

ADVANCE UNEDITED VERSION

Distr.: General
23 August 2019

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

**Concluding observations on the twentieth to twenty-third
periodic reports of Mauritius**

Addendum

**Information received from Mauritius on follow-up to the
concluding observations***

[Date received: 22 August 2019]

* The present document is being issued without formal editing.

Progress status on the Convention on the Elimination of All Forms of Racial Discrimination (CERD) Concluding Observations of 2018

1. Following the review of the State Report of Mauritius on the Convention on the Elimination of All Forms of Racial Discrimination by the CERD Committee in Geneva in August 2018, and the receipt of the Concluding Observations and Recommendations, the Government of Mauritius set up an Inter-Ministerial Committee, in September 2018, under the Chair of the Vice-Prime Minister, Minister of Local Government and Outer Islands and Minister of Gender Equality, Child Development and Family Welfare to look into the Concluding Observations made by the CERD Committee given that certain concerns and recommendations have far reaching implications on the social fabric of the Mauritian society. The Committee is composed of several Ministers and has yet to submit its report and proposals.

2. However, given that, in accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the State party has been requested, by the CERD Committee, to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 29 and 31, please find hereunder a status report.

(a) Creole Language

Recommendation 29

3. **The committee recommends that the State party take the necessary measures to confer the status of national language on the Creole language, with a view to facilitating its use in the administration, judicial and education systems, and preventing the social exclusion of those who are Creole-speaking only.**

4. The Kreol Morisien is the most widely used language in Mauritius and as indicated in various fora, the use of Creole language is acceptable in the administration, judicial and education systems. To date, no policy decision has been taken to confer the status of national language on the Creole language. Government is proceeding in a phased manner and to this end, in May 2019, Government decided to set up the Akademi Kreol Repiblik Moris (AKRM) to follow up on the development and use of the Kreol language in the Republic of Mauritius. The AKRM would have the following key objectives:

(a) Develop further the orthography, grammar, lexicon, usage and norms of *Kreol Repiblik Moris* (KRM) as the national standard language of the Republic of Mauritius;

(b) Develop and promote KRM as the key medium, component and expression of Mauritian heritage, culture and traditions in its unity and diversity;

(c) Commission and publish linguistic studies and descriptions of KRM and its usage, its varieties and registers, its evolutionary norms and standards, while assuring its development as a living and dynamic medium;

(d) Encourage literary, non-fiction and scientific writing and promote creative productions in audio-visual, electronic and other formats;

(e) Promote quality and excellence in the study, description and creative use of KRM and reward talent and achievement in KRM; and

(f) Advise the Ministry of Education and Human Resources, Tertiary Education and Scientific Research on matters related to KRM.

(b) Situation of the Chagossians

Recommendation 31

5. **The Committee recommends that the State party continue its efforts to facilitate the return of the Chagossians to their original homes, guaranteeing the active participation of the Chagossian community in the actions taken by the State in that regard. At the same time, the State party should intensify its efforts to improve the living conditions of those Chagossians residing on the mainland of Mauritius and report on such measures and their results in its next periodic report.**

6. The Chagos Archipelago which is and has always formed an integral part of Mauritius was illegally excised by the United Kingdom from the territory of Mauritius prior to its accession to independence. The decolonisation of Mauritius therefore remains incomplete.

7. In the wake of the illegal excision of the Chagos Archipelago, the United Kingdom forcibly removed all the Mauritians born and residing at the time in the Chagos Archipelago (“Chagossians”). Most of them were moved to the main Island of Mauritius.

8. The completion of the decolonisation of Mauritius and resettlement in the Chagos Archipelago are inextricably linked. Since the illegal excision of the Chagos Archipelago, Mauritius has spared no efforts for the completion of its decolonisation. The long-standing struggle of Mauritius to complete its decolonisation and the right of Mauritian citizens, including those of Chagossian origin, to return to the Chagos Archipelago are indissociable. The Government of Mauritius firmly supports the legitimate aspiration of Chagossians, as Mauritian citizens, to resettle in the Chagos Archipelago.

9. In June 2017, States Members of the United Nations that are members of the Group of African States, including Mauritius, tabled before the UN General Assembly a draft resolution, requesting an Advisory Opinion of the International Court of Justice (ICJ) on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The draft resolution was adopted by the UN General Assembly on 22 June 2017.

10. Following two rounds of written submissions and public hearings in which a number of countries, including Mauritius, and the African Union participated, the ICJ gave on 25 February 2019 its Advisory Opinion. The ICJ, *inter alia*, found that the process of decolonisation of Mauritius was not lawfully completed when it gained independence in 1968, in view of the unlawful excision of the Chagos Archipelago from the territory of Mauritius. The ICJ also concluded that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible and that all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonisation of Mauritius.

11. On 22 May 2019, the UN General Assembly adopted Resolution 73/295, which was tabled by States Members of the United Nations that are members of the Group of African States, including Mauritius, in order to give effect to the Advisory Opinion of the ICJ. In its Resolution, the General Assembly has, *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 Assembly has therefore demanded that the United Kingdom withdraws its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months, thereby enabling Mauritius to complete the decolonisation of its territory as rapidly as possible. The General Assembly has 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. The General Assembly has further called upon the United Nations and its specialised agencies as well as all other international, regional and intergovernmental organisations, including those established by treaty, to recognise that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonisation of Mauritius as rapidly as possible, and to refrain from impeding that process by recognising, or giving effect to any measure taken by or on behalf of, the so-called “British Indian Ocean Territory”.

12. The Government of Mauritius is committed to implementing a resettlement plan in the Chagos Archipelago. In this regard, a special provision of Rs 50 million has been made in the Budget of Mauritius for the financial year 2019-2020 for meeting, *inter alia*, expenses relating to preparations for eventual resettlement in the Chagos Archipelago.

13. With a view to enabling Chagossians to continue exercising their rights, including the right to vote, when they would resettle in the Chagos Archipelago, the National Assembly of Mauritius passed on 12 July 2019 a resolution for the inclusion of the Chagos Archipelago, including Diego Garcia, in one of the constituencies of the Republic of Mauritius to be determined by the Electoral Boundaries Commission.

14. In order to ensure the active participation of the Chagossian community in the actions taken by Mauritius for facilitating the return of the Chagossians to the Chagos Archipelago, the Government of Mauritius maintains close contact and collaboration with the Chagossian community. The Prime Minister and the Minister Mentor, Minister of Defence, Minister for Rodrigues regularly hold meetings with representatives of the Chagossian community.

15. Further, some members of the Chagossian community formed part of the Mauritius delegation which attended the meeting of the UN General Assembly held on 22 June 2017 which adopted Resolution 71/292 to request an Advisory Opinion of the ICJ. Representatives of the Chagossian community also formed part of the Mauritius delegation to the public hearings held by the ICJ from 3 to 6 September 2018. The oral submissions at the hearings included a video statement by Mrs Marie Liseby Elysé, a member of the Chagossian community who formed part of the Mauritius delegation. In her statement, she recalled how she and other Chagossians had been forcibly removed from the Chagos Archipelago, and expressed the wish to return to the Chagos Archipelago and die there.

16. Chagossians, being fully-fledged citizens of Mauritius, enjoy the same rights as other Mauritian citizens, including access to free health services, free education, and free public transport for students, elderly persons and disabled persons. They are also free to participate fully in all walks of life, including in the economic, social and political fields. In fact, one lady of Chagossian origin is an active member of a political party and has been a Member of Parliament and a government minister.

17. With a view to improving the living conditions of the Chagossians, the Government of Mauritius has taken, and continues to take, special measures in their favour. These measures include the donation of land for the construction of houses and the setting up of the Chagossian Welfare Fund.

18. The Government of Mauritius donated land in Baie du Tombeau (45 acres and 80 perches) and Pointe aux Sables (22 acres) to the Chagossians. 1,202 adults received 40 toises each and 142 minors, 20 toises each.

19. The Chagossian Welfare Fund, which was initially known as the Ilois Trust Fund, was set up in 1982. 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.

20. 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) Scholarships to eligible students of the Chagossian community;
- (b) Talks for young Chagossians on nutrition and drug abuse;
- (c) Sports activities for young Chagossians;
- (d) Residential camp for senior citizens of the Chagossian community;
- (e) Distribution of provisions (edible items) to senior citizens and bedridden persons of the Chagossian community;

- (f) Recreational activities for primary and secondary school students of the Chagossian community;
- (g) Donation of building materials for repairs to be made to the roof of houses of Chagossians which leaked during heavy rainfalls;
- (h) Visits to Chagossians in homes every three months, during which clothes and fruits are given to them;
- (i) Funeral grants to families of deceased Chagossians;
- (j) Financial assistance to Chagossians going for treatment abroad over and above that provided by the Ministry of Health and Quality of Life;
- (k) Provision of transport facilities to Chagossians who have appointments at hospitals; and
- (l) Assistance to needy Chagossians for repairs to their houses.

21. The Government of Mauritius is deeply committed to resettle the Mauritians, including those of Chagossian origin, in some of the islands of the Chagos Archipelago. With the ICJ Advisory Opinion, as reaffirmed by UN General Assembly Resolution 73/295, Mauritius looks forward to fulfilling this commitment and thereby restore the dignity of those forcibly displaced Mauritians in the very near future. The Government of Mauritius calls on the international community and the donor countries and agencies to support this resettlement programme.
