

**Speech of Honourable Deepak Balgobin
Minister of Information Technology,
Communication and Innovation**

**The Criminal Code (Amendment) Bill
Second Reading
National Assembly**

23rd November 2021

Thank you, Mr Speaker, Sir.

At the very outset, I welcome the amendments to **The Criminal Code** which have been brought to the House by the Honourable Prime Minister, which is yet another effort of this Government, to establish the sovereignty of the Republic of Mauritius.

I seize the opportunity to congratulate the Honourable Prime Minister for his relentless efforts to win this long-standing battle which Mauritius has engaged with a view to completing our decolonisation process by restoring our sovereignty over the **Chagos Archipelago**.

And as history has shown, it was the war-horse of Late Sir Anerood Jugnauth.

*D'ailleurs, Monsieur le Président, feu Sir Anerood Jugnauth, avait en 2018 choisi de se **revêtir** de sa toge d'avocat, pour son plaidoyer en faveur de la souveraineté de Maurice sur les Chagos devant la Cour International de Justice à La Haye.*

Mr Speaker, Sir,

In his address before the International Court of Justice, on the 3rd September 2018, for an advisory opinion on the unlawful excision of **Chagos Archipelago** from the territory of Mauritius to create the so-called "**British Indian Ocean Territory**", late Sir Anerood Jugnauth, stated, and I quote:

*“Today Mauritius is a peaceful and stable democratic State. It has maintained excellent relations with all States concerned with the questions referred to the Court. However, I am sorry to say that more than 50 years after independence, and more than 50 years after I travelled to London for the **Constitutional** Conference, the process of **decolonization** of Mauritius remains incomplete as a result of the unlawful detachment of an integral part of our territory on the eve of our independence.”*

Unquote.

These efforts have led to the advisory opinion, on the 25th February 2019, by the International Court of Justice, The Hague, which found inter-alia that the process of decolonisation of Mauritius was not lawfully completed when the country acceded to its independence in 1968 when the **Chagos Archipelago** was detached from Mauritius.

And where the ICJ concluded that the United Kingdom is under the obligation to bring an end to its administration of the **Chagos Archipelago** as rapidly as possible.

This was followed by the United Nations General Assembly resolution on the 22nd May 2019, to give effect to the Advisory Opinion of the International Court of Justice.

In its resolution, the UN General Assembly called upon all its Member states and its specialised agencies to recognise that the Chagos Archipelago forms an integral part of the territory of Mauritius.

It is in this context that the UPU adopted a resolution at its 27th Congress held in August this year on the implementation of the United Nations General Assembly resolution, which is yet another international support to our fight for the recognition of the **Chagos Archipelago** as a Mauritian territory.

Mr Speaker, Sir,

Allow me to elaborate on the Universal Postal Union (UPU) which was established in 1874. It is the second oldest international organization worldwide after the International Telecommunication Union.

The UPU currently has 192 member countries and after our independence, Mauritius became a member on the 29th August 1969.

The organization fulfils an advisory, mediating and liaison role, and provides technical assistance where needed. It sets the rules for international mail exchanges and makes recommendations to stimulate growth in mail, parcel and financial services volumes and improve quality of service for customers.

As a United Nation's specialized agency, the UPU is required to cooperate with and assist the UN and its principal and subsidiary organs and therefore brought the matter to its primary governing body, the Congress, for a decision.

Mr Speaker, Sir,

The Chagos Archipelago was previously recognized as part of the Overseas Territories of the United Kingdom. And let me highlight again that in May 2019, following the advisory opinion of the International Court of Justice, the UN General Assembly instructed the UN and its specialized agencies to recognize Mauritius's sovereignty over the Chagos Archipelago and refrain from recognizing or implementing any measure taken by or on behalf of the so-called '**British Indian Ocean Territory**'.

According to a UPU document of Council of Administration published in March 2021, there are two **international mail processing centres** (IMPCs) that have been established on the **Chagos Archipelago** and the so-called "**British Indian Ocean Territory**". One established by the designated operator of Australia (Australia Post) in 2001. The other one was established by the Royal Mail, the designated operator of the United Kingdom in 2003.

Moreover, in the past, UPU has registered and distributed postage stamps under the Postal Operator known as the so-called "**British Indian Ocean Territory**".

The Resolution adopted by the UPU at its 27th Congress, held in August 2021, provides for the following:

the UPU formally acknowledges henceforth that, for the purposes of its activities, the Chagos Archipelago forms an integral part of the territory of Mauritius;

the International Bureau of the UPU should cease the registration, distribution and forwarding of any and all postage stamps issued by the so-called “BIOT”; and

no UPU documentation should include any references to the so-called “BIOT” or to the Chagos Archipelago as part of the member country of the UPU known as the “Overseas Territories of the United Kingdom of Great Britain and Northern Ireland”;

This decision was taken by member countries and passed with 77 votes at the 27th Universal Postal Congress in Abidjan, Côte d’Ivoire in August 2021. There were six votes against the decision and 41 abstentions.

It is imperative to underline that the UPU has now stopped registering, distributing and transmitting stamps bearing the words BIOT.

Mr Speaker, Sir,

Following this resolution, Mauritius now has the duty to ensure the implementation, thereof, and to report to the UPU on the international postal operations in the Chagos Archipelago, including any

authorisation to maintain the operation of international mail processing centres by foreign entities in the Chagos Archipelago.

An article published on the BBC's website on the 25th August 2021, stated that, and I quote:

“...the near unanimous vote by the UPU to make those stamps illegal worldwide, is a blow to Britain, and another sign of its growing isolation over its claim to the Chagos Islands. All indications so far show that on the Chagos issue Britain has almost no allies left.”

Unquote.

Mr Speaker, Sir,

It is clear that today, we have important international instances, namely the **International Court of Justice, The Hague**, the **United Nations** and through its specialised postal agency, the **Universal Postal Union**, that have **firmly stated** their position and support to Mauritius, against the so-called **British Indian Ocean Territory**. They no longer recognise the BIOT.

The move by the UPU, the second oldest international organisation, is in recognition of Mauritian sovereignty over the strategically important islands in the Indian Ocean.

This is why, the amendments being brought to **The Criminal Code** before the House today by the Honourable Prime Minister, which will criminalise any action resulting to the production, distribution, supply or marketing of any document or object, including a stamp, which gives a misrepresentation of the sovereignty of Mauritius, are therefore in line with the decision and actions taken by these international instances.

As I mentioned earlier, Mr Speaker, Sir, this fight to restore our sovereignty over the Chagos Archipelago was one which Late Sir Anerood Jugnauth had at heart and it is our duty to honour his legacy,

For the fight of ALL the Chagossians,
For the fight of ALL citizens of Mauritius,
For the fight of the Republic of Mauritius, and
For the sovereignty of our territory,

This reminds me of the words of Nelson Mandela who said, and I quote:

“To deny people their human rights, is to challenge their very humanity”

Unquote.

Mr Speaker, Sir,

This Government under the leadership of the Honourable Prime Minister will never give up in its fight for the sovereignty of our territory and for justice to be given to the Chagossians, our people.

Thank you, Mr Speaker, Sir.