



Statement to Pre-session, Universal Periodic Review: Mauritius

Statement by: Pascalina Nellan

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Good morning distinguished delegates I am Pascalina Nellan, a Chagossian descendent and member of Chagossian Voices. Chagossian Voices is an advocacy group for the Chagossian community organised by members of our diaspora. It is a platform for all Chagossians and works as a coalition of community groups in the UK, Mauritius, the Seychelles, France and Switzerland. We, the Chagossian people were forcibly exiled from our Indian Ocean archipelago to Mauritius and the Seychelles by the United Kingdom, with the co-operation of the colonial government of Mauritius, to make way for a United States military base between 1965 and 1973. We are an indigenous people, the creole descendants of African slaves, with a unique culture, language and way of life. Our presence on the islands predates both the arrival of the British in 1814 and the creation of the Republic of Mauritius in 1968. Our islands, which are 2,000 km from Mauritius were administered as a dependency of the British Colony of Mauritius until 1965 when the British Indian Ocean Territory was created. Chagossians became Mauritian or Seychellois citizens through exile to those territories, and everyone of Chagossian descent is also entitled to UK citizenship. The largest populations of Chagossians live in Mauritius, the UK and the Seychelles. We identify first and foremost as Chagossians -not as Mauritians.

Chagossians have not been well treated in Mauritius. We were subjected to discrimination, racism and marginalisation. We know this from our own experience and from the many well documented testimonies of this abuse and neglect. We have been discriminated against both as Afro creoles and particularly as Chagossians, or Ilois, as we became known - a term now widely used as an insult. This issue has been raised in the 3rd cycle of the UPR with Haiti raising concerns about the economic, cultural, structural, and informal disadvantages experienced by Creoles in Mauritius. We can confirm through multiple testimonies and our own observations that the problems raised persist and have not been adequately addressed. Also in Cycle 3, Trinidad and Tobago raised the issue of Creole participation and success in education and the status of the Kreol language in education and government. We have observed that little progress has been made and Creoles remain marginalised in these vital arenas. We draw your attention to a letter of March 2021 from the Mandates of the Working Group on People of African Descent and the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance (AL MUS 3/2020) which highlights the de facto discrimination experienced by Creoles in all walks of life and in particular the Chagossians. The letter highlights lack of verifiable information or concrete data about the actual effects of any measures taken to support Chagossians in Mauritius. Chagossian Voices also notes that the Chagossian Welfare Fund, the main agency for supporting Chagossians in Mauritius is under the direct control of the Prime Minister's office, its chair is appointed by the Mauritian Prime Minister and more than half the governing committee are appointed by the Government. We believe Chagossians should have more independent control of such a mechanism.

The 2021 letter from the special rapporteurs also notes the importance of our right of return to our islands and encourages Mauritius to support this outcome. This issue was also raised in Cycle 2 by Mexico. By pursuing a hearing and an advisory opinion at the ICJ in the Hague in 2019 and a resolution at the UNGA (2019) Mauritius has pursued its own interests by persuading many in the international community that the decolonisation of Mauritius was not completed in 1968 and that our islands should be ceded to them. This was all done without the participation or informed democratic consent of the Chagossian people. We were not consulted. We also remain excluded from the current sovereignty negotiations between the UK and Mauritius. Furthermore, the Mauritian Government has always argued for the “return” of Mauritians to the islands, not Chagossians. Mauritius does not recognise the Chagossians as a people and would, if the islands were ceded to them only return them as “Mauritians of Chagossian origin”. We see this as an attempt to erase our identity and our rights of self-determination and to replace Chagossians with Mauritians on the islands. Mauritius needs to respect the full rights of Chagossians concerning their homeland. A return of Chagossians under Mauritian sovereignty would, we fear, be tokenistic. Indeed, since the decisions at the ICJ and the UNGA we believe Mauritius has often behaved as if the islands are already theirs. A Criminal Code amendment was passed in Mauritius in 2021 which forbids “misrepresentation” of the sovereignty of Mauritius over any part of its territory. We believe this has intimidated many Chagossians into avoiding public disagreement with the Government. Recent high-profile cases in Mauritius have also heightened perceptions that public disagreement with the Government can lead to arbitrary arrest or detention. We note that this was raised as an issue in cycle 3 by the United States when they asked for “effective measures” to ensure accountability for abuses by police and other officials. We believe this still needs urgent and close scrutiny.

Furthermore, the construction of a 3km long Indian airbase, deep-sea port and associated infrastructure on a small dependency of Mauritius - Agalega Islands - a venture approved by the Mauritian government and executed by the Indian government, warrants attention. The lack of transparency surrounding this project has been a recurring topic in the Mauritian parliament and local media, yet the Mauritian government has not provided any clear explanations. Notably, there has been no effort to consult with the Agalean community about the developments on their island and a considerable number of Agaleans are of Chagossian and African descent and have found themselves displaced in the course of this construction. This situation mirrors the Chagos issue. Such disregard for the Agaleans' voice is in stark contradiction to the image promoted by Mauritius at the ICJ in 2019 and is fundamentally unacceptable.

We make the following recommendations.

- a) That the Mauritian Government addresses the economic, cultural, structural and informal disadvantages of Chagossians and Mauritian Creoles by implementing policies conducive to their economic and human development and that an independent commission is created both to assess the extent and causes of disadvantage and the effectiveness of any measures for remedy undertaken.

- b) That the Mauritian Government recognises the rights of Chagossians to identify as an indigenous people.
- c) That the Mauritian Government respects and recognises the right of all Chagossians to return to their islands on their own terms, wherever they live and whatever their current nationality.
- d) That the Mauritian Government makes no plans for the future of the Chagos Islands or the Chagossian people without the informed consent of the Chagossian people wherever they may now live.
- e) That the Mauritian Government withdraws legislation and ceases practices which Chagossians perceive as intimidatory, and which have the effect of restricting their free speech.
- f) That the Mauritian Government makes efforts to restore confidence in the Police and the Government through transparent and accountable investigation of complaints against police and government and through Freedom of Information legislation.
- g) That the Mauritian Government gives up its control of the governance mechanisms of the Chagossian Welfare Fund and creates an independent body, run for Chagossians by Chagossians where Chagossians can speak freely and make decisions on their own behalf.
- h) An investigation into the human rights of Agaleans in relation to the construction of an airbase on Agalega and associated infrastructure on their islands, a dependency of Mauritius.