



**EMBASSY OF THE REPUBLIC OF MAURITIUS & PERMANENT MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANISATIONS, GENEVA**

**AMBASSADE DE LA REPUBLIQUE DE MAURICE ET MISSION PERMANENTE AUPRES DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES, GENEVE**

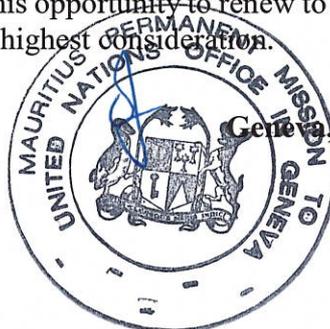
No. 61/2021 (MMG/HR/28/3)

The Permanent Mission of the Republic of Mauritius to the United Nations Office and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the Joint Communication (Ref. AL MUS 3/2020) from the Special Rapporteur concerning the Working Group of Experts on People of African Descent and the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance dated 30 March 2021.

The Permanent Mission of the Republic of Mauritius has the honour to transmit herewith a Memorandum, with an annex, from the Mauritius authorities, in response to the Joint Communication Ref. AL MUS 3/2020 of 30 March 2021.

The Permanent Mission would appreciate it if the Office of the High Commissioner for Human Rights could officially confirm reception of the Memorandum, with annex, from the Mauritius authorities.

The Permanent Mission of the Republic of Mauritius to the United Nations Office and Other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, le 21 May 2021

Office of the High Commissioner for Human Rights
Palais Wilson
Geneva

Memorandum of the Government of the Republic of Mauritius in response to the Joint Communication dated 30 March 2021 from the Chair-Rapporteur of the Working Group of Experts on People of African Descent and the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, pursuant to Human Rights Council Resolutions 45/24 and 43/36

1. The Government of the Republic of Mauritius has taken note of the above communication which contains allegations of cultural, social and economic barriers facing “exiled Chagossians living in Mauritius”. The Government of Mauritius wishes to firmly reject those allegations which are totally unfounded and which do not reflect the reality of the status of Mauritians of Chagossian origin (“Chagossians”) living in Mauritius. The Government of Mauritius does not deny that there may be some isolated cases – something which can happen in any country or community – where a person may have felt discriminated against, but such unfortunate cases by no means reflect the norms or the policy of the Government.
2. In this memorandum consisting of 2 parts, the Government of Mauritius will first address each allegation and demonstrate its baseless and unfounded character. Mauritius prides itself as being a multiracial, multicultural and multireligious country which is populated by people whose ancestors came from the African, Asian and European continents and where the interest of each ethnic group is not only protected but is in fact promoted. The Government provides significant subsidies to all groups and ensures that their cultures are preserved and their languages are taught in schools. Through a variety of measures, the Government also ensures that each community is given adequate opportunity to serve in various positions in the country. It is noteworthy that one member of the Chagossian community has not only been in Parliament for several years but has also served as a Government Minister.

PART I: RESPONSE TO ALLEGATIONS

3. Allegation No. 1 – Lack of formal recognition of Chagossians in the Constitution of Mauritius

- 3.1 The Constitution of Mauritius provides for the population of Mauritius to be regarded as belonging to four communities based on ethnicity and religion, merely for the purpose of implementing the best loser system. It must be pointed out that the Constitution was bequeathed to Mauritius by an Order in Council of the British Government at the time of independence in 1968.
- 3.2 The four communities are not meant to be a constitutional recognition of the various constituents of the Mauritian population. Every candidate at any general election is required to declare on his Nomination Paper to which one of these communities he belongs, failing which his Nomination Paper is invalidated by the Returning Officer. In the light of the Views of the Human Rights Committee in the case of *Narain v. Mauritius*, the Government of Mauritius introduced in December 2018 the Constitution (Amendment) Bill into the National Assembly with a view to, *inter alia*, doing away with the mandatory declaration of community for nomination as a candidate for the National Assembly elections. The Bill was not adopted because it did not obtain the required majority of votes.
- 3.3 The Constitution also provides that the Republic of Mauritius comprises the Islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius.
- 3.4 The inhabitants of the different islands such as Agalega and Rodrigues are not separately recognized in the Constitution, but for all intents and purposes they are Mauritians. Similarly, the Chagossians are Mauritian nationals and once Mauritius is fully decolonized, they would be able to live on the Chagos Archipelago and be recognized as inhabitants of the Chagos Archipelago.

- 3.5 Currently for the purposes of the best loser system, the Chagossians are indeed part of the General Population and have full voting rights. Most of the Chagossians are part of the electorate of Constituencies Nos. 1 and 5.
- 3.6 As at September 2020, 243 Chagossian natives and 1,204 Chagossians of other generations had registered themselves with the Chagossian Welfare Fund Board. There may be a few other Chagossians who live in Mauritius, but have not registered themselves with the Board. The number of Chagossians who currently live in Mauritius is far below the figure of 8,000 put forward by the Working Group for Minorities.
- 3.7 The Government of Mauritius does not consider that the non-recognition of Chagossians in the Constitution in any way causes any prejudice to the Chagossian community. In fact, doing otherwise is likely to open a Pandora's box which will cause irreparable damages to the social fabric of Mauritius.

4. Allegation No. 2 – Disproportionate poverty facing the Chagossian community

- 4.1 The Government of Mauritius does not deny that there are pockets of poverty in Mauritius. But they are by no means restricted to the Chagossian community which admittedly was uprooted and found it more difficult to integrate into the mainstream society. These pockets of poverty have been identified irrespective of the people's ethnic, cultural or religious appurtenance and purely on the basis of economic factors following a study carried out by the United Nations Development Programme. That study led to the preparation of a social register and to consequent targeted support by Government. This initiative and its implementation have been recognized as a great success worthy of emulation by other countries.

- 4.2 Allegations concerning limited access of Chagossians to education, employment, housing and health care are completely unfounded. As is publicly known, education up to tertiary level is completely free in Mauritius. So is health care. A vast social housing programme by Government is under way for Mauritians with low income. Additional support is provided to the economically vulnerable students who are also provided with hot daily meals. In addition, the welfare system in Mauritius provides for an old age pension for everyone above 60 as well as pensions for widows and orphans and other needy persons. As for employment, every Mauritian has to compete on an equal footing for positions in the public and private sectors. Doing otherwise would not be fair.
- 4.3 With regard to other Mauritians of African descent, it is true that they are indistinguishable from the Chagossians. Indeed unless a Chagossian reveals his origin, it would be practically impossible for anyone to identify him or her as such. The allegation that the Chagossian is discriminated against is a mere assertion which is baseless.
- 4.4 The communication also refers to the Chagossians as a population in exile. The Government of Mauritius rejects this description, nor does it take any responsibility for their forcible removal from their birthplace. At the time they were brought to Mauritius, the country was struggling economically as a nascent independent country and the resources at the disposal of the Government were insufficient to make better provision for their wellbeing as well as for the entire population. This is precisely the reason why the Government of Mauritius is leaving no stone unturned for the effective and full exercise by Mauritius of its sovereignty over the Chagos Archipelago in order to enable the implementation of a programme of resettlement which will facilitate their settlement there in full dignity and the enjoyment of their basic fundamental rights as they currently do in Mauritius.

- 4.5 It has also been alleged that the continued state of the Chagossians' poverty is due to the fact that there is restricted access to fishing and hunting. While fishing and hunting may have provided the Chagossians their daily meals in the Chagos Archipelago, it can hardly be said that these activities brought them earnings. In fact fishing on the Mauritian territory is certainly more lucrative than it was in the Chagos Archipelago. However, since both fishing and hunting are subject to restrictions in order to ensure sustainability of the resources, it cannot be assumed that this has caused disproportionate poverty.
- 4.6 Allegations relating to pollution, lack of hygiene, living in trash and playing with sick dogs in areas that lack drainage and sewage systems where flies and mosquitoes breed are absolutely untrue. Under the laws of Mauritius, it is prohibited to –
- (a) deposit, cause or allow waste to be deposited at a place other than a transfer station or a waste disposal site or any other site approved for that purpose; and
 - (b) throw, drop or otherwise deposit or cause any littering in any street, road, drain, river or other public place other than in a space or bin specially provided for that purpose.

5. Allegation No. 3 – Racial Discrimination

- 5.1 The report also mentions stereotyping of Chagossians and targeting them as being uneducated and uncivilized. The Government believes in zero tolerance when it comes to hate speech and racial discrimination which are punishable by law. Any such occurrence is promptly addressed. Anybody who feels so targeted can make a complaint to the police and the Equal Opportunities Commission.

- 5.2 The Government of Mauritius notes that the communication recognizes that some of the allegations based on so-called first hand account cannot be established and whosoever is making those allegations should be invited to report those cases and appropriate action will indeed be taken.
- 5.3 Before listing the specific measures taken by the Government of Mauritius to address the plight of the vulnerable population of Mauritius as well as specific measures currently in force for the Chagossians in particular, the Government wishes to point out that the country which holds primary responsibility for the situation surrounding the Chagossians first and foremost is the United Kingdom. Not only did it unlawfully excise the Chagos Archipelago from the territory of Mauritius prior to independence and behind the back of the United Nations, it also forcibly removed the Chagossians from their birthplace in conditions which were inhumane and shameful. While it is true that the UK recognizes this shameful act¹, it has systematically prevented the return of the Chagossians through what the communication characterizes as legitimizing their inability to ever return through legislations and ordinances.
- 5.4 These actions of the UK have been flatly sanctioned by the International Court of Justice (ICJ), the UN General Assembly and the International Tribunal for the Law of the Sea (ITLOS). Despite that, the UK has regrettably not taken any remedial action.

¹ The United Kingdom has on several occasions expressed deep regret at the manner in which the Chagossians were removed from the Chagos Archipelago and acknowledged that the way in which they were treated is wrong. During the oral hearing held by the ICJ on 3 September 2018, the Solicitor General of the United Kingdom stated the following in his opening remarks:

“At the outset, let me say that the United Kingdom reiterates that, as stated in its Written Statement and in its Written Comments, it fully accepts that the manner in which the Chagossians were removed from the Chagos Archipelago, and the way they were treated thereafter, was shameful and wrong, and it deeply regrets that fact.”

5.5 Indeed, in the Advisory Opinion² which it gave on 25 February 2019 pursuant to a request from the UN General Assembly³, the ICJ authoritatively determined that –

- (a) the Chagos Archipelago is, and has always been, an integral part of the territory of Mauritius;
- (b) the process of decolonization of Mauritius was not lawfully completed upon its accession to independence in 1968, in view of the unlawful detachment of the Chagos Archipelago from Mauritius;
- (c) the United Kingdom’s continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of that State and is an unlawful act of a continuing character which arose as a result of the separation of the Chagos Archipelago from Mauritius;
- (d) the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible, thereby enabling Mauritius to complete the decolonization of its territory in a manner consistent with the right of peoples to self-determination; and
- (e) all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius.

5.6 On 22 May 2019, the UN General Assembly adopted Resolution 73/295⁴ which endorsed the determinations of the ICJ and, *inter alia*, affirmed that the Chagos Archipelago forms an integral part of Mauritius and that the continued administration of the Chagos Archipelago by the United Kingdom constitutes a wrongful act entailing the international responsibility of that State. The General

² <https://icj-cij.org/en/case/169/advisory-opinions>

³ UN General Assembly Resolution 71/292 which requested the Advisory Opinion is available at <https://undocs.org/en/A/RES/71/292>.

⁴ <https://undocs.org/en/A/RES/73/295>

Assembly accordingly demanded the United Kingdom to withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months, that is, by 22 November 2019, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible. The United Kingdom failed to meet that deadline.

- 5.7 The General Assembly also urged the United Kingdom to cooperate with Mauritius in facilitating the resettlement of Mauritian nationals, including those of Chagossian origin, in the Chagos Archipelago, and to pose no impediment or obstacle to such resettlement.
- 5.8 The General Assembly further called upon the United Nations and its specialized agencies as well as all other international, regional and intergovernmental organizations, including those established by treaty, to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measure taken by or on behalf of, the so-called “British Indian Ocean Territory”.
- 5.9 Pursuant to UN General Assembly Resolution 73/295, the United Nations made in February 2020 a formal change to its official world map in order to show the Chagos Archipelago as part of the territory of Mauritius.⁵
- 5.10 In the Judgment which it delivered on 28 January 2021 in the case of *Mauritius v. Maldives*⁶, the Special Chamber of ITLOS held that the determinations made by the ICJ in its Advisory Opinion of 25 February 2019 have legal effect and clear implications for the legal status of the Chagos Archipelago. It also ruled that Mauritius has undisputed sovereignty over the Chagos

⁵ <https://www.un.org/Depts/Cartographic/map/profile/world.pdf>. The map was further amended in October 2020.

⁶ <https://www.itlos.org/en/main/cases/list-of-cases/dispute-concerning-delimitation-of-the-maritime-boundary-between-mauritius-and-maldives-in-the-indian-ocean-mauritius/maldives-2/>

Archipelago and that the United Kingdom's continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations made by the ICJ that the detachment of the Chagos Archipelago from Mauritius was unlawful and that the United Kingdom's continued administration of the Chagos Archipelago constitutes an unlawful act of a continuing character.

PART II: MEASURES TAKEN BY THE GOVERNMENT OF MAURITIUS TO ENSURE THE INTEGRATION OF THE CHAGOSSIANS IN THE MAINSTREAM SOCIETY

6. Enjoyment by Chagossians of the same rights and opportunities as other Mauritian citizens

6.1 As Chagossians are fully-fledged citizens of Mauritius, they enjoy the same rights and opportunities as other Mauritian citizens. They are also free to participate fully in all walks of life, including in the economic, social and political fields. They have also been beneficiaries of National Awards in recognition of their social work and their contribution to the welfare of the Chagossian community. Here is a list of some of the awardees –

- (a) Mr Louis Olivier Bancoult: Officer of the Order of the Star and Key of the Indian Ocean (O.S.K.) (12 March 2001);
- (b) Late Mrs Marie Lisette Talate: Member of the Order of the Star and Key of the Indian Ocean (M.S.K.) (12 March 2011);
- (c) Mr Louis Rosemond Saminaden, Member of the Order of the Star and Key of the Indian Ocean (M.S.K.) (12 March 2018); and
- (d) Mrs Marie Liseby Elysé: Member of the Order of the Star and Key of the Indian Ocean (M.S.K.) (12 March 2019).

6.2 The Constitution of Mauritius firmly establishes the right of every citizen of Mauritius to be treated equally and prohibits discrimination on the grounds of race, place of origin, political opinions, colour, creed or sex, subject to the rights and

freedoms of others. It also provides that no law shall be discriminatory in itself or in effect.

- 6.3 Chapter II of the Constitution of Mauritius guarantees the enjoyment by all Mauritian citizens of fundamental rights and freedoms which include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhuman treatment, protection from deprivation of property, protection of the law, protection for privacy of home and other property, freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement and protection from discrimination.
- 6.4 Freedom of religion is enshrined in Section 11 of the Constitution which provides that no person shall be hindered in the enjoyment of his freedom of conscience, including the freedom of thought and of religion.
- 6.5 Section 17 of the Constitution of Mauritius provides that a citizen who alleges that any of his rights under Chapter II of the Constitution is being or likely to be contravened may apply to the Supreme Court for redress.
- 6.6 The Criminal Code also makes provision for offences, and related penalties, in relation to discrimination on the ground of race and hate speech.
- 6.7 The Equal Opportunities Act further reinforces protection from discrimination and the right to equal opportunities in various areas of life such as employment, education, accommodation and access to goods, services and facilities by prohibiting discrimination on the grounds of age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. The Equal Opportunities Commission which has been established under the Act not only examines and investigates into complaints referred to it, but can equally investigate into cases where it believes that an act of discrimination has been or may be committed. Cases which are not resolved by the Commission are referred to the Equal Opportunities Tribunal.

- 6.8 The Workers' Rights Act also provides for protection from discrimination in employment and occupation on the grounds of, *inter alia*, race, colour, place of origin, national extraction or social origin.
- 6.9 Mauritius being a welfare State, provides universal access to primary health care services to all its citizens free of user cost. It also recognizes the right of every Mauritian citizen to education and has been providing free, universal, primary education. Education is also free for the secondary level, and for the tertiary level in all public higher education institutions. Free transport facilities to and from educational institutions are provided to facilitate access to education to all. Moreover, all elderly citizens of Mauritius benefit from a wide array of social benefits, including free public transport as well as payment of old age pension on a monthly basis.

7. Measures taken by the Government of Mauritius to fight poverty

- 7.1 Since 2015, the Government of Mauritius has embarked on a new economic model which forms the basis of the new development strategy in its endeavour to combat poverty, promote social justice, economic empowerment and national unity, and protect vulnerable citizens of Mauritius. It is grounded on the following 6 core guiding principles –
- (a) an inclusive economic growth model;
 - (b) massive investment in education and training for all;
 - (c) a strong social security system;
 - (d) empowering and supporting poor families;
 - (e) putting a halt to transfer of poverty from one generation to the other; and
 - (f) combating social ills such as drug addiction and drug dealing, prostitution, in particular child prostitution and alcoholism, amongst others.
- 7.2 In order to translate the new development strategy into concrete actions, Mauritius has adopted and implemented a Marshall Plan against Poverty which has the dual

objective of eliminating absolute poverty and encouraging change among vulnerable populations and service providers that would lead to economic empowerment, social inclusion and overall improved well-being of the disadvantaged groups. The project is dedicated to the poor, marginalized and those left behind.

7.3 To enable the execution of the Marshall Plan, Mauritius has worked towards the adoption of the Social Integration and Empowerment Act 2016, the establishment of new absolute poverty thresholds based on a minimum threshold of Rs 2,720 and a maximum of Rs 9,520 per adult basis, and a Marshall Plan Social Contract (MPSC), including a wide range of income, and empowerment support for the benefit of households found eligible under the Social Register of Mauritius (SRM), namely –

- (a) the payment of a monthly subsistence allowance which is the actual difference between the poverty threshold of the household and the assessed income of the beneficiary. This financial support is paid via the MPSC to allow households living in absolute poverty to meet their minimum basic living expenditure;
- (b) the payment of other conditional cash transfers such as a monthly Child Allowance, School Premium, Free Examination Fees, School Materials and Crèche Fees;
- (c) the provision of fully concrete social housing units and upgrading of existing houses;
- (d) improved access to a wide array of empowerment support services in terms of Education and Vocational Training, Employment and Livelihoods, Healthcare and Family Empowerment Programmes as provided by key service providers; and

(e) the implementation of the Case Management approach and monitoring of MPSC beneficiaries.

7.4 As at 31 December 2020, there were some 9,973 registered households on the SRM which have signed the MPSC and benefited from the above-mentioned support.

7.5 Like any other Mauritian citizen, Chagossians can also benefit from the above measures.

8. Special measures in favour of Chagossians

8.1 When the Chagossians were forcibly removed from the Chagos Archipelago in the late 1960s and early 1970s, Mauritius which had just obtained its independence was still at an early stage of its development and was confronted with a very difficult economic situation.

8.2 The Government of Mauritius nevertheless endeavoured, within the means available to it, to facilitate the integration of the Chagossians in Mauritian society. It provided financial assistance on a fortnightly basis to needy Chagossians who were forcibly removed from the Chagos Archipelago.

8.3 In addition to enjoying the same rights and opportunities as other Mauritian citizens, the Chagossians benefit from special measures to further improve their living conditions. The Chagossian Welfare Fund has been specially set up for this purpose and the Chagossian Community has over the years benefited from donations of land by Government for various projects.

8.4 For example, the Government of Mauritius donated land in Baie du Tombeau (45 acres and 80 perches) and Pointe aux Sables (22 acres) to the Chagossians for

the construction of houses. 1,202 adults received 40 toises each and 142 minors, 20 toises each.

- 8.5 More recently, Government allocated a plot of State land of 500 square metres to the Chagossian community for an agricultural project.
- 8.6 The Chagossian Welfare Fund was set up in order to, *inter alia*, advance and promote the welfare of members of the Chagossian community and their descendants, develop programmes and projects for their total integration into Mauritius, and maintain community centres and other community facilities vested in it for the benefit of members of the Chagossian community and other descendants. Representatives of the Chagossian community form part of the Board of the Chagossian Welfare Fund and are elected by members of the Chagossian community. In 2012, the Chagossian Welfare Fund Act was amended to provide for children of members of the Chagossian community to be eligible to stand as candidates and to vote at elections for members of the Board of the Fund. The current Chairperson of the Board of the Fund is a member of the Chagossian community.
- 8.7 The Government of Mauritius has over the years increased the budget of the Chagossian Welfare Fund so that its Board can take appropriate measures to advance and improve the welfare of members of the Chagossian community. The measures which have been or are being taken include –
- (a) distribution of school materials to Chagossian children attending primary schools;
 - (b) scholarships to eligible students of the Chagossian community;
 - (c) payment of examination fees for Chagossian students;
 - (d) payment of registration fees for Chagossian students attending university when such fees were payable;

- (e) offer of motivational prizes to young graduates of the Chagossian community;
- (f) grants/financial assistance to students of the Chagossian community attending universities and vocational institutions;
- (g) talks for young Chagossians on nutrition and drug abuse;
- (h) provision of sports facilities and equipment for recreational purposes and wellness of the Chagossian community;
- (i) provision of computer facilities at Chagossian community centres to Chagossian children;
- (j) ICT courses for youngsters of the Chagossian community;
- (k) residential camp for senior citizens of the Chagossian community;
- (l) distribution of provisions (edible items) to senior citizens and bedridden persons of the Chagossian community;
- (m) recreational activities for primary and secondary school students of the Chagossian community;
- (n) donation of building materials for repairs to be made to the roof of houses of Chagossians which leaked during heavy rainfalls;
- (o) provision of food items, furniture and other necessities to Chagossians who are victims of fire and donation of building materials for repairs of houses of Chagossians destroyed by fire;
- (p) assistance to needy Chagossians for repairs to their houses;
- (q) visits to Chagossians in homes every three months, during which clothes and fruits are given to them;
- (r) funeral grants to families of deceased Chagossians;
- (s) free yearly medical check-up for Chagossians;
- (t) financial assistance to Chagossians going for treatment abroad over and above that provided by the Ministry of Health and Wellness;
- (u) financial assistance to a person accompanying a Chagossian going for treatment abroad;
- (v) provision of transport facilities to Chagossians who have appointments at hospitals; and

- (w) upgrading of Chagossian community centres for the conduct of activities, prayers and other events for the Chagossian community.

8.8 These measures have contributed to improve the well-being of members of the Chagossian community, whether they are children, adults or elderly persons. The measures taken in favour of students have helped them in their academic path and there has been an increase over the years in the number of university graduates among students of Chagossian origin. The Chagossian Welfare Fund has also assisted in alleviating the plight of needy Chagossians. Chagossians do not therefore face disproportionately lower standards of living, as alleged by the authors of the joint communication.

9. Preservation of the culture of Chagossians

9.1 The Government of Mauritius is committed to safeguarding the sega tambour Chagos which was practiced by Chagossians who were living in the Chagos Archipelago before their forcible removal. In this regard, it nominated in March 2018 the sega tambour Chagos for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding. The sega tambour Chagos was inscribed on that List at the fourteenth session of the UNESCO Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage held from 9 to 14 December 2019 in Bogota, Colombia.

9.2 A Consultative Workshop was held on 18 October 2020 by the National Heritage Fund in collaboration with the Chagossian Welfare Fund with a view to ensuring the effective protection, transmission and promotion of the sega tambour Chagos. Below are photographs taken at the Workshop:



Figure 1: Performance of sega tambour Chagos by Chagossians (Source: Government Information Service)



Figure 2: Address by the Chairperson of the Chagossian Welfare Fund Board (Source: Government Information Service)



Figure 3: Chagossians participating in the Workshop (Source: Government Information Service)



Figure 4: Chagossians participating in the Workshop (Source: Government Information Service)

9.3 The above photographs clearly show a different picture of the Chagossians from that given in the communication.

10. Implementation of recommendations in 2018 Concluding Observations of the Committee on the Elimination of Racial Discrimination

10.1 In August 2019, Mauritius provided, pursuant to paragraph 42 of the Concluding Observations of the Committee on the Elimination of Racial Discrimination, information on its implementation of the recommendations contained in paragraph 31 of the Concluding Observations. That information is contained in Doc. CERD/C/MUS/CO/20-23/Add.1, a copy of which is annexed herewith.

10.2 Since the illegal excision of the Chagos Archipelago, Mauritius has spared no efforts for the completion of its decolonization so that it can effectively and fully exercise its sovereignty over the Chagos Archipelago. This should in turn lead to the resettlement of Mauritian citizens, including those of Chagossian origin, in the Chagos Archipelago. These two processes are indissociable as has been observed by the ICJ in the following ruling:

“As regards the resettlement on the Chagos Archipelago of Mauritian nationals, including those of Chagossian origin, this is an issue relating to the protection of the human rights of those concerned, which should be addressed by the General Assembly during the completion of the decolonization of Mauritius.”

10.3 The Government of Mauritius firmly supports the legitimate aspiration of Chagossians, as Mauritian citizens, to resettle in the Chagos Archipelago.

10.4 The Government of Mauritius is strongly committed to implementing a resettlement plan in the Chagos Archipelago. With the ICJ Advisory Opinion, as reaffirmed by UN General Assembly Resolution 73/295, and the Judgment of the Special Chamber of ITLOS of 28 January 2021, Mauritius looks forward to fulfilling

this commitment and thereby restore the dignity of those forcibly displaced Mauritians in the very near future.

10.5 The Government of Mauritius has ensured the active involvement of the Chagossians in its efforts to facilitate their return to the Chagos Archipelago. Representatives of the Chagossian community formed part of the Mauritius delegation which attended the meeting of the UN General Assembly which adopted Resolution 71/292 to request an Advisory Opinion of the ICJ. On that occasion, the Government of Mauritius organized at the UN Headquarters in New York an exhibition on the plight suffered by the Chagossians as a result of their forcible removal from the Chagos Archipelago. This exhibition touched the hearts of the representatives of many UN Member States. Chagossians were also included in the Mauritius delegation which participated in the public hearings held by the ICJ from 3 to 6 September 2018 in The Hague. One of the Chagossian representatives, Mrs Marie Liseby Elysé, made a video statement to the ICJ as part of the oral submissions of Mauritius. In her statement, she recounted how she and other Chagossians had been forcibly removed from the Chagos Archipelago in blatant violation of their human rights.

11. CONCLUSION

11.1 The evidence provided in this memorandum clearly shows that the information on which the communication relies is without foundation and far from reality. The Government of Mauritius will be pleased to engage with the authors of the communication with a view to providing any additional information that may be needed.