assistant Secretary;

(c) beat the surface of the water or make any noise for the purpose of luring any fish to enter a gill net.

Fishing with artificial light.

18. No person shall fish with the aid of any artificial light except—

(a) within a barachois of which he is the owner or lessee or with the permission of the owner or lessee;

(b) for the purpose of capturing undersized crabs to stock a barachois as the Principal Assistant Secretary may approve;

(c) for the purpose of capturing shrimps with a shrimp net as the Principal Assistant Secretary may approve;

(d) for the purpose of capturing flying fish outside the reef.

Fishing in reserved areas.

19. No person shall—

(a) fish in a reserved area with a large net, gill net or canard net;

(b) beat the surface of the water in a reserved area for the purpose of catching any fish or luring any fish to leave the reserved area.

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20. No person fishing in a pass shall—

(a) make use of any net; or

(b) place in the pass any object likely to cause obstruction to navigation.

21. No person shall fish with an explosive in, above or near any Prohibition of the use of explosives.
water within the fishing limits.

22. (1) Subject to subsection (2), no person shall do any underwater fishing within the fishing limits of Mauritius without the written approval of the Principal Assistant Secretary.

(2) The Principal Assistant Secretary shall not authorise any underwater fishing except—

(a) for scientific purposes; or
(b) for the purpose of capturing aquarium fishes, in accordance with such terms and conditions as he thinks fit to impose.

(3) No person shall import into or manufacture in Mauritius any underwater fishing implement without a licence.

(4) Any officer may seize any fish, other than fish captured with the written approval of the Principal Assistant Secretary granted under subsection (2), which he reasonably suspects has been caught by underwater fishing.

(5) No person shall unless he has a licence to that effect have in his possession any spear-gun.

(6) Any fish seized under subsection (4) may be disposed of as the Principal Assistant Secretary may approve.

23. (1) Any person who owns a fishing boat shall cause it to be registered.
boats.

(2) No person shall make use of a fishing boat which—

(a) is not registered;

(b) does not bear any identification badge and any identification mark assigned to it.

24. (1) The Principal Assistant Secretary shall assign to every registered fishing boat an identification badge and an identification mark.

(2) The owner of a fishing boat shall—

(a) fix to the stern post of the boat any identification badge assigned to the boat;

(b) conspicuously display on both sides of the bow of the boat any identification mark assigned to the boat.

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Register of fishing boats etc. 25. (1) The Principal Assistant Secretary shall keep a register in which shall be entered—

- (a) the particulars of every registered fishing boat;
- (b) the identification badge and the identification mark assigned to every fishing boat.
- (2) Every person who is a party to any sale or transfer of a fishing boat shall, within fourteen days after the sale or transfer, give notice thereof to the Principal Assistant Secretary.
- (3) Every person who owns a fishing boat shall, within fourteen days from the loss or destruction of the boat, give notice thereof to the Principal Assistant Secretary.

Power to search boats and vehicles. 26. Any officer may stop and search any boat or vehicle on reasonable suspicion that—

- (a) the boat or vehicle is being used or has been used in the commission of an offence under this Act; or
- (b) the boat or vehicle is carrying any fish or fishing implement obtained contrary to, or the use or possession of which is prohibited by, the provisions of this Act.

Power of entry and search. 27. A Magistrate may, where he is satisfied by information upon oath that there is reasonable ground to believe that an offence against this Act has been, is being or is about to be committed, issue a warrant authorising an officer—

- (a) to enter any boat, land or premises; and
- (b) to search for any boat, fish or fishing implement.

Search warrant may be issued by the P.A.S. 28. Where the Principal Assistant Secretary is satisfied upon sworn information that—

- (a) there is reasonable ground to believe that an offence against this Act has been, is being or is about to be committed; and
- (b) communication with a Magistrate for the purpose of securing a search warrant might cause delay, he may issue a search warrant authorising an officer—
 - (i) to enter any boat, land or premises; or
 - (ii) to search for any fish or fishing implement.

Power to arrest and detain. 29. An officer may without warrant arrest and detain any person found—

- (a) fishing in breach of any of the provisions of this Act;
 - (b) in possession of any fish or fishing implement in breach of any of the provisions of this Act;
 - (c) selling undersized fish
- unless he gives satisfactory information regarding his name and address and the place of origin of any fish in his possession.

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30. Any fisherman or fishmonger found in possession of fish Origin or shall, on being required so to do by an officer, furnish the officer source of fish, with particulars of the origin or source of the fish.

31. (1) An officer may, on reasonable suspicion that a net, a ^{Seizure} fishing implement or a boat has been or is being used in the commission of an offence under this Act, seize the net, the fishing implement or the boat with all its accessories.

(2) An officer may seize any fish caught, landed or sold in breach of the provisions of this Act.

32. (1) Any article seized under section 31 shall be returned to Disposal of its owner, if known, or to the person from whom it was seized it, ^{articles} upon examination, it is found not to have been used in the commission of an offence under this Act.

(2) Where the owner or person in charge of any article seized under section 32 does not claim the article within fifteen days after its seizure, the Principal Assistant Secretary may dispose of the article without any compensation.

(3) Any fish seized under section 31 may be disposed of as the Principal Assistant Secretary may direct and without any compensation to its owner or to the person from whom it was seized.

33. Where any net, fishing implement or boat and accessories is ^{Boat, etc.} used in the commission of an offence under this Act, the owner or person in charge thereof shall commit the same offence unless ^{commission} he proves—

- (a) that he was not a party or privy to the commission of the offence; and
- (b) that he took all reasonable steps to prevent the use of the net, the fishing implement or the boat by unauthorised persons.

34. (1) Subject to subsections (2) and (3), any person who ^{Penalties.} contravenes—

- (a) any of the provisions of this Act or any regulation made under this Act; or
- (b) any condition imposed in any permit or licence granted under this Act or any regulation made under this Act

shall commit an offence and shall, on conviction, be liable to pay a fine not exceeding one thousand rupees and to imprisonment for a term not exceeding twelve months.

(2) Any person who contravenes the provisions of sections 5, 6, 9, 10, 11, 12, 15, 16, 18, 19, 20 and 22 shall, on conviction, be liable in the case of—

- (a) a first conviction, to pay a fine of not less than five hundred rupees and not more than one thousand rupees and to imprisonment for a term not exceeding twelve months;

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(b) a second or subsequent conviction, to pay a fine of not less than one thousand rupees and not more than two thousand rupees and to imprisonment for a term of not less than twelve months and not more than three years.

(3) Any person who contravenes the provisions of section 21 shall, on conviction, be liable in the case of—

(a) a first conviction, to imprisonment for a term of not less than one year and not more than five years together with a fine of not less than five hundred rupees and not more than one thousand rupees;

(b) a second conviction, to imprisonment for a term of not less than two years together with a fine of not less than one thousand rupees and not more than two thousand rupees; and

(c) a third or subsequent conviction, to imprisonment for a term of not less than three years together with a fine of not less than two thousand rupees and not more than five thousand rupees.

(4) The provisions of the Probation of Offenders Ordinance and sections 152 and 153 and Part XII of the Criminal Procedure Ordinance shall not apply to any penalty under this Act other than a penalty inflicted under subsection (1).

(5) The Court may, in addition to any other penalty, order the forfeiture of any fishing implement and any boat, including its accessories, used in the commission of an offence under this Act.

35. (1) There is established for the purposes of this Act a Fishery Advisory Board.

(2) The board shall consist of—

(a) The Principal Assistant Secretary, Ministry of Fisheries, and Co-operatives & Co-operative Development as Chairman;

(b) a representative of the Attorney-General's Office;

(c) a representative of the Police Department;

(d) a representative of the Ministry of Agriculture, and Natural Resources & the Environment;

(e) a representative of the Ministry of Economic Planning & Development;

(f) a representative of the Ministry of Health;

(g) a representative of the Ministry of Prices and Consumer Protection;

(h) a representative of the Ministry for Rodrigues;

(i) a representative of the Mauritius Fishermen's Co-operative Federation Limited;

(j) a representative of the distributors of frozen fish;

The Fisheries Act 1980

(k) a representative of fresh water fish breeders delegated by the Chamber of Agriculture;

(l) a representative of deep sea fishermen;

(m) a representative of basket trap fishermen;

(n) a representative of net fishermen.

(3) Every member specified in subsection (2) other than an ex-officio member shall—

(a) hold and vacate office on such terms as the Minister may determine;

(b) not be considered as holding a public office by virtue of his appointment.

(4) The composition of the Board shall be published in the

Gazette.

36. The Board shall—

(a) advise the Minister on all matters of general policy relating to Fisheries;

(b) enquire and report to the Minister, on such specific matters relating to Fisheries as the Minister may refer to it.

37. (1) The Chairman shall convene a meeting of the Board whenever required to do so in writing by the Minister or by not less than 3 of the members.

(2) The Chairman shall preside at all meetings but in his absence, the members present shall elect from among themselves a member to preside at that meeting who shall exercise all the powers of the Chairman.

(3) The quorum of the Board shall be seven.

(4) Subject to the other provisions of this section, the Board shall regulate its own procedure.

38. (1) The Minister may make such regulations as he thinks Regulations necessary for carrying into effect the provisions of this Act.

(2) Any regulation made under subsection (1) may provide for—

(a) the levying of fees and charges;

(b) the grant and revocation of licences;

(c) measures relating to the furnishing of security for the return of seized articles and equipments.

39. Any permit or licence granted under the Fisheries Ordinance Transitional Provision shall be deemed to have been granted under this Act.

40. The Fisheries Ordinance, 1948 is repealed.

Repeal.

Functions of the Board.

ANNEX 92

Mauritius Legislative Assembly, 26 June 1980, Interpretation and
General Clauses (Amendment) Bill (No. XIX of 1980),
Committee Stage, Statement by Sir Harold Walter

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(10.26 p.m.)

The Attorney-General and Minister of Justice (Mr. Chiong Leung) : Mr. Speaker, Sir, I move that the Interpretation and General Clauses (Amendment) Bill (No. XIX of 1980) be now read a *second* time.

This Bill seeks to amend the Interpretation and General Clauses Act 1974 by remedying certain defects which have become apparent over the years whilst at the same time making provision for certain essentially technical matters.

In the present state of our law, the definition of "State of Mauritius" or "Mauritius" does not specifically include Tromelin and the amendment proposed in the Bill seeks to remedy this defect.

Moreover questions relating to the service of process on corporations generally and their representation in Court are not free from doubt. Clauses 7 and 8 of the Bill are designed to remedy this defect by making unambiguous provisions on that particular aspect of court procedure.

In the past, the prosecution of persons for offences under several enactments has given rise to avoidable difficulties. The proposed new section 46 of the Act which is embodied in clause 9 of the Bill seeks to put the law on a more rational basis by ensuring that, although a person may be prosecuted under several enactments for the same act or omission, he will nevertheless be punished only once for offences arising out of the same act or transaction.

The Bill further provides that on the issue of any licence, permit or authority, the Government may impose terms and

conditions on the licence, permit or authority not only at the time of its issue or renewal but also during its currency.

New provision is made regarding certain corporations and other bodies. These new provisions are of an essentially technical nature. At present, certain bodies cannot operate because when they are just established, all the members thereof have not been or cannot be appointed. This Bill proposes to make provision for such bodies to operate notwithstanding vacancies when first established provided the requirements regarding quorum are satisfied.

Certain bodies may not operate in the absence of the Chairman. Provision is therefore made for these bodies to carry out their activities notwithstanding the absence of the Chairman, unless the Chairman is required to be present for the purpose of a quorum.

At present there are occasionally unavoidable delays in the reappointment of the members sitting on certain bodies. This prevents business from being transacted. This Bill therefore provides for the outgoing body to operate pending the appointment of the incoming body.

With these few remarks, Sir, I commend the Bill to the House.

Mr. Purryag rose and seconded.

(10.28 p.m.)

The Leader of the Opposition (Mr. A. Jugnauth) : Sir, this Bill again contains many provisions that are welcome by this side of the House and, there is that section 46 of the principal Act, wherein it is provided that :

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"Where a person on the same fact may be committing more than one offence under different enactments, he should not be made to be punished twice."

It is very reasonable. As a matter of fact, I myself have experienced a case, where, on the same fact, even under one enactment, under the Public Order Act, someone was found with an offensive weapon in his possession with which he had threatened to strike somebody else. He was prosecuted for two offences :

(1) for being in possession of an offensive weapon and

(2) for intimidation with that offensive weapon.

I personally feel that this is not correct, this is not reasonable and in fact, it becomes a persecution, ultimately.

One other thing : it is provided also that, in case of societies and corporate bodies, anybody duly authorised, can represent that body. That is also a very good measure but, Sir, we, on this side of the House, feel that, in section 3 of this Bill which deals with the definition of "State of Mauritius", there is a great omission on the part of those who have drafted this Bill ; and, if it is, in fact, done purposely, it is a policy matter, well we believe that those who have done it must take the blame for it. Because we think, on this side of the House, that in the definition of "State of Mauritius", wherein we are now adding the word "Tromelin", we believe that we should have gone further and added "Chagos Archipelago".

Sir, I do not want to go into the whole history of the Chagos Archipelago, but we know that there have been certain deals between the Government of this

country when it was a colony and before independence was granted to this country, and the British Government. There was an Order in Council, by which the Chagos Archipelago was taken away from the territories forming part of Mauritius, and it has since been called the British Indian Ocean territory. There has been a lot of controversy on that, and at the beginning, we know the explanation that has been given by the Rt. Hon. Prime Minister as to what was the real transaction concerning this. We were made to understand, at one time, that we had all our rights preserved over these islands and that, as a matter of fact, only certain facilities had been granted. Well, ultimately, as time went on, we were told finally that, in fact, there has been a sale and what not ; but one thing is certain — this is very clear to everybody in this House and the country at large, this has been mentioned throughout — that in fact, there is nothing in writing, that everything was done verbally. Therefore so far as we are concerned, we understand the position to be that the only thing that there is in writing is that Order in Council, nothing else ! And that is why we maintain that, being given that we were still a colony, and being given the United Nations Resolution, that, before a colony is granted its freedom, the power which had colonised that country has no right to extract any part of its territory, therefore we consider that it was something completely unilateral and it has no validity whatsoever ; and we, in the Opposition, have made it very clear, we have even written to the British Government, stating what is our position in the MMNM, and that if ever we come to power in this country, what stand we are taking as regards the Chagos Archipelago. When Mr. Luce was here recently, I conveyed this very clearly to him and I even in-

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sisted that he should see to it that, even now as it is, we be allowed to use all facilities — except for Diego Garcia, where there are certain military installation, at least for the time being — that we be allowed even to make use of the other islands where there is no military installation. I can say that Mr. Luce listened to me with great attention and even promised me that he was going to raise this matter with his Government. I hope that, later on, we will hear from the British Government, we will know what is their stand concerning this matter.

Therefore, Sir, we believe that we will not be doing a good service to our country and to the generations that will be coming, if we ourselves to-day, commit that mistake of omitting, from the description of the "State of Mauritius", the Chagos Archipelago.

For this reason, I want to make it very clear that at the Committee stage, I am going to move that this also be inserted in the description of the Mauritian territory. Thank you Sir.

(10.39 p.m.)

Mr. T. Servansingh : (Third Member for Port Louis South & Port Louis Central) Sir, I shall speak on clause 3 of this Bill, about the amendment which the hon. Leader of the Opposition proposes to introduce at Committee stage. Sir, I am sure that there can be a lot to say about future power politics in the Indian Ocean, about keeping Indian Ocean a zone of peace and so on ; but the point I would like to make to-day is that when we are talking of the definition of the national territory, we, on this side, want that the Chagos Archipelago should be included in this definition of ...

Motion 3320

Mr. Speaker : It should be better if the point could be taken at the Committee stage, when the motion has been made, then the hon. Member would explain.

(10.40 p.m.)

Mr. Chong Leung : Mr. Speaker, Sir, the Leader of the Opposition has stated that there has been an omission in the definition of the State of Mauritius, because Diego Garcia has not been included in that definition. First of all the definition of the State of Mauritius is wide enough to cover any island which forms part of the State of Mauritius. In section 2 of the Interpretation Act No. 33 of 1974, State of Mauritius includes :

- (1) the islands of Mauritius, Rodrigues, Agalega and any other island comprised in the State of Mauritius,
- (2) the territorial sea and the air space above the territorial sea etc. etc.

But the main reason why it has not been included ...

Mr. Speaker : I am sorry to interrupt the hon. Minister. This point will be taken at the Committee Stage, because many Members are going to raise the same point. The Minister will have time to answer.

Mr. Chong Leung : I thought that if I could dispose of it once and for all, it would be better.

Mr. Speaker : All the arguments of the Opposition have not been canvassed.

Mr. Chong Leung : I accept your ruling.

Question put and agreed to.

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Bill read a second time and committed.

THE LABOUR (AMENDMENT) BILL (No. XX of 1980)

(10.42 p.m.)

The Minister of Labour and Industrial Relations (Mr. R. Peeroo) : Sir, I beg to move that the Labour (Amendment) Bill be read a second time.

Sir, in 1965, the Termination of Contracts of Service Ordinance, which was afterwards incorporated in the Labour Act 1975, was amended to allow an employer to deduct from severance allowance payable to a worker the share of contributions made by the employer to any pension scheme or provident fund set up for the benefit of a worker. Since 1978 when contributions started to be made to the National Pensions Scheme, deduction of the employer's share of contributions continued to be made.

Many employees became redundant recently, particularly in the construction industry, and to those who joined just before or any time after contributions started to be made to the National Pensions Fund, practically no severance allowance was paid because the employers' share of contributions exceeded the severance allowance payable in such cases.

The Government is aware that redundant employees may face some difficulties in securing another job and that it is essential that they get a lump sum payment to tide them over their temporary financial problems.

With this aim in view, the Government has decided that an employer's share of contributions to the National Pensions

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Fund will no longer be deductible from the severance allowance payable to a worker on termination of his employment. Instead, the worker will be assured payment of a severance allowance equivalent to one quarter of a month's pay for workers employed monthly, or eight days' pay for other categories of workers, for every year of continuous service with an employer.

The normal severance allowance rate of half a month or fifteen days' remuneration will continue to be paid for any period during which contributions have not been made to the National Pensions Fund. This normal rate will also be paid in full on that part of the salary of a worker on which contributions are not payable under the National Pensions Act 1976. At present, no contributions are paid on that part of the salary which is in excess of Rs. 1,200 a month.

Under the provisions of the Bill, a worker whose employment is terminated will therefore be entitled to his full severance allowance at the rate of half a month or fifteen days' pay for every year of service before he started contributing to the National Pensions Fund. The same rate of severance allowance will be payable on that part of the salary on which no contributions are made.

With regard to that part of the salary on which contributions are paid to the Fund, the worker will nevertheless be guaranteed a severance pay of a quarter month's salary or eight days' pay wages for every year of service.

There will be no change regarding contributions made to a private Occupational Scheme or Provident Fund or in cases of retirement.

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Mr. Venkatasamy : In clause 3 (a)

"Any person may appeal to the Minister"

Subsection (b) :

"The Minister's decision on hearing the appeal"

but there is no mention about the decision on the appeal itself. There is a decision on hearing the appeal, but what about the decision of the Minister on the appeal itself ?

Sir Veerasamy Ringadoo : I think, to make it better English it is being suggested that I should delete the word 'on' and replace it by 'after'.

Clause 3, as amended, ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill was agreed to.

The following Bills were considered and agreed to :

(1) The Intermediate and District Courts (Criminal Jurisdiction) (Amendment) Bill (No. XVI of 1980).

(2) The Courts (Amendment) Bill (No. XVIII of 1980).

(1.20 a.m.)

THE INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) BILL (No. XIX of 1980)

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (Section 2 of the Principal Act amended)

Motion made and question proposed, "that the clause stand part of the Bill"

Mr. Jugnauth : Sir, I move for the following amendment in clause 3: that the word 'Tromelin' be deleted and replaced by the words "Tromelin and Chagos Archipelago".

Mr. Doongoor : Sir, I also want to move an amendment to add to what the hon. Leader of the Opposition said: that "Seychelles" also should be included in this. *(Laughter)*

Mr. Jugnauth : When we have an amendment, Sir, my hon. Friend wants to move another amendment; it will come in time.

The Chairman : May I point out to Hon. Doongoor that Seychelles is an independent country, we cannot have this amendment ?

Mr. Chong Leung : On a point of order, Sir, when the hon. Parliamentary Secretary, Ministry of Power, Fuel & Energy proposed an amendment to include Seychelles, some Members have laughed. I do not think that this is a laughing matter.

Mr. Jugnauth : Sir, I am on my feet. I have moved an amendment and I have not finished.

The Chairman : If the hon. Member has not finished, he may continue.

Mr. Jugnauth : Sir, I will explain why I am moving this amendment; we all know that the Chagos Archipelago forms part of the territory of Mauritius;

just, before independence was granted to this country, this part of our Mauritian territory had been excised by the British Government unilaterally. I say "unilaterally", because, as I said a moment ago, when we were having the second reading of this Bill, those who represented Mauritius then, were not representatives of a sovereign country. We were still a colony and, as we know, the British Government, before it gave independence to this country, had no right whatsoever to dismember the territory that belonged to Mauritius; for this reason, we maintain that we have all rights on the Chagos Archipelago, specially when we know, it has been said in this House and outside by the Rt. Hon. Prime Minister that, as a matter of fact, only certain rights were granted to the Britishers over these islands. Even at one time a period was mentioned, and we were told that we had reserved all our rights all round the island, over the islands; all the minerals that would be found, we were even told, could be exploited by Mauritius. The more so, we have been told that there is no written agreement whatsoever between this country and Great Britain. So far as we are aware, Sir, there is but an Order in Council which has created the British Indian Ocean Territory. Some people are speaking of Seychelles, but we know that there are some islands belonging to Seychelles, which were also excised in the same manner, but which Seychelles has recuperated and which have been given back to the State of Seychelles. Therefore, as I have said before, so far as the Opposition is concerned, we have made our position very, very clear, *vis-à-vis* the British Government and, in fact, I discussed this matter with Mr. Luce. For this reason, we are coming forward with this amendment. We know, on different occasions, there had been statements made

by the Members on the other side. There have been even campaigns made on the question of Diego Garcia, outside and for all intents and purposes, we have even been told, in the past, by the Prime Minister : "What do you expect me to do ? Take a boat or to take guns and go and take Tromelin and Chagos and whatever it is ?" Therefore what we are saying is that, for whatever it is worth, I think we will be asserting our rights by doing what I am suggesting : adding, to the definition of Mauritian territory the Chagos Archipelago. Because, if we, to night, reject this, I think the whole nation realises that, in so far as the recuperation of these islands in future is concerned, how difficult we are going to make our own position in the international forum and *vis-à-vis* Great Britain and the United States.

Therefore I strongly appeal to all the Members on the other side. This is not a partisan question: this is something very serious and very important, something which has to do with the sovereignty and the territory of our country. We will appeal to them to take it as seriously as possible; this vote that we will be taking tonight will be of very great importance for this country, and I hope that my Friends on the other side do realise the importance of this matter.

Mr. Bhayat : Sir, it is very said that in this House, at this very late hour, we are taking such a serious matter so lightly. This is not a laughing matter and I hope Members will listen carefully to what we are saying because, this very week in the Lok Sabha — and the Prime Minister will be glad to hear this — this very week in the Parliament in New Delhi, a Parliamentary Question has been put by a Member of the Assembly as to what stand has Mauritius taken regarding

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the return of Diego Garcia? And in the Lok Sabha, Mr. Chairman, we do not hear wishy-washy answers, like "As far as I know, I do not know". A very serious answer will, I am sure, be given there.

(Interruption)

By the Indian Government, of course we have to say, from information that they will receive. I do not know where they will get the information but they will give information and Ministers there will come to know about it. If they do not come to know about it, I will communicate the reply of the Minister concerned. I am sure that the reply will make Mauritius the laughing stock of the whole of India and of the whole of this region! This is why I have said this is a very serious matter and we ought not to take it so lightly.

Having said this, Mr. Chairman, we have seen hon. Doongoor coming and saying that he will propose an amendment to include Seychelles in the territory of Mauritius. This is so laughable that I do not want to spend any time on this, except to say that Seychelles is so much so a sovereign country, and was so much so a sovereign country in 1965 — there was an attempt to excise the islands belonging to it, in 1965, at the same time as the Chagos Archipelago was excised. There were the islands of Farquhar, Aldabra and two other islands — through the efforts of the Government of Seychelles which many Members of Government do not seem to like, through their intervention in international forum, these four islands have been returned to them. There is no question of sovereignty of the British Indian Ocean Territory. There is only one document purporting to create the

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British Indian Ocean Territory and it is five Order in Council published in England on the 8th November, 1965 and reproduced under the signature of the Colonial Secretary, Mr. Tom Vickers, on the 30th of November 1965. It is only reproduced here for general information, and in fact it says so, "for general information, this is the Order in Council that has been passed in Westminster". But, we, in this country, we have never accepted this. We have always challenged this on the ground that, as a country which was on the verge of becoming independent, there is a very clear United Nations resolution that the Colonial power has no right to excise any part of a Colony before granting independence! This has been said, this is being repeated again today, by the Leader of the Opposition, and when we say it, we do not say it in the air; Britain knows about it, England knows about it and the United States know about it! If they did not know about it, they would not have sent Mr. Sheridan to Mauritius! Everybody knows what happened! When Mr. Sheridan came to Mauritius last year, sent by the British Government and received by the Prime Minister officially, in his *campement*, given an official car, given a Police escort, given an interpreter, officially here, sent by the British Government! For what purpose?

The Prime Minister : To help the people.

(1.35 a.m.)

Mr. Bhayrat : To help the people! To come and do what we called an act of treason! To ask Mauritians to renounce their right to return to their country! This, to me, is an act of treason! Mr. Sheridan, when he came here, he committed an act of treason!

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Mr. Sheridan, when he came here, he committed an act of treason! Anybody who helped him, was not helping the people; he was helping Sheridan to commit an act of treason, to induce Mauritians to commit an act of treason, to renounce their sacred right, to renounce their right recognised internationally, to have their land, to belong to their land, and to own their land, and to be sovereign on their land! If the BIOT was sovereign, as some Ministers are trying to say, why did they send Mr. Sheridan? Why did the Prime Minister have to give help to Mr. Sheridan, to get him to get these poor people to sign these papers, to renounce? And they have not renounced! The Prime Minister has not answered to several PQs which were put to him; he played the ignorant, the person who did not know anything, as usual, when he wants to hide things to the House! But today, here, the Opposition, we want not only the Members of this House, not only the people of this country, but the world at large, more particularly all the people of this region; India, Pakistan, Australia, Madagascar, Seychelles, Comores, Tanzania, all the people in this area to know that we are laying claim to what is by right ours! We are not going to give it up and we are proposing that, within the State of Mauritius, we should say that Mr. Sheridan has failed! Whoever sent him here has failed, and whoever wanted to help him to renounce our right has failed! So far we still recognise the Chagos Archipelago as still belonging to us and we want this to go on record in this Bill here! Thank you, Sir.

Mr. Servansingh : I think after my friend, Kader Bhayrat, has spoken, I must also express my deception at the fact that when this matter has been taken up in this House, some people have found it right to make jokes about this. I think this is a very important matter, and I know that all of us here realise how important it is.

Mr. Speaker, the only point I would like to make is that this question of the Chagos Archipelago is a very delicate matter. For we all know, international political reasons, for reasons of the super powers, for reasons which are much beyond our control as our country is isolated in the Indian Ocean. But what I would like to say this morning is that what we have to do in Parliament, while we add the Chagos Archipelago in the definition of our national territory, is to affirm the right of Mauritius to this country, and I would go as far as to say, that I believe the Government which is in power at any time in this country, has the right, is perfectly free, to have a policy, as far as the Indian Ocean is concerned. A Government which is in power, democratically elected, has the right to define a policy which it wants towards the Indian Ocean. Just as we have seen the Government of Australia once, when the Labour Government was in power, taking the position that the Indian Ocean should be a zone of peace. And when a Labour Government succeeded this Government, they changed their position. So I would go as far as to say that I believe a Government, which is in power in Mauritius, has the right to choose its policy towards the Indian Ocean. But I only ask in the name of all Mauritians, I ask in the name of the youth of Mauritius, I ask in the name of generations to come, that we should give that generation which is coming, that we should give the next Government that is coming, a chance to claim its right over what is our territory, a chance to define another policy which might not be the same policy as this one. This is the only claim that we want to make when we say that we should include

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in the definition of the national territory, the Chagos Archipelago, Mr. Chairman. I know the line that will be taken is that it is understood, by the general definition that we already have, that the Chagos Archipelago forms part of our national territory. But we know that this is a matter of controversy, that tomorrow another Government might have to go to the International Court to fight this matter, to fight this case, and this is why we insist that this be included formally in the definition of the national territory. As I said, in respect for democracy, in respect for the next Government we will choose, in respect for the choice of future generations, I think we cannot fail, whether we are on this side of the House, or whether we are on the other side of the House, to add this archipelago to our definition of the national territory. Mr. Chairman, I have made my point. Thank you very much.

The Minister of Economic Planning and Development (Mr. R. Ghaururan): Mr. Chairman, years ago, I was the first person to have raised my voice, when I was the High Commissioner of Mauritius in New Delhi, that Mauritius should take this issue to the Hague, and I thought Mauritius had got a right to this land, and if we took the matter to the Hague, we were sure to win it. From that time to this day, I have not changed my mind. There is no doubt that, when the islands were excised, it was done through an undue influence. England was a metropolis, we were a Colony. Even all our leaders who were there, even if they consented to it, their consent was vitiated, because of the relationship. The major issue was to gain independence, and therefore the consent was vitiated, there was no consent at all. There is no doubt that everyone here would like this country to come back to the State of Mauritius;

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but there is unfortunately — and now I am appealing to the lawyers to see the legal issue about it — it is, as yet we have a claim one day I am sure we are going to get back this country. But at the moment, it is still with Great Britain. Today we have a very valid claim; unless we would have vindicated that claim, it won't be serving any purpose, if we were merely to add it.

(Interruption)

What we want to add here is what we own, Tromelin, which has never been excised; this is why we are putting it there. But this has been excised. I don't think it would, in the long run, do any good. The point I wanted to make, not only for record here, but for those outside also, is: even if it is not included here in this Act today, let it be known to everyone that it won't cause any prejudice to a claim we may have! It is not by a tacit acceptance that we are giving it up. Our claim is there and one day, I very much hope and I can join any number of Members when the time comes; I am prepared to go and fight this case at the Hague when the time comes! But then, we have to have the sanction of Government. We can't go and fight a case in the Court, unless you get the sanction of the Government. But so long as this is not done, I think it would be a bit futile for us to add this.

I would ask the Opposition, which has got very able lawyers there, to consider that very calmly. I have been giving some thought to this matter, because if I was satisfied that this was going to prejudice our case in the long run, I would have voted for this, but I don't want to take any step that is going to prejudice our claim in the future. That is why I am making my point, that if we don't include

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if today, it should not be constructed as a tacit acceptance; because, I very much hope, the time is not very far away when we shall go and claim this. I am confident that we shall claim this land and this land will come back to us. Thank you, Sir.

M. Bizalil: M. le président, je me suis mis debout pour empêcher le secrétaire parlementaire de faire une gaffe au niveau du parlement. Je lui demanderais, bien humblement, de ne pas insulter la République des Seychelles en venant proposer que les Seychelles soient attachés au territoire de l'île Maurice. Il s'est mis debout, j'ai cru un instant qu'il allait venir avec cette motion.

Je voudrais attirer l'attention du ministre du plan en particulier, qui a parlé sur le *Chagos Archipelago*, en ce qui concerne son inclusion avec Tromelin et Agalega, comme territoires de l'île Maurice. M. le président, faudra-t-il se rappeler que la France a déclaré que Tromelin lui appartient, que la France a des soldats à Tromelin, que la France a fait des développements économiques à Tromelin? Pour la France, Tromelin n'est pas un territoire mauricien, c'est un territoire français. Mais cela n'a pas empêché le Gouvernement mauricien d'inclure, avec Agalega, Tromelin comme étant partie de notre territoire. Moi je crois que la même politique adoptée par ce Gouvernement en ce qui concerne Tromelin, devrait être étendue en ce qui concerne le *Chagos Archipelago*. Demain ce sera une loi — est-ce que le Gouvernement va prétendre que la semaine prochaine il pourra mettre le pied à l'île Tromelin et revendiquer ses droits là-bas? Le Gouvernement est en train de rêver, si le Gouvernement pense qu'il pourra récupérer Tromelin en finissant dans le territoire mauricien! Mais le Gouverne-

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ment a jugé, quant même, utile de le faire, bien que la France a exigé des droits sur Tromelin et se trouve en opposition directe avec le Gouvernement mauricien. Je vois mal comment le Gouvernement mauricien peut inclure Tromelin, et ne pas inclure l'archipel des Chagos!

(1.50 a.m.)

Mr. Doongoor: I want to remind the House — and you must remember also Mr. Chairman, you formed part of the delegation which left in 1977 for the United Nations — that at the last session of our work at the State Department, there were eleven countries represented. I voiced my opinion there concerning Diego Garcia. I stated that the occupation by the United States, of Diego Garcia, is a threat to peace in the Indian Ocean, and that it was the wish of the people and of the Government of Mauritius to recuperate that part of the territory of Mauritius, which is Diego Garcia. I did not stop there, Mr. Chairman. Recently I attended the conference held in Zambia where were present the President of the Labour Party, the Second Member for Belle Rose and Quatre Bornes, and my friend, Mr. Foker. They both witnessed my stand at the conference, and heard what I said: that the occupation of Diego Garcia by the United States was resented by the Mauritian public. We don't feel, Mr. Speaker, that we are in complete security. What has been the history around the excision of Diego Garcia? What I would like to see, and the public would like to see, is a copy of the agreement between the Mauritian Government, the British Government, and the United Nations, laid on the Table of the Legislative Assembly, so that more light be thrown on this issue. Mr. Chairman, when I mentioned that Seychelles

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also should be included in our territory, I must go far back to 1956, when I was still a student of Standard VI, when I was studying geography. I was thirteen at that time, Mr. Chairman. And through the study of geography I learnt that the dependencies of Mauritius were the Seychelles, Rodrigues — that both Mauritius and the Seychelles formed part of the territory of Mauritius, as also Diego Garcia. When I said that Seychelles should also be included in this, I did it with the intention of throwing more light on the matter, and informing Members when, how and in what circumstances Seychelles has been excised from the territory of Mauritius. Sir, not all the Members are against the retrocession of Diego Garcia. I myself, when I was in presence of this Bill, Sir, I was astounded to see...

The Chairman : I am sorry to interrupt the hon. Member, but I want to put something on record. I am given to understand that the Reporters of the Assembly have been working since 10.00 this morning. They want to help and they are extremely tired. So I am making an appeal that we should make the speeches as short as possible, to keep to the point, in order to help, so that the Reporters who are really doing a very big effort tonight, who have been put to this week, can cope with the work. They want to help but they ask for our collaboration. Mr. Speaker has asked me to pass on to you that piece of information. So, I make a special appeal to all Members to go straight to the point and to be short.

Mr. Doongoor : I wish also to remind hon. Members that when I recently went on a CAP Conference in Zambia, I appealed that this issue should be taken up at the Court of The Hague.

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Mr. Chairman, we are not against the retrocession of Diego Garcia. We want Diego Garcia to be part and parcel of the territory of Mauritius. But we are given to understand that, after forty to fifty years, Diego Garcia will be given back to Mauritius. So, I mentioned that Seychelles also should be included, just to throw more light on it — how another dependency of Mauritius was excised.

Mr. Boodhoo : Mr. Chairman, we fully agree with the request of the Leader of the Opposition and I believe that this request will give a golden opportunity to Government to cast aside any doubt which has crept into the minds of the public.

Mr. Béranger : Mr. Chairman, I'll try to be as short as possible. Je considère qu'il est extrêmement triste, M. le président, que, le débat, comme l'a dit mon collègue Kader Bhayat, ait démarré, comme il l'a fait avec un *front bench* le Premier ministre, le ministre des finances le ministre des affaires étrangères — encourageant un membre qui proposait ce qui, en fait, constitue une insulte à la République des Seychelles. Il est heureux, que, peu après, le débat soit redevenu ce qu'il doit être, c'est-à-dire, un débat aussi fondamental, aussi important que n'importe quel débat à cette Chambre peut l'être pour le pays. Il ne peut pas y avoir une question de Parti. Nous parlons de notre pays. Je suis d'accord avec ce que mon collègue...

Sir Harold Walter : Mr. Chairman, on a point of order. Section 51(1) of our Standing Orders reads thus :

"Mr. Speaker, or the person presiding, shall be responsible for the observance of the rules of order in the Assembly or in any Committee thereof, and his decision upon any point of order shall not be open to appeal and shall not be reviewed except upon a substantive motion made in the Assembly after notice".

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The Chairman : In point of fact...

Sir Harold Walter : Wait a minute, Mr. Chairman. You ruled...

The Chairman : Please ! I have the Chair. I have the responsibility of order in this House ! Don't shout me down, please !

Sir Harold Walter : I did not shout.

The Chairman : Please ! Now, I have over-ruled the question of Seychelles. It has been shelved. The Member just alluded to it.

Sir Harold Walter : That is not the point.

The Chairman : He has not asked me to reopen the question. He has not appealed against my decision. He has simply said that it was, according to him, an insult to a sovereign country. But that is *en passant*. He is coming to the gist of the case. But I don't think the hon. Member is doing anything against the Standing Orders.

Sir Harold Walter : Mr. Chairman, if you will allow me to finish. Your ruling was based on the fact that Seychelles, being a sovereign country, and we having no sovereignty over it, the question cannot be debated. I want the same principle to be applied regarding the amendment which has been brought to this Bill. This is British Overseas Territory, excised, Mr. Chairman, by Order...

The Chairman : I am on my feet, Mr. Minister. This is why I expected you, as Minister, a long time ago to give some information to the House that it was some territory that formed part exclusively of some other territory. I was waiting for

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you. You did not do it. I can't help it if the Member now has the floor and speaks about it.

Sir Harold Walter : Therefore, on a point of order, your ruling is that it does not apply, Mr. Chairman ?

The Chairman : You are coming too late !

Sir Harold Walter : There are degrees in lateness.

Mr. Béranger : I'll have to start again because he messed the whole thing, and I am very sorry for these ladies upstairs. Je répète...

Sir Harold Walter : Sir, I wish to state, on a point of order...

Mr. Béranger : I am not giving way. I am also up on a point of order !

The Chairman : The hon. Member has the floor, if he does not want to give the Minister the floor, the Minister will have to wait until he has finished, then he will put to me his point of order. Then I shall be able to listen to the Minister. But, for the moment, he has the floor !

M. Béranger : Je disais, M. le président, qu'il est triste que le débat ait démarré par une insulte, appuyée par le *front bench* d'en face, Kiant, ricanant, alors que nous parlons du cœur même de notre pays, alors que nous parlons d'une république indépendante qui est à deux pas de nous, M. le président !

Sir Veerasamy Ringadoo : I thought we had dealt with that.

M. Béranger : Je le répéterai tant que j'aurais envie !

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Sir Veerasamy Ringadoo : On a point of order, there is a Standing Order which says that unnecessary repetition is out of order.

Mr. Bérenger : Well, there is another Standing Order which says that interruptions like that are wasting the time of the House.

Sir Veerasamy Ringadoo : I was on a point of order, and I want the ruling of the Chair about it. Because I can't accept...

The Chairman : The Minister's point of order is absolutely receivable. I ask the Member to get to the gist of the matter now.

(2.05 a.m.)

Mr. Bérenger : If I am not stopped, I will do it. But I am stopped now and then by the front bench for no reason! So, I carry on, as usual.

Comme je le disais, M. le président, je suis d'accord avec le député, mon camarade Servansingh, qui a proposé que, pour aujourd'hui, on sépare deux choses — la question de la politique du Gouvernement vis-à-vis de la militarisation de l'océan indien, vis-à-vis de la militarisation de Diego Garcia ou non. Qu'on sépare cela aujourd'hui de la question de la souveraineté de l'île Maurice sur ces îles, sur cet archipel.

J'irai loin. Je dirai qu'au nom du pays, ne retournons pas sur ce qui s'est passé en 1965 ! Qui a fait quoi, laissons cela de côté ! Au nom du pays, encore une fois ! *En passant*, je rappelle, M. le président, j'ai écouté le ministre du développement dire qu'il fut parmi les premiers, alors qu'il était à New Delhi, à

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soulever la question ! Non, il ne pourra pas me prouver, je suppose, qu'il a soulevé la question parce que nos dossiers sont complets pour la période avant 1974 ! Or, l'Inde, M. le président — *le Order in Council* est fait le 8 novembre 1965 — dont M. Dimesh Singh est le *Deputy Minister of State for External Affairs* d'alors — le 18 novembre 1965, c'est-à-dire moins de deux jours après l'*Order in Council* — a élevé la voix disant que l'Angleterre n'a pas le droit de le faire ! Que c'est contre les résolutions des Nations Unies ! Et il prend la part d'un pays qui n'est même pas indépendant ! Je crois qu'il est important de le souligner, sans vouloir revenir, en ce qui nous concerne, sur ce qui s'est passé en vérité en 1965.

M. le président, j'ai écouté le ministre du développement nous dire que, si nous n'incluons pas, dans la définition de notre territoire de l'Etat mauricien, l'archipel des Chagos, "it will not be a *tacit acceptance*". It will be worse than a *tacit acceptance* that this has been done once and for all ! M. le président, j'aimerais vous rappeler, le député Finlay Saleese dans une question B/510 de 1977 ou 1978 — je crois que c'est 1978 — demande au Premier ministre *whether he will state the list of all territories which constitute the State of Mauritius* ? Le Premier ministre répond :

"Sir, the following islands form part of the State of Mauritius : Mauritius and the surrounding islands, such as, Round and Flat Islands, Rodrigues, Agalega, Tromelin and Carriacou Carriacou Archipelago".

C'est-à-dire, St. Brandon. Excluant Chagos — et ça c'est un précédent extrêmement grave, que des Français, comme Me Orsison, se permettent de nous faire la leçon, à nous, patriotes mauriciens ; ça c'est déjà un précédent grave ; ça peut être utilisé déjà contre nous, nonobstant

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ce que nous allons faire aujourd'hui ! Ça, c'est déjà un précédent grave, M. le président ! Heureusement — et personnellement je le dis aujourd'hui — le ministre des pêcheries m'écoute — qu'il y a d'autres faits que nous pouvons mettre devant cette Chambre et devant la communauté internationale pour nous défendre ! Il y a à peine quelques mois, cette année même — que dis-je ? quelques mois — quelques semaines — nous avons voté une *Fisheries Bill*, qui a été proclamé, qui est devenu un *Fisheries Act* ! Dans ce *Fisheries Act*, il est donné des pouvoirs au *Principal Assistant Secretary* du ministère des pêcheries de décider comment de nets pourront être distribués in *the Chagos Archipelago* ! Comment reconcilier ces deux choses ? Nous avons applaudi le ministre, de ce côté de la Chambre : les Chagos forment partie de l'Etat mauricien ! Ou est la logique dans tout cela ?

The Prime Minister : Fishing rights !

Mr. Bérenger : Fishing rights ! Je continue, M. le président, j'en viens à 1974 — *Hansard* du 26 juin 1974 — le Premier ministre répond :

"Mauritius has reserved its mineral rights, fishing rights and landing rights and certain other things that go to complete, in other words, some of the sovereignty which obtained before, on that island".

Je suis d'accord que c'est confus ! Mais quand même, c'est quelque chose que nous pouvons utiliser, sur quoi vient se greffer le *Fisheries Bill* et la déclaration qui a été faite. Il y a d'autres déclarations qui ont été faites. Il y a cette déclaration du Premier ministre à cette question B/634 de 1978, de mon collègue Amédée Darga lui demandant

"whether he will say if the British Government has recognised the jurisdiction of Mauritius over the waters surrounding Diego Garcia".

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Le Premier ministre répond :

"The British Government has, since July 1971, recognised the jurisdiction of Mauritius over the waters surrounding Diego Garcia".

Nous ne comprenons pas la réaction du Gouvernement ! Je dis que — après le précédent contenu dans la réponse parlementaire B/510 — nous considérons que ce serait un véritable acte de trahison que de voter, aujourd'hui, un texte de loi incluant Tromelin et excluant spécifiquement l'archipel des Chagos ! Ce serait un véritable acte de haute trahison ! Ce n'est pas une question de politique de parti ; il est question de territoire national, de richesse nationale ! Parce que, un jour, l'île Maurice exploitera — je ne parle pas du côté militaire de la chose — mais en terme de ressources agricoles, en termes de poissons, en termes de minéraux au fond de la mer. M. le président je crois que nous n'avons pas le droit de commettre cet acte de trahison ! Je pourrais aller plus loin ! Je pourrais citer le ministre des finances faisant campagne. Quand ? Pas des mois de cela ! En février, Sir Veerasamy Ringadoo promet une campagne internationale pour obtenir le retour de l'île à Maurice — on parle de Diego Garcia : "Nous sommes dans une position de force pour réclamer le retour de l'île à Maurice", a dit Sir Veerasamy. C'est pourquoi nous avons le droit de dire et aux Anglais et aux Américains qu'ils devraient fêter le camp de Diego Garcia. Là, n'est pas la question, pour le moment ! Pour le moment, nous demandons, seulement qu'un acte de trahison ne soit pas commis vis-à-vis de la nation, vis-à-vis de la patrie mauricienne et que cet amendement soit accepté *without further discussions* ! Hier, apparemment, — qu'on me démonte si je me trompe — un nombre de députés et de ministres travaillistes ont signé une pétition qu'ils ont remis au Premier

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ministère. Enfin, il faut être logique avec soi-même ! Comment peut-on signer une pétition hier, et aujourd'hui ne pas prendre position ? Il ne faut pas en faire une question de parti; nous aurions souhaité que le Premier ministre vienne lui-même avec l'amendement; nous aurions souhaité que lui-même propose que l'archipel des Chagos soit inclus dans l'Etat mauricien ! Ceci dit, M. le président, nous avons voulu ramener les débats au-dessus des partis. Je répète que ce que le ministre du plan et de développement économique a dit n'est pas correct. Ce serait pire qu'un *facit agreement* si nous votions aujourd'hui ! Ce serait pire que de ne pas avoir inclus les Tromelin ! Inclure les Tromelin, en excluant les Chagos, serait pire que n'importe quoi ! C'est pourquoi nous demandons au Gouvernement — sur cette question, au moins, puisqu'il y va du sort du pays, du territoire mauricien, du territoire national — de ne pas en faire une question de parti, de prendre l'amendement — c'est un amendement qui n'appartient pas au MMM, c'est un amendement qui appartient au pays ! Nous le mettons devant tous les partis qui sont à cette Chambre et nous proposons que ce soit le Premier ministre, lui-même, qui, au nom de l'île Maurice, propose l'amendement, M. le président !

Sir Harold Walter : Sir, I know that it is late; we are in the early hours of the morning, after a hard day's work and our nerves are at the end of their tether. Therefore, we get excited; we use invectives and we allow steam to be let off after several defeats. I am prepared to concede that on a psychological platform. But, Mr. Chairman, we are dealing here with a very important question which goes to the root of the interpretation of the law regarding the definition of the State and the law governing

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such definition. I know that, to go to the philosophy of it, would go a long time. So, I will come back to it in a minute. But, before I do that, I would like to place on record that it is the second time in this House that the Prime Minister is taken to task in a personal manner !

The hon. Member, Mr. Bhayal, has considered it fit to tell the Prime Minister that, by acting in the way he acted, in the interests of the *Ilois*, he had committed an act of treason ! I know that my Prime Minister, in the *Steik Hossen* affair, has been called a murderer ! He has been called somebody who has set fire to a dwelling-house, who has treated the Police with all the names possible ! Thank God, if *y a encore des juges à Berlin* ! They vindicated the head of the SSI ! Unfortunately, said under the parliamentary immunity, the Prime Minister could not do any thing about it ! It is said that to-day this voice has been re-echoed by somebody who sits on the front bench of the MMM, treating the Prime Minister of traitor ! A man who has brought independence to this country ! Who has given forty-two years of his life to the service of this country ! Who has given an uplift to everybody here for the respect of their dignity ! Who has given free education ! Who has made them what they are to-day ! Is that the man whom you call a traitor. When he was only acting in good faith, when he was acting in the interests of the *Ilois* ? What has happened to-day, Mr. Chairman ? Is it not the same Sheridan who has been requested to defend the interests of the *Ilois* ? So, where did the Prime Minister go wrong, Mr. Chairman ? Now, you cannot have your cake and eat it ! You cannot come and ask for compensation and say that 'I renounce all my rights to go there'

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and, in the same breath, you come here and add to a Bill a territory over which you have no sovereignty ! We have been questioned, Mr. Speaker ! Why Tromelin is added ? Tromelin has never been excised, Mr. Chairman ! As early as 1956, this Government let Tromelin on lease to Mr. Britter. In 1956, when the French wanted to operate a meteorological station there, they asked for permission from this Government and they were granted it. For historical and juridical reasons, we are standing on firm ground ! But, Mr. Speaker, we do not believe *dans les mitiges de la pensée idéologique de certains* ! We only believe in dialogue ! Tromelin is on the good way ! Tromelin has been discussed at the highest possible level. The Prime Minister and the President of France ! Am I to disclose here the contents of that conversation when the results are not final yet ? You wait and see !

Now, Mr. Chairman, Diego Garcia : the statements of the Prime Minister have been quoted here, as if the Prime Minister has been saying a lie ! What the Prime Minister has been saying all along is that at the moment that Britain excised Diego Garcia from Mauritius, it was by an Order in Council ! The Order in Council was made by the masters at that time ! What choice did we have ? We had no choice ! We had to consent to it because we were fighting alone for independence ! There was nobody else supporting us on that issue ! We bore the brunt ! To-day everybody wants to jump on that bandwagon ! Many of those sitting opposite where were they when independence was being fought ? Who were those who wanted independence ? To-day, independence is a nice basket of fruit and everybody wants his share out of it ! Mr. Speaker, when the excision took place, it became the British Overseas

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Territory and it is mentioned as such ! When the discussions took place, it was made clear that the mineral rights, the fishing rights were preserved even employment of Mauritians on Diego Garcia was promised but, unfortunately, the British who discussed with us, never told us that they were going to have a military base there ! What they told us was that they wanted a station for weather purposes.

They wanted a station for fuelling, for their transport and their fleet, that is all. A communications base; the British told us that. As to how the British leased it to the Americans, that's another matter. I am not going to enter into the merits and demerits of the presence of this base there, because it goes to the security of the area. So what is wrong in the answers given by the Prime Minister on Diego Garcia ? Is that an act of treason ? Now, it was by consent that it was excised. Even that has been mentioned to Mr. Luce when he was here only two or three weeks ago. We mentioned it at the Lusaka Conference to Lord Carrington in the presence of Mrs. Thatcher, we said : "When do you think we can get back Diego Garcia ?" "Oh, you know it is on a lease, but we bear it in mind, we bear it in mind". Is that type of action, going to be conducive to a dialogue leading to the restitution of Diego when the time comes ? There is no motive behind us ! There is no hurry for us to get it back. We don't want to see another one coming to put himself there and say : "We want peace, but I enter Afghanistan with 80,000 soldiers" ! Super powers again ! I don't want to change one for the other. I don't want to be involved in it. We know why all these words are said; the louder they are said, the more beneficial they will be, we understand that. We are not going

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to play that game, Mr. Chairman. You ruled, Sir, that Seychelles was an independent country and, therefore, we had no sovereignty over it and therefore it could not be entertained. If this principle is acceptable, Mr. Chairman, then for the British Overseas Territory excised from Mauritius, your ruling must hold the same and must carry the same weight. I go further, Mr. Chairman: those who believe in the OAU — though they refuse to pair with me because I will go and vote against their policy, probably I would have been more useful here — will be interested to know that the wise men who founded the OAU when the three groups merged in Cairo, laid down a principle in the OAU Charter: that the frontiers inherited at the time of independence will not be disputed; and had there been such respect, Mr. Speaker, today we would not have seen the tearing away of Africa, we would not have seen blood all over Africa, we would not have seen this period of strike through which it is going. On these two principles, Mr. Chairman, I move that the question cannot be entertained.

The Chairman: Will the Minister of External Affairs say to this House whether the British, what you call it, the British Indian Ocean Territory forms part of the sovereign totally independent country or not?

Sir Harold Walter: It forms part of Great Britain and its overseas territories, just as France has *les Dom Tom*; it is part of British territory there is no getting away from it; this is a fact, and a fact that cannot be denied; no amount of red paint can make it blue! It is not receivable, Mr. Speaker, in this light, there is no point of order.

(Interruption)

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There is no point of order, Mr. Speaker, any decision of the Speaker thereon shall not be opened to appeal.

(Interruption)

The Chairman: I know, I know and I am going to take my responsibility. I have ruled that the Seychelles being a sovereign country, the question of the Third Member for Rose Belle, and Grand Port cannot be entertained. In the same way I regret that as the BIOT forms part of Britain and, therefore, an independent and sovereign State, this amendment is declared not receivable by me.

M. Bizall: Quand vous avez rejeté la motion que Seychelles soit inclus du territoire mauricien, il existait des preuves, que Seychelles, effectivement, se trouve être un territoire indépendant; quand le ministre des affaires étrangères vient, par rapport à partir d'une motion, demander à ce que votre décision sur Seychelles soit étendue, en ce qui concerne les Chagos, la question que je me pose, M. le Président est: puisqu'il est prouvé qu'avant 1965 les Chagos formaient partie du territoire mauricien, il faudrait que le ministre des affaires étrangères prouve que cet archipel n'est plus à l'île Maurice et appartient à l'Angleterre! Est-ce que le Gouvernement peut, par un document, prouver ce que le ministre a avancé?

Sir Harold Walter: Je réponds à cette question. L'hon. député a cité le ministre des affaires étrangères. Je réfère l'hon. membre à l'autorité qu'un propre député de son parti a cité: the Order in Council where Diego Garcia has been excised and forms part of British Overseas Territory.

The Chairman: This cannot be discussed. This is my ruling. I stand by it, whether it is right or not.

(At this stage, the Members of the Opposition left the Chamber)

Clause 3 ordered to stand part of the bill.

Clauses 4 to 9 ordered to stand part of the Bill.

The title and the enacting clause were agreed to.

The Bill was agreed to.

The Labour (Amendment) Bill (No. XX of 1980) was considered and agreed to.

THE NATIONAL PENSIONS
(AMENDMENT) BILL
(No. XIV of 1980)

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 — Section 20 of the principal Act amended.

Motion made and question proposed: "that the clause stand part of the Bill".

Mr. Purrag: Sir, there is an amendment — I move that the words "the prescribed amount" be deleted and replaced by the words "the amount specified in the Second Schedule".

Amendment agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 to 9 ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

On Second Schedule

Mr. Purrag: Sir, I move that, in regard to Section 45A(3), the following paragraph be added: "(c) in such cases as may be prescribed".

Amendment agreed to.

Second Schedule, as amended, ordered to stand part of the Bill.

The title and the enacting clause were agreed to.

The Bill, as amended, was agreed to.

THE SUGAR INDUSTRY
LABOUR WELFARE FUND
(AMENDMENT) BILL

Clauses 1 to 3 ordered to stand part of the Bill.

Sir Harold Walter: Mr. Chairman, it is sad that the Members of the Opposition have left the Chamber in such a shameful way. Sir, it is very serious, what I am going to say: each time they suffer a defeat, they are in that state. Probably none of them ever box — so they never learn how to take blows and to give as many.

The Chairman: It is their right to behave as they wish.

The title and the enacting clause were agreed to.

The Bill was agreed to.

The Fire Services (Amendment) Bill (No. XV of 1980) was considered and agreed to.

ANNEX 93

Resolution on Diego Garcia, AHG/Res.99 (XVII), adopted by OAU
Summit, 1-4 July 1980, Freetown, Sierra Leone



**ORGANIZATION OF
AFRICAN UNITY**

Secretariat
P.O. Box 3243

**ORGANISATION DE L'UNITE
AFRICAIN**

Secretariat
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Addis Ababa

**ASSEMBLY OF HEADS OF STATE AND
GOVERNMENT
SEVENTEENTH ORDINARY SESSION
1 – 4 July 1980
Freetown, Sierra Leone**

AHG/Res. 99 to 101 (XVII)

**RESOLUTIONS ADOPTED BY THE SEVENTEENTH ORDINARY
SESSION OF THE ASSEMBLY OF
HEADS OF STATE AND GOVERNMENT**

AHG/Res. 99 (XVII)

RESOLUTION ON THE DIEGO GARCIA

The Assembly of Heads of State and Government of the Organization of African Unity meeting at its 17th Ordinary Session in Freetown, Sierra Leone from 1 to 4 July 1980,

Pursuant to article I, para 2, of the Charter of the Organization of African Unity, which stipulates "The Organization shall include the Continental African States, Madagascar and other islands surrounding Africa",

Considering that one of the fundamental principles of the Organization is the "respect for the sovereignty and territorial integrity of each state",

Aware of the fact that Diego Garcia has always been an integral part of Mauritius, a Member State of the OAU,

Recognizing that Diego Garcia was not ceded to Britain for military purposes,

Realizing the militarization of Diego Garcia is a threat to Africa, and to the Indian Ocean as a zone of peace,

DEMANDS that Diego Garcia be unconditionally returned to Mauritius and that its peaceful character be maintained.

ANNEX 94

Hansard, House of Commons Debates, 11 July 1980, vol. 988
c314W

DIEGO GARCIA

HC Deb 11 July 1980 vol 988 c314W
[314W](#)

Mr. Newens asked the Prime Minister if she will make a statement on the talks she has had with the Prime Minister of Mauritius, and what references were made to the future of Diego Garcia during the course of these.

The Prime Minister I had a useful exchange of views on 7 July with the Prime Minister of Mauritius on political, economic and cultural matters. Diego Garcia was one of the subjects discussed. When the Mauritius Council of Ministers agreed in 1965 to the detachment of the Chagos Islands to form part of British Indian Ocean territory, it was announced that these would be available for the construction of defence facilities and that, in the event of the islands no longer being required for defence purposes, they should revert to Mauritius. This remains the policy of Her Majesty's Government.

ANNEX 95

Extracts from Annual Statements Made by Mauritius to the United
Nations General Assembly (Chagos Archipelago)

**REFERENCE TO THE CHAGOS ARCHIPELAGO IN ANNUAL STATEMENTS
MADE BY MAURITIUS TO THE UNITED NATIONS GENERAL ASSEMBLY**

1980 Statement by Sir Seewoosagur Ramgoolam, Prime Minister, at the 35th Session of the United Nations General Assembly (9 October)

Here it is necessary for me to emphasize that Mauritius, being in the middle of the Indian Ocean, has already – at the seventeenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity [OAU], held at Freetown from 1 to 4 July this year – reaffirmed its claim to Diego Garcia and the Prime Minister of Great Britain in a parliamentary statement has made it known that the island will revert to Mauritius when it is no longer required for the global defence of the West. Our sovereignty having thus been accepted, we should go further than that, and disband the British Indian Ocean Territory and allow Mauritius to come into its natural heritage as before its independence. The United States should make arrangements directly with Mauritius for the continued use of the island for defence purposes. And then, there are the inhabitants of Diego Garcia who are domiciled in Mauritius and for whom better arrangements should be made. It must be the duty of both the United States and Great Britain to discuss with the Mauritius Government how best to give satisfaction to all concerned and at the same time provide better prospects for the islanders.

1982 Statement by Hon. Anerood Jugnauth, Prime Minister, at the 37th Session of the United Nations General Assembly (15 October)

At this juncture I should like to dwell on an issue which affects the vital interests of Mauritius; I mean the Mauritian claim of sovereignty over the Chagos Archipelago, which was excised by the then colonial Power from the territory of Mauritius in contravention of General Assembly resolutions 1514 (XV) and 2066 (XX). This dismemberment of Mauritian territory, the violation of our territorial integrity, has been made all the more unacceptable by the fact that one of the islands of that very Archipelago, Diego Garcia, is now a full-fledged nuclear base, which poses a constant threat to the security of Mauritius and to that of all the littoral and hinterland States of the Indian Ocean, the very Ocean declared to be a zone of peace by this Assembly in 1971.

I solemnly appeal to the peace-loving Members of the Organization to extend all their support to the legitimate Mauritian claim of sovereignty over the Chagos Archipelago. In helping Mauritius to regain its national heritage, the United Nations will be living up to its own principles and proclaiming loud and clear that it expects its resolutions to be implemented by its Members. As the Diego Garcia issue involves two fundamental principles of the United Nations, namely respect by the administering Power for the territorial integrity of its colony, and the right of peoples to live in peace and security, I venture to say that the return of the

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archipelago to Mauritius will bring the Organization the respect that is so indispensable to its continued existence.

1983 Statement by Hon. Anerood Jugnauth, Prime Minister, at the 38th Session of the United Nations General Assembly (27 September)

I would like at this juncture to impress upon the Assembly the just and legitimate claim of my country over the Chagos Archipelago, which was excised from our national territory in contravention of General Assembly resolutions. I hope that in our endeavours to recover this part of our national territory by diplomatic and political means we shall continue to enjoy the unstinted support of all peace-loving countries.

1986 Statement by Sir Satcam Boolell QC, Minister of External Affairs and Emigration, at the 41st Session of the United Nations General Assembly (8 October)

In the same context of the objectives of the Declaration we note with satisfaction the renewed unanimous support of the non-aligned Member States as well as the backing of other members of the Assembly for our claim to sovereignty over the Chagos Archipelago, including Diego Garcia. The decolonization of Mauritius will not be complete and its territorial integrity restored until the Chagos Archipelago is returned to Mauritius. Moreover, the continuous expansion of the military base on Diego Garcia has led to increased rival military activity in the Indian Ocean region, thus seriously compromising the objectives of the Declaration of the General Assembly.

1987 Statement by Sir Satcam Boolell QC, Minister of External Affairs and Emigration, at the 42nd Session of the United Nations General Assembly (9 October)

I should like to remind this Assembly in this connection that the Chagos Archipelago, which belonged to Mauritius, was excised from our territory before we obtained independence, in clear violation of the principles of the United Nations. Its inhabitants were coerced into permanent exile to clear the way for a military base in Diego Garcia. The key strategic role now assumed by Diego Garcia has brought the nuclear peril right into the heart of the Indian Ocean region. The loss of Chagos has also meant the denial to the Mauritian people of access to the significant ocean resources around the archipelago. We renew our demand for the rightful restitution of the Chagos Archipelago to the national heritage of Mauritius. We are grateful to the States members of the Organization of African Unity (OAU) and of the Movement of Non-Aligned Countries, as well as to other friendly countries, for their strong and consistent support of our just claim.

1988 Statement by Sir Anerood Jugnauth, Prime Minister, at the 43rd Session of the United Nations General Assembly (12 October)

In clear violation of the principles of the United Nations the island of Diego Garcia, along with the Chagos Archipelago, was detached from Mauritius by Britain prior to our independence in 1968. The island of Diego Garcia was ceded by Britain to the United States of America, which transformed it into a military base. The inhabitants of the island were summarily relocated to Mauritius. The key strategic role now assumed by Diego Garcia has brought the nuclear peril right into the heart of the Indian Ocean. We are determined never to give up our claim over Diego Garcia. With the support of other Indian Ocean States, we shall continue to mobilize international opinion for the restitution of the island to Mauritius. We are thankful to the States members of the Organization of African Unity and the Non-Aligned Movement, as well as other friendly countries, for their continued support of our just claim.

1989 Statement by Sir Satcam Boolell QC, Deputy Prime Minister and Minister of External Affairs and Emigration, at the 44th Session of the United Nations General Assembly (27 September)

As the Assembly is aware, the Government and people of Mauritius have not accepted the fact that an important part and parcel of their territory has been excised by the former colonial Power in contravention of United Nations General Assembly resolutions 1514 (XV) and 2066 (XX). The dismemberment of Mauritian territory constitutes an unacceptable affront to our sovereignty. Mauritius cannot and will not remain silent until Diego Garcia and the Chagos Archipelago, as well as the Tromelin Islands, are returned to us. Our claim is just and legitimate. We have the total support of the Organization of African Unity and the Movement of Non-Aligned Countries.

We appeal to the international community and to all peace-loving countries to assist us in the restoration of our territories. Our islands should not serve as a nuclear base and should not constitute a threat to our own security and to that of all the littoral and hinterland States of the region.

1990 Statement by Hon. Jean-Claude de L'Estrac, Minister of External Affairs, at the 45th Session of the United Nations General Assembly (9 October)

While we are addressing the issue of the Indian Ocean, we wish to reiterate our just and rightful claim to the Chagos Archipelago, including Diego Garcia, and express our deep appreciation of the whole-hearted support of the members of the Non-Aligned Movement and the Organization of African Unity, as well as that of other friendly countries.

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1991 Statement by Hon. Paul Bérenger, Minister of External Affairs, at the 46th Session of the United Nations General Assembly (10 October)

The issue of sovereignty brings me to the fact that Mauritius is itself still struggling to regain its sovereignty over the Chagos Archipelago, a cause which I believe should be supported by the Assembly in its entirety, considering the stand taken by the world community in the recent Gulf Crisis on, precisely, an issue of sovereignty. With the advent of the new era to which I have already referred, it should be possible for the past colonial Power to come to terms with the present situation and acknowledge the sovereignty of Mauritius over the Chagos Archipelago. It is also the fervent wish of my Government that nothing should be done by any party concerned to aggravate this issue any further, especially as concerns the extension of territorial waters.

1992 Statement by Hon. Paul Bérenger, Minister of External Affairs, at the 47th Session of the United Nations General Assembly (1 October)

Another issue that is of great importance to us in Mauritius is the need to respect the territorial integrity of nations. I should here like to place once more on record the appreciation of my country to all countries that have consistently expressed their support of our sovereignty over the Chagos Archipelago, including Diego Garcia. We should like to like to inform the Assembly that we have resumed exchanges with the United Kingdom on this issue.

1993 Statement by Dr the Hon. A.S. Kasenally, Minister of External Affairs, at the 48th Session of the United Nations General Assembly (30 September)

In our Indian Ocean region, on an issue of direct concern to us, I am happy to say that meaningful dialogue on the Chagos Archipelago is taking place with the United Kingdom authorities.

1994 Statement by Sir Anerood Jugnauth, Prime Minister, at the 49th Session of the United Nations General Assembly (5 October)

It is also my distinct pleasure to associate myself with all those who have extended a hearty welcome to non-racial democratic South Africa within the fold of the Assembly. The end of apartheid in South Africa also underscores the end of colonialism on the African continent. However, there still remain a few areas where the process is not complete, but I firmly believe that it will not be long before we can boast of a totally free world. In this regard, I should like to say that with respect to the question of the return of the Chagos Archipelago to the sovereignty of Mauritius, we have continued to pursue a positive dialogue with the United Kingdom and that some progress has been registered.

1996 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 51st Session of the United Nations General Assembly (10 October)

After this overview of the world situation, allow me to speak of a matter of national interest to us. One of the fundamental principles to which we all subscribe is that of respect for the sovereignty of Member States. Interference in the internal affairs of States and disregard for their national sovereignty has often been a source of tension and conflict. Now that the cold war is behind us and we move towards ever greater economic, commercial and cultural integration, we should be able to find amicable answers to questions of sovereignty. Mauritius has sovereignty disputes regarding the Chagos Archipelago and Tromelin Island with two countries with which we have historically close and friendly ties. These differences were referred to as friendly disputes by Sir Seewoosagur Ramgoolam, architect of our independence and father of our nation. We hope to resolve these differences through quiet diplomacy and dialogue.

1997 Statement by Hon. R. Purryag, Deputy Prime Minister, Minister of Foreign Affairs and International Trade, at the 52nd Session of the United Nations General Assembly (30 September)

This Assembly is by now well aware of the just and legitimate claim of Mauritius for the restoration of its territorial integrity through the return of the Chagos Archipelago, including Diego Garcia, to its national heritage. This Assembly should also note that this issue also hides a tragic human dimension. Before Mauritius acceded to its independence, all of the inhabitants of the Chagos were coerced to leave the land of their birth where they had lived for several generations. The plight of these inhabitants must now be comprehensively addressed.

1998 Statement by Dr the Hon. Navinchandra Ramgoolam, Prime Minister, at the 53rd Session of the United Nations General Assembly (23 September)

Finally, as on past occasions, we would like to bring up once more before this Assembly our lasting claim on the sovereignty of two territories which were taken from our patrimony: the island of Tromelin and the Chagos Archipelago. We reiterate our call to the former colonial Powers to enter into constructive bilateral dialogue with my Government for the early restoration of those territories to the sovereignty of Mauritius.

Regarding the Chagos Archipelago, this Assembly should also be reminded that some 1,500 inhabitants – the so-called “Illois” – were coerced to leave their homeland to clear the way for a military base. Most of the families, who had lived for generations on these islands, were moved to the main island of Mauritius, victims of the then prevailing cold war. Today, after more than 30 years, they still experience tremendous difficulties adapting to their present conditions. Many yearn to be resettled on these islands. As we are about to commemorate the fiftieth anniversary of this century’s seminal document on human rights, we

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consider that we owe it to these Illois to fully re-establish their rights, including the right of return.

1999 Statement by Hon. R. Purryag, Deputy Prime Minister, Minister of Foreign Affairs and International Trade, at the 54th Session of the United Nations General Assembly (30 September)

For the majority of small States, the United Nations continues to be the main bulwark against infringements on their sovereignty and territorial integrity. We have consistently drawn the attention of the Assembly to the issue of the Chagos Archipelago, which was detached from Mauritius by the former colonial Power prior to our independence in 1968, and also to the plight of over 2000 people who were forced to leave the land of their birth, where they had lived for generations, for resettlement in Mauritius. This was done in total disregard of the United Nations declaration embodied in resolution 1514 (XV), of 14 December 1960 and resolution 2066 (XX), of 16 December 1965, which prohibit the dismemberment of colonial Territories prior to independence.

Mauritius has repeatedly asked for the return of the Chagos Archipelago, including Diego Garcia, on which a United States military base has been built, and thereby the restoration of its territorial integrity. The over 2,000 displaced Illois people have been facing tremendous difficulties in adapting in mainland Mauritius, in spite of all the efforts that Mauritius has made to assist them in this process.

So far the issue has been discussed within the framework of our friendly relations with the United Kingdom, with a view to arriving at an acceptable solution. Unfortunately, there has not been significant progress. The United Kingdom has been maintaining that the Chagos Archipelago will be returned to Mauritius only when it is no longer required for defence purposes by the West. While we continue the dialogue for an early resolution of the issue on a bilateral basis, we urge the United Kingdom in the meantime to allow the displaced inhabitants to return to the Chagos Archipelago. At the dawn of the new millennium, when we so strongly uphold universal recognition of and respect for fundamental human rights, the inhabitants of Chagos should not continue to be denied the right to return to the Chagos Archipelago.

2000 Statement by Hon. A.K. Gayan, Minister of Foreign Affairs and Regional Cooperation, at the 55th Session of the United Nations General Assembly (22 September)

I wish to say a few words now about the Chagos Archipelago and the island of Tromelin. Respect for sovereignty and territorial integrity is, under the United Nations system, an acquired and inalienable right of every State, however big or small. We are conscious that the United Nations favours the completion of the process of decolonization.

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For a number of years now, we have continuously brought before the General Assembly the question of the Chagos Archipelago, which has always formed part of the State of Mauritius. This Assembly will recall that the Chagos Archipelago, including the island of Diego Garcia, was detached by the colonial Power just before our independence, in violation of General Assembly resolutions 1514 (XV) of December 1960 – the Declaration on the Granting of Independence to Colonial Countries and Peoples – and 2066 (XX) of 16 December 1965, which prohibits the dismemberment of colonial territories prior to the accession of independence. We have all along sought to resolve this issue bilaterally with the United Kingdom through dialogue, but there has been no tangible progress so far. The issue has now reached a critical stage and we are extremely anxious to have meaningful negotiations with the United Kingdom with a view to resolving this matter within the shortest possible time. We also reiterate our demand that, pending a resolution of this issue, the former residents of the Chagos Archipelago and their families, who were forcibly evicted and sent to Mauritius by the colonial Power, be allowed to return to their homeland.

We launch a fresh appeal to the former colonial Power, the United Kingdom, to come forward and engage in serious and purposeful discussions with us towards the early settlement of the Chagos Archipelago question. We wish to stress that Mauritius will never abandon its intention to reunite its territory and to assert its sovereignty over the Chagos Archipelago.

2001 Statement by the Rt. Hon. Sir Anerood Jugnauth, KCMG, PC, QC, Prime Minister, at the 56th Session of the United Nations General Assembly (11 November)

We continue to claim our sovereignty over the Chagos Archipelago which was excised by the United Kingdom from the then Colony of Mauritius in violation of international law and UN General Assembly Resolution 1514. We are convinced that the time for the United Kingdom to engage in talks for the early retrocession of the Archipelago to Mauritian sovereignty is long overdue inasmuch as problems left over from colonial days cannot remain unresolved.

We are also concerned by the plight of all those Mauritians, commonly known as the Ilois, who were forcibly and in outright violation of their fundamental rights, removed from the islands forming the Archipelago by the then colonial power. We support their legitimate claim for all appropriate remedies.

2002 Statement by the Rt. Hon. Sir Anerood Jugnauth, KCMG, PC, QC, Prime Minister, at the 57th Session of the United Nations General Assembly (13 September)

Mauritius reaffirms its legitimate sovereignty over the Chagos Archipelago, including the island of Diego Garcia, which was detached from the territory of Mauritius by the United Kingdom prior to our independence. We renew our call

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to the former colonial Power, the United Kingdom, to accelerate discussions with us for an early settlement of this issue.

The persons of Mauritian origin who were displaced from the Chagos Archipelago continue to claim redress for the serious human rights violations that they endured. We support their efforts to seek redress.

2003 Statement by the Rt. Hon. Sir Anerood Jugnauth, KCMG, PC, QC, Prime Minister, at the 58th Session of the United Nations General Assembly (24 September)

Before I conclude, however, Mr President, I renew my appeal to the United Kingdom to take all measures to complete the process of decolonization of Mauritius. For years, Mauritius has consistently reaffirmed its sovereignty over the Chagos Archipelago, including Diego Garcia, here and in all international fora. I sincerely regret that this issue has not been resolved. I therefore reiterate our appeal to the United Kingdom, as a country known for its fair play and for championing human rights, and to our friends in the US to engage in a serious dialogue with Mauritius over the issue of the Chagos Archipelago so that an early solution to this issue may be found.

The removal of the Chagossians under false pretences resulted in gross violations of human rights. Hopefully this aspect of the matter will be resolved through the British Courts shortly.

2004 Statement by Hon. Jaya Krishna Cuttaree, Minister of Foreign Affairs, International Trade and Regional Cooperation, at the 59th Session of the United Nations General Assembly (28 September)

As this august Assembly is aware, Mauritius has always favoured a bilateral approach in our resolve to restore our exercise of sovereignty over the Chagos Archipelago which, prior to independence from the United Kingdom, was unlawfully detached from our territory, in violation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV), and Assembly resolutions 2066 (XX), 2232 (XXI) and 2357 (XXII). Such bilateral approaches have unfortunately not yielded any result so far and certain recent regrettable unilateral actions by the United Kingdom have not been helpful.

Mr. President,

While we shall continue to favour a settlement of this matter through dialogue, we shall use all avenues open to us in order to exercise our full sovereign rights over the Chagos Archipelago. The Assembly should also note that this issue has a tragic human dimension. Before Mauritius acceded to its independence, all of the inhabitants of the Chagos were forced to leave the land of their birth, where they had lived for several generations. The plight of those inhabitants must now be comprehensively addressed.

2005 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 60th Session of the United Nations General Assembly (19 September)

Allow me to reiterate before this Assembly our legitimate sovereignty claim over the Chagos Archipelago, including the Island of Diego Garcia which was detached by the United Kingdom from the territory of Mauritius prior to our independence in violation of United Nations General Assembly Resolution 1514 of 1960 and Resolution 2066 of 1965. The people of the Chagos Archipelago, who were evicted from the islands, are still struggling for their right to return to their birth place. We reiterate our call to the United Kingdom to pursue discussions with us for an early settlement of this issue.

2006 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 61st Session of the United Nations General Assembly (22 September)

My delegation wishes to draw the attention of this Assembly that, thirty-eight years after its independence, Mauritius has still not been able to exercise its sovereignty over the Chagos Archipelago, including Diego Garcia. The Archipelago was excised from the territory of Mauritius by the former colonial power to be subsequently used for military purposes behind our back, in total disregard of United Nations General Assembly Resolutions 1514 and 2066. This exercise also involved the shameful displacement of the inhabitants of the Chagos from their homeland, denying them of their fundamental human rights.

International law must prevail, as must respect for the sovereignty of all countries. We therefore call once again on the United Kingdom to pursue constructive dialogue in earnest with my Government with a view to enabling Mauritius to exercise its sovereignty over the Chagos Archipelago.

We view positively the visit jointly organised by the Governments of Mauritius and of the United Kingdom, in April this year, to enable the former inhabitants of the Chagos to visit the Archipelago for the first time since their displacement to pay respects at their relatives' graves on the Archipelago.

2007 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 62nd Session of the United Nations General Assembly (28 September)

In 1965 when the Constitutional Conference for the granting of independence to Mauritius was convened, the Chagos Archipelago, amongst many other islands, formed an integral part of the territory of Mauritius and should have remained as such in accordance with the Charter of the United Nations and General Assembly resolutions 1514 of 1960 and 2066 of 1965. Resolution 1514 (1960) states inter alia:

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

The excision of the Chagos Archipelago by the colonial power at the time of our independence constitutes a dismemberment of our territory in total disregard of resolutions 1514 of 1960 and 2066 of 1965. Furthermore, it is also a violation of the Charter of the United Nations itself.

We therefore, once again, reiterate our request to the United Kingdom to engage in bilateral dialogue with us as soon as possible with a view to enabling us exercise our sovereignty over the Chagos Archipelago.

Equally, on the question of our sovereignty over Tromelin, we note the progress registered at the recent Mauritius-French joint Commission.

The United Kingdom and France, two permanent members of the United Nations Security Council, are two major and important economic and trade and development partners of Mauritius. We fully appreciate their continued support in the development of our country. We have been striving to reach an amicable agreement on these issues but we cannot – and will not – compromise on our territorial integrity and our sovereignty over those islands.

2008 Statement by H.E. Mr. S. Soborun, Permanent Representative of Mauritius to the UN, at the 63rd Session of the United Nations General Assembly (29 September)

The principles and objectives enshrined in the Charter of the United Nations should continue to guide us in our actions. I would like to bring up once again before the august Assembly our legitimate sovereignty claim regarding the Chagos Archipelago, including Diego Garcia. This archipelago was excised from the territory of Mauritius, by the United Kingdom, prior to our independence in disregard of UN General Assembly resolutions 1514 (XV) of 1960 and 2066 (XX) of 1965. We have always favoured a settlement of the issue through constructive bilateral dialogue. In that regard, I wish to inform the Assembly that high-level talks are underway.

Government is very sensitive to the aspirations of citizens of Mauritius to return to the islands of their birth in the Chagos Archipelago. I wish to recall here that they were forcibly removed from the Archipelago prior to its excision from Mauritius. Likewise, we urge France to pursue dialogue with Mauritius on the issue of Tromelin. It is our firm conviction that such bilateral dialogue will further consolidate our historical and friendly relations with both the United Kingdom and France.

2009 Statement by Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister, at the 64th Session of the United Nations General Assembly (25 September)

I take this opportunity to reaffirm the sovereignty of Mauritius over the Chagos Archipelago, including Diego Garcia, which was detached by the United Kingdom from the territory of Mauritius prior to our independence. The dismemberment of the territory of Mauritius was in total disregard of UN General Assembly Resolutions 1514 of 14 December 1960 and 2066 of 16 December 1965.

As President Obama said two days ago from this very rostrum, we must demonstrate that international law is not an empty promise.

We must all abide by it.

We have consistently urged the United Kingdom to engage in a meaningful dialogue with Mauritius for the early return of the Chagos Archipelago. We are pleased to inform the Assembly that two rounds of talks have been held with the United Kingdom this year.

We look forward to these discussions coming to fruition and hope that Mauritius will be able to exercise its sovereignty over the Chagos Archipelago, including Diego Garcia, in the near future.

2010 Statement by Dr. the Hon. Arvin Boolell, Minister of Foreign Affairs, Regional Integration and International Trade, at the 65th Session of the United Nations General Assembly (28 September)

We have in no uncertain terms drawn the attention of this august body every year to the fact that Mauritius has sovereignty over the Chagos Archipelago, including Diego Garcia. The Chagos Archipelago was illegally excised by the United Kingdom from the territory of Mauritius prior to our independence. This dismemberment was done in blatant violation of the UN General Assembly resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965.

We have raised the issue of the sovereignty of Mauritius over the Chagos Archipelago with successive British Governments and initially pursued the matter as a friendly dispute. In view of the lack of progress, we suggested that the issue be addressed in bilateral talks. Although the process of bilateral talks was initiated in January 2009, the issue of our sovereignty over the Chagos Archipelago has yet to be addressed.

We are deeply concerned that the British Government decided on 1 April 2010 to unilaterally declare a marine protected area around the Chagos Archipelago allegedly to protect the marine environment. The unilateral establishment of this marine protected area infringes the sovereignty of Mauritius over the Chagos

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Archipelago and constitutes a serious impediment to the eventual resettlement in the Archipelago of its former inhabitants and other Mauritians as any economic activity in the protected zone would be precluded. The Government of Mauritius has decided **not to** recognize the existence of the marine protected area.

The illegal excision of the Chagos Archipelago from the territory of Mauritius has indeed a tragic human dimension. All the inhabitants of the Archipelago at that time were forced by the British authorities to leave their homes in the Archipelago abruptly in total disregard of their human rights. Most of them were moved to the main island of Mauritius. The Government of Mauritius is sensitive to and fully supportive of the plight of the displaced inhabitants of the Chagos Archipelago and to their desire to resettle in their birthplace in the Chagos Archipelago.

Mauritius greatly appreciates the unflinching and unanimous support it has consistently received from the African Union and the Non-Aligned Movement for assertion of its sovereignty over the Chagos Archipelago. The last AU Summit held in Kampala last July and the last NAM Summit held in July 2008 in Sharm-el-Sheik reaffirmed that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius. They also called upon the United Kingdom to expeditiously put an end to its **unlawful occupation** of the Chagos Archipelago with a view to enabling Mauritius to effectively exercise its sovereignty over the Archipelago.

We urge the United Kingdom once again to take the necessary steps for the **unconditional** return of the Chagos Archipelago, including Diego Garcia, to Mauritius without further delay.

2011 Statement by Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister, at the 64th Session of the United Nations General Assembly (24 September)

Allow me, Mr. President, to give as an example, the difficulties which my own country has experienced in resolving a dispute relating to decolonization with the former colonial power, the United Kingdom.

The Chagos Archipelago which is part of Mauritian territory, was excised from Mauritius prior to independence, in disregard of United Nations Resolutions 1514 and 2066 and the principles of international law, and declared as the so-called British Indian Ocean Territory. The United Kingdom has failed to engage in any meaningful discussions, with us on this matter.

When the Government of Mauritius consequently announced, in 2004, that it would refer the dispute to the International Court of Justice, the United Kingdom immediately amended its declaration, under Article 36 of the ICJ Statute, to oust the jurisdiction of the Court with respect to certain disputes with a member or former member of the Commonwealth.

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This illustrates the kind of difficulties which a State may have in settling a claim under international law. The States involved in the dispute may refuse to negotiate in good faith and seek to ensure that no international tribunal can determine the law applicable to the dispute.

We call on the United Nations to keep under review the whole issue of settlement of disputes, including by judicial means, and to set standards of conduct for all States with respect to negotiation, conciliation, mediation or other forms of non-judicial and peaceful settlement of disputes or alternatively submission of the dispute to adjudication.

....

Mr President,

The continued unlawful occupation of the Chagos Archipelago by the United Kingdom is a matter of concern for the region. Mauritius welcomes the support of the African Union and of the Non-Aligned Movement for the territorial integrity of our country. The purported declaration of a Marine Protected Area around the Chagos Archipelago by the United Kingdom in breach of the United Nations Convention on the Law of the Sea is another cause for concern. This is why in December 2010 Mauritius commenced arbitration proceedings against the UK under the 1982 Convention on the Law of the Sea.