Your Excellency, the Secretary-General of the United Nations, Mr Ban Ki-moon and Mrs Ban Soon-taek,
Madame Speaker,
Distinguished Chief Justices,
Distinguished Attorney Generals and Ministers,
Honourable President of ICCA,
Honourable Chairman of the Host Committee, Mr Salim Moollan,
Excellencies,
Justices and Judges,
Ladies and Gentlemen

    My warm greetings to each and every one present here today.

I have the honour and privilege to welcome in our midst, His Excellency, the UN Secretary-General, Mr Ban Ki Moon and Mrs Ban Soon-taek and to thank His Excellency for having kindly accepted my invitation and spared some of his precious time to effect a State visit to Mauritius and to grace the 23rd ICCA Congress by his highly distinguished presence.

I also wish to seize the occasion to extend a very warm welcome to all the foreign dignitaries and delegates who have come from different parts of the world to attend this prestigious conference.

It gives me immense pleasure to see so many of you gathered here to celebrate and advance the field of international arbitration. May I put on record the excellent job of organising this event done by the Ministry for Financial Services, Good Governance
and Institutional Reforms, led by Hon Roshi Bhadain, the Board of Investment and by the Host Committee, spearheaded by Mr Salim Moollan QC.

This 23rd ICCA Congress in Mauritius bears testimony to the confidence that the Mauritian jurisdiction inspires in organisations of international repute such as ICCA.

Being a barrister by profession and having served the country as Member of Parliament, Minister, Prime Minister and even as President of the Republic, I have been a first-hand witness of the evolution of the legal environment in Mauritius and its adaptation to an ever-evolving business environment. Ever since I was called to the Bar in 1954, I have seen the business environment of Mauritius transformed into the efficient, fair and modern economy that Mauritius is today.

I marvel at the fact that Mauritius is now recognised as the easiest place in Africa to do business and as the leading country in Africa in terms of good governance.

We, as Mauritians, are proud of this position. As a nation, we have relentlessly worked hard to achieve that by overcoming significant challenges along the way.

After we won our independence in 1968, Mauritius faced the daunting challenge of standing on its own two feet, economically speaking.

At that time, we were a monocrop economy, growing and exporting sugar. Even our famous tourism industry, for which we are now so well-known, was very much in its infancy. At times, Mauritius had to navigate very stormy economic waters. In the second half of the twentieth century, it was clear that the economy of Mauritius needed to be diversified in order to survive and prosper.

Mr Naipaul, now an acclaimed author, visited our Island in the early 1970s and saw it fit to refer to it as “the overcrowded barracoon”. I wish he would come back to see it now.

We took up the challenge of these difficult times with vigour, and in the past quarter of a century, Mauritius has developed into a hub for international business transactions and trade. In economic terms, Mauritius is among the top-performing African countries, with particular strengths in the areas of financial services, information technology,
health, education, textiles and tourism. Our favourable business environment and network of investment treaties and double taxation agreements also make Mauritius a jurisdiction of choice from which to do international business.

Mauritius has also been one of the most progressive jurisdictions for transparency and cooperation with international authorities in matters relating to taxation. We recognise the value of this in defeating the menaces of international tax evasion and money-laundering. It is for this reason that Mauritius is on the OECD ‘White list’ of jurisdictions for its implementation of internationally agreed tax standards, and has just been requested by the Commonwealth Secretariat to take the lead for the whole of Africa on the development and reinforcement of the continent’s good governance and financial integrity framework.

Dear delegates,

One cannot speak of international trade, international investment and international transactions at large without acknowledging the need for the requisite legal architecture to underpin these activities. As a small nation, we are acutely aware of the benefits of a harmonized international legal framework for regulating international trade and investment flows.

International arbitration is one of the most important components of this framework.

Thanks to the almost universal adoption of the New York Convention, international arbitration is now the global dispute resolution mechanism. Mauritius has taken the lead in our region in this field, and has shown consistent determination and flexibility in improving our system to cater for international arbitration matters. This reflects our understanding of the importance of international arbitration. The effort made by Mauritius in the field of international arbitration also reflects a broader approach which underlies the development of our economy in recent decades.

Mauritius has always been a country in which the respect for the rule of law has been deeply anchored in our Constitution, but also and perhaps even more importantly, in our society itself.
As you will no doubt already have noticed if you have opened any of our many newspapers, Mauritians are politically active and outspoken. Our courts are fiercely independent, and enjoy protections such as genuine and effective security of tenure, which allow them to do their work entirely free from outside influence.

The positions of important officials such as the Director of Public Prosecutions are similarly protected. Mauritius has also chosen, despite having been a republic since 1992, to keep the Judicial Committee of the Privy Council as its highest court. Mauritius was also one of the first countries to accede, in 1969, to the Washington Convention of 1965, which established ICSID.

I see the enthusiastic adoption of international arbitration by a State as a further example of the application of the principles of the rule of law.

The treaties, laws and structures necessary to implement the international arbitration system of dispute resolution into the legal framework of a country represent an acknowledgment by that State that private citizens and companies, whether local or foreign, are free to determine between themselves their own mechanisms for resolving their disputes. By instructing their courts to enforce arbitral awards, to respect agreements to arbitrate and not to interfere in arbitration proceedings, States embrace that principle.

When a State does so regardless of whether the party to the agreement is a State or a private individual, or even the government of that very State, this undoubtedly makes a strong and profound contribution to the rule of law.

Mauritius has also played a role in making international arbitration more transparent. This is necessary to help to address criticisms that the confidential and private nature of arbitration can mean that the decisions made by arbitrators are less open to scrutiny and, as a result, suffer from doubts as to their legitimacy.

Transparency is an enabling condition for both corporate accountability and political checks and balances. This may be particularly important in investment treaty cases or
cases involving States. Arbitration involving States can raise questions of deep public concern. These include, on the State’s side, whether the authorities acted fairly in their dealings with investors, without any improper discrimination. On the investor’s side, such proceedings may address the legality of the investment or, more broadly, whether the investor has behaved as a good citizen, who deserves the protection of the treaty.

Confidentiality can be justified in certain cases and is sometimes necessary to achieve justice. Our Courts have an explicit power to keep international arbitration proceedings confidential. However, it is easy to see why the general public may feel that they have a right to know about the essential aspects of investment claims. It was for this reason that we took a leading role in UNCITRAL’s recent work on transparency, leading to the signature last March 2015 of the Mauritius Convention on Transparency in Treaty-based Investor-State Arbitration.

We were one of the first countries to sign the Convention, and the first country to ratify it. I see here high representatives from many of our neighbours and would respectfully urge them to take the necessary steps to sign and ratify the Convention without delay, so that a global transparency framework can be brought into existence in this field.

All of this good work on international arbitration is very positive for Mauritius and those who do business in Mauritius or with Mauritian entities.

But what is its significance for the wider region? Well, Mauritius may be an island, but is highly connected and closely integrated with the region and with the wider world.

Mauritius is a deeply African country. We joined the African Union immediately upon our independence in 1968. Mauritius is a member of the Southern African Development Community and the Common Market for Eastern and Southern Africa. We have always had a close relationship with our African neighbours.

It helps that we are a bilingual country, so that we are both a member of the ‘Organisation Internationale de La Francophonie’ as well as a member of the Commonwealth.
Ladies and Gentlemen,

Our ambitious project to make Mauritius a centre of excellence for international arbitration is a fitting one for an African country. Africa has been an important participant in international arbitration proceedings in recent years.

But Africans remain under-represented in the process, both in terms of the arbitrators who decide cases, and the lawyers who argue them. Many arbitrations take place in Europe to resolve disputes which are either between two African entities, or between an African entity and a non-European entity. Most arbitrations concerning African states or companies are resolved by arbitrators from other parts of the world. By positioning itself as a new centre for international arbitration in Africa, through its LCIA-MIAC arbitration centre and more generally, Mauritius hopes to play an important part in redressing that situation.

The more arbitrations take place in Africa (whether physically or juridically), the more reason there will be for lawyers in the region to specialise in the field, and for a pool of specialist talent gradually to grow and to provide the arbitrators of the future.

However, Mauritius is well connected not only to its immediate region but beyond. We have been, for many years, either the largest or second largest source of foreign direct investment into India.

Our relationship with China is becoming ever stronger, and it gives me great pleasure to see that the Vice President of China’s People’s Supreme Court, as well as a high delegation from the China Law Society, has come to join you all for this Congress. We recently introduced visa-free travel to Mauritius for Chinese citizens, consistent with our policy of openness. We are considered as one of the most open countries in Africa for visitors, and we require visas before arrival for the citizens of only 9% of all countries.

Ladies and Gentlemen,

You are most probably aware that Mauritius is the melting pot of a diversity of cultures. Many travelled here from Africa and India in the 19th and 20th centuries under the
British rule to work, often in difficult conditions. A number of our people have their ancestors in China. And it was European settlers who first established settlements in Mauritius hundreds of years ago, many of whose descendants form part of the Mauritian mosaic.

This blend of cultures, our air, sea and digital connectivity and our democratic set up help us to work closely with many international partners and make of Mauritius an attractive place for professionals and others to visit, to work and to do business.

I reiterate that it is an honour for us to host this first ICCA Congress to take place in Africa. But I hope that you agree that Mauritius is also a fitting place to host such a momentous international gathering.

We set out to ensure that this Congress would be attended not only by both the global elite in the world of international arbitration, as with all ICCA Congresses, but also by their colleagues in the field, judges and government representatives from Africa.

I understand that African delegates make up over one-third of the total attendance to this congress.

This coming-together of experts from Africa and the world, in Mauritius, perfectly represents what Mauritius hopes to offer: a safe, secure, and welcoming place for Africans and others to meet, discuss, study and practice international arbitration, for the benefit of all of us.

I wish this Congress plenty of success and I thank you for your kind attention.