



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

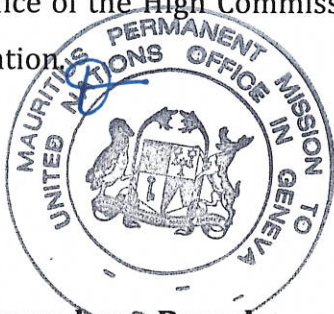
AMBASSADE DE LA REPUBLIQUE DE MAURICE ET MISSION PERMANENTE AUPRES DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES, GENEVE

No. 76/2023 (MMG/HR/28/3)

The Permanent Mission of the Republic of Mauritius to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (Special Procedures Branch) and, subsequent to the Joint Communication (Ref.: AL MUS 1/2023) dated 21 February 2023 from the Special Rapporteur on minority issues; the Working Group of Experts on People of African Descent; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, addressed to the Honourable Alan Ganoo, Minister of Foreign Affairs, RI & IT, of the Republic of Mauritius regarding information received on the *'Chagossian people'*, has the honour to transmit herewith the response of the Government of the Republic of Mauritius.

The Permanent Mission of the Republic of Mauritius would appreciate it if the OHCHR could kindly acknowledge receipt of this Note Verbale.

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, 14 April 2023

**Special Procedures Branch
Office of the High Commissioner for Human Rights**

Memorandum of the Government of the Republic of Mauritius in response to the Joint Communication dated 21 February 2023 from the Special Rapporteur on Minority Issues, the Working Group of Experts on People of African Descent, the Special Rapporteur in the Field of Cultural Rights, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, pursuant to Human Rights Council Resolutions 43/8, 45/24, 46/9, 43/36 and 45/10

1. The Government of the Republic of Mauritius has taken note of the above-mentioned joint communication concerning the continuous forced displacement of the former inhabitants of the Chagos Archipelago and the alleged lack of transparency around planned negotiations between the United Kingdom and Mauritius as well as the alleged lack of commitment and practical arrangements to centre the talks on the rights of the Chagossians and their meaningful participation in those talks.
2. The joint communication also refers to various other allegations which the Government of Mauritius has comprehensively addressed in its memorandum of 21 May 2021. That memorandum, *inter alia*, firmly rejected the allegations of cultural, social and economic barriers encountered by “the exiled Chagossian people living in Mauritius”, contained in an earlier communication (AL MUS 3/2020).
3. Mauritius is a multiracial, multicultural and multireligious country which is populated by people whose ancestors came from Africa, Asia and Europe and where the interests of each ethnic group are not only protected, but also promoted. The Government grants significant subsidies to all groups and ensures that their cultures are preserved and their languages are taught in schools. Although most ethnic groups may have their own language, all Mauritians, including those of Chagossian origin, speak the Kreol Morisien. Many Mauritians, including those of Chagossian origin, are also fluent in English and French.
4. The Government of Mauritius believes in zero tolerance when it comes to racial discrimination which is punishable by law. Any such occurrence is promptly addressed and any person who feels discriminated can make a complaint to the police and the Equal Opportunities Commission.

5. The country which holds primary responsibility for the situation surrounding the former inhabitants of the Chagos Archipelago 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. The United Kingdom has systematically denied the Chagossians the right to return to the Chagos Archipelago by illegally occupying the Chagos Archipelago, thereby preventing Mauritius from effectively exercising its sovereignty over the Archipelago.
6. In this memorandum, the Government of Mauritius will first set out the circumstances in which the Chagossians were forcibly removed from the Chagos Archipelago before addressing the other issues raised in the joint communication.

Illegal Excision of the Chagos Archipelago from Mauritius

7. 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 in 1968.
8. Pursuant to a request from the UN General Assembly¹, the International Court of Justice (ICJ) gave on 25 February 2019 an Advisory Opinion on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*². In its Advisory Opinion, the ICJ determined that the process of decolonization of Mauritius was not lawfully completed upon its accession to independence in view of the illegal excision of the Chagos Archipelago from Mauritius, and that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible. The Court also determined that the United Kingdom's continued administration of the Chagos Archipelago constitutes an unlawful act of a continuing character entailing the international responsibility of that State.
9. In its Advisory Opinion, the ICJ also affirmed that, in accordance with international law, the right to self-determination belonged to, and was meant to be exercised by, all the people of Mauritius as one territorial unit. This continues to be the case today. The ICJ also recognized that the resettlement of Mauritian nationals, including those of Chagossian origin, is to be addressed as part of the

¹ UN General Assembly Resolution 71/292, available at <https://undocs.org/en/A/RES/71/292>.

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

process of decolonization of Mauritius. It follows that Mauritians of Chagossian origin or any of the former inhabitants of the Chagos Archipelago are not and cannot be considered as a “people” or an “indigenous people” in relation to the completion of the decolonization of Mauritius.

10. On 22 May 2019, the UN General Assembly adopted Resolution 73/295³ which fully 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 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.
11. 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.
12. 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”.
13. In the Judgment which it delivered on 28 January 2021 in the case of *Mauritius v. Maldives*⁴, 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 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

³ <https://undocs.org/en/A/RES/73/295>

⁴ <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/>

continued administration of the Chagos Archipelago constitutes an unlawful act of a continuing character.

Forcible Removal of the Former Inhabitants of the Chagos Archipelago

14. 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 and have since been systematically prevented by the United Kingdom from returning to the Chagos Archipelago.
15. Mauritius continues to spare no efforts for the completion of its decolonization process so that it can effectively exercise its sovereignty over the Chagos Archipelago, which in turn should lead to the resettlement of Mauritian citizens, including those of Chagossian origin on 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.”
16. The Government of Mauritius is strongly committed to implementing a resettlement plan in the Chagos Archipelago. In this regard, the special provision of Rs 50 million made in the Budget of Mauritius for the financial year 2019-2020 has been maintained in the Budget for subsequent financial years for meeting, *inter alia*, expenses relating to preparations for eventual resettlement in the Chagos Archipelago.
17. The Government of Mauritius has made it clear that all individuals of Chagossian origin, wherever they live in the world, who wish to resettle in the Chagos Archipelago will be able to do so in accordance with the laws of Mauritius. However the Government of Mauritius is conscious of practical impediments to such resettlement such as unfettered access to the islands of the Chagos Archipelago, lack of basic infrastructure and services which are crucial for sustaining any settlement. That is why the issue of resettlement features prominently in the talks between Mauritius and the UK.
18. 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.

Special Measures in Favour of the Chagossians

19. Since the Chagossians were forcibly removed from the Chagos Archipelago by the United Kingdom, it is the latter which owes reparations to the Chagossians. Under international law, the United Kingdom is responsible for making amends for their forcible removal and their sufferings.
20. Nonetheless, the Government of Mauritius has always been fully sensitive to the plight of the Chagossians.
21. As full-fledged citizens of Mauritius, Chagossians 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 a Member of Parliament; she was in the past a government Minister.
22. On 12 July 2019, the National Assembly of Mauritius passed a motion to the effect that the Chagos Archipelago, including Diego Garcia, should be included in such one of the constituencies of Mauritius as the Electoral Boundaries Commission may determine. The Electoral Boundaries Commission subsequently recommended in its 2020 Report that the Chagos Archipelago be included in Constituency No. 1 – Grand River North West and Port Louis West.
23. In order to further improve the living conditions of the Chagossians, the Government of Mauritius continues to take special measures in their favour

through the Chagossian Welfare Fund, the Board of which comprises representatives of the Chagossian community who are elected by members of that community and is chaired by a member of the Chagossian community. The objects of the Fund are to, *inter alia*, advance and promote the welfare of the 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 their descendants.

24. Over the past few years, the measures which have been taken by the Chagossian Welfare Fund include:
- (a) scholarships to eligible students of the Chagossian community;
 - (b) offer of motivational prizes to young graduates of the Chagossian community;
 - (c) grants/financial assistance to students of the Chagossian community attending universities and vocational institutions;
 - (d) provision of sports facilities and equipment for recreational purposes and wellness of the Chagossian community;
 - (e) residential camp for senior citizens of the Chagossian community;
 - (f) distribution of provisions (edible items) to senior citizens and bedridden persons of the Chagossian community;
 - (g) recreational activities for primary and secondary school students of the Chagossian community;
 - (h) assistance to needy Chagossians for repairs to their houses;
 - (i) visits to Chagossians in homes every three months, during which clothes and fruits are given to them;
 - (j) funeral grants to families of deceased Chagossians and Chagossian descendants;
 - (k) provision of transport facilities to Chagossians who have appointments at hospitals; and
 - (l) upgrading of Chagossian community centres for the conduct of activities, prayers and other events for the Chagossian community.
25. 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 of Chagossian origin. The Chagossian Welfare Fund has also assisted in alleviating the plight of needy Chagossians.

26. The Government of Mauritius is committed to safeguarding the Sega Tambour Chagos which was practised 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.
27. The Government of Mauritius, through the National Heritage Fund, has ensured that the Chagossian community is engaged in the safeguard of the Sega Tambour Chagos. It has provided financial and other logistic support to the Chagossian Welfare Fund to sensitize the youths about the importance of this heritage. Apart from the elder generations of Chagossians, there is a group of young Chagossians, 'Zenerasion Chagossian Group', which also performs the Sega Tambour Chagos. In October 2021, two Tambour Chagos schools were launched to give Chagossian children and youths exposure to the Sega Tambour Chagos. Consultative workshops and meetings have also been organized on the safeguarding, transmission and promotion of the Sega Tambour Chagos.

Negotiations between Mauritius and the United Kingdom

28. On 3 November 2022, Mauritius and the United Kingdom made statements to their respective Parliament to announce their decision to begin negotiations on the exercise of sovereignty over the Chagos Archipelago. Through negotiations, taking into account relevant legal proceedings, it is the intention of Mauritius and the United Kingdom to secure an agreement on the basis of international law to resolve all outstanding issues, including those relating to the former inhabitants of the Chagos Archipelago.
29. Mauritius and the United Kingdom have held three rounds of negotiations in November 2022 and in January and February 2023. The discussions covered issues relating to ensuring the effective operation of the joint UK/US military base in Diego Garcia, resettlement of the former inhabitants of the Chagos Archipelago, strengthening cooperation between Mauritius and the United Kingdom on a range of issues such as environment and marine protection, improving security and tackling illegal activities in the region amongst others.

30. The Government of Mauritius has been having regular consultations with the Chagossians based in Mauritius. While the negotiations are between the Governments of Mauritius and the United Kingdom, it will continue to hold these consultations and ensure that their rights are respected.