

Report on the situation of the Chagossians in Mauritius
Submission for the adoption of the LOIPR of Mauritius (6th reporting cycle)
143rd session of the Human Rights Committee

ASSOCIATION CHAGOSSIENS DE FRANCE - ACDF



Ensemble pour Chagos ~ Together with Chagos



“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and must act towards each other in a spirit of brotherhood.”

“No one shall be subjected to arbitrary arrest, detention or exile.”

Article 1 and 9 of the Universal Declaration of Human Rights, 1948

“All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

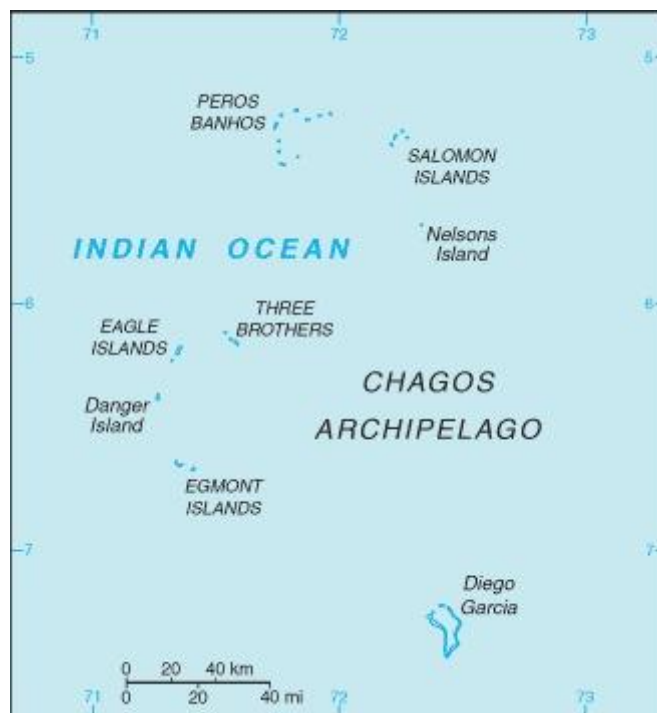
Article 1 of the International Covenant on Civil and Political Rights, 1966

A. Introduction

1. The Association Chagossiens de France thanks the Human Rights Committee (Committee) for its engagement with civil society and for providing this opportunity to be associated with the process of issuing Mauritius LOIPR (6th reporting cycle).

B. Background information

2. The Chagos archipelago is located in the middle of the Indian Ocean, south of India, between Africa and Indonesia and 2,200 kilometers north-east of Mauritius. The archipelago is made up of a group of atolls of 58 islands. The area of the archipelago is 60 km². Diego Garcia, Peros Banhos and the Solomon Islands are the three largest islands in the archipelago on which the Chagossians population lived.



Source : <https://www.cia.gov/the-world-factbook/countries/british-indian-ocean-territory/map/>

3. Before being deported by the British military, the Chagossians population lived peacefully in autarky. The Chagossians are a mixed race of people from Madagascar, Mozambique, India and France, descended from former slaves. There were about 1,500 to 2,000 Chagossians in the 1960s¹.
4. The Chagos archipelago was considered attached to Mauritius by colonial empires during expeditions in the Indian Ocean. In 1965, the UK agreed with the Prime Minister, Sir Seewoosagur Ramgoolam to give up the Chagos archipelago in exchange for independence and a financial compensation of £3 million. The International Court of Justice admitted the irregularity of this decolonization in its 2019 Advisory opinion, *Legal effects of the*

¹ <https://www.hrw.org/fr/news/2023/02/15/entretien-le-traitement-reserve-aux-chagossiens-par-le-royaume-uni-et-les-etats>

separation of the Chagos archipelago from Mauritius in 1965. By a decree-law of 8 November 1965, the United Kingdom proceeded to detach the archipelago and integrate it into a new administration the BIOT, British Indian Ocean Territory ².

5. Despite resolutions 1514 (XV), 2066 (XX) and 2232 (XXI) of the UN General Assembly on the illegal dismemberment of Mauritius territory, the United Kingdom concluded with the United States on 30 December 1966 a 50-year lease renewable on the island of Diego Garcia to create a military base.³
6. The deportation of the Ilois took place from 1966 to 1973. This deportation proceeds in several stages, through intimidation, cutting off resources, access to care and a ban on returning to Diego Garcia once the Chagossians had left the island. This silent deportation coincides with the contemporary definition of **crime against humanity**.
7. The living conditions of the Chagossians since their deportation have deteriorated considerably. The UK, Mauritius and Seychelles have treated the Chagossians with hostility, they consider them "savage", they have had no decent housing or work opportunities. Local people despised them and prevented their gathering.
8. The human rights of the Chagossians were not respected by any ICCPR member states *in contact* with this population (Mauritius, United Kingdom, United States). This report will however focus on the lack of respect of Mauritius towards its ICCPR obligations and will address :
 - a. The failure to respect the right of Chagossian people to self-determination: apart from the deportation and removal of the population from their land, the Chagossians were not able to establish themselves freely and be recognized as an independent people upon their arrival in Mauritius (art.1, International Covenant on Civil and Political Rights);
 - b. The stigmatization of the Chagossians people in Mauritius: hindering their cultural life and the use of their language (art. 27 ICCPR).

C. Failure to respect the right of Chagossian people to self-determination:

a) Unlawful detachment of the Chagos islands in 1965, in contradiction with UNGA resolution 1514

9. In 1960 (five years before the deportation of the Chagossians and the independence of Mauritius), the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV), known also as the Declaration on Decolonization. By this resolution, the General Assembly, considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories, solemnly proclaimed the necessity of bringing colonialism in all its forms and manifestations to a speedy and unconditional end, and in this context, declared, *inter alia*, that all people had a right to self-determination.⁴

² L'analyse de la décolonisation de Maurice sous l'angle du droit à l'autodétermination : entre apports et insuffisances (Cour internationale de Justice, Effets juridiques de la séparation de l'archipel des Chagos de Maurice en 1965, avis consultatif, 25 février 2019), Sarah Jamal, *Annuaire Français de Droit International*, 2019, n°65, pp. 137-158

³ Ibid.

⁴ <https://www.un.org/dppa/decolonization/en/about>

10. It seems unbelievable that the UK and the US, also sitting on the Security Council, can only five years later perpetuate colonization in full view of all.
11. On 22 June 2017 the General Assembly adopted resolution 71/292, in which, referring to Article 65 of the Statute of the Court, it requested the Court to render an advisory opinion on the following questions:

“(a) Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?;

(b) What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a program for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossians origin?”⁵.

12. In its Advisory Opinion delivered on 25 February 2019, the Court concluded that “the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence” and that “**the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible**”⁶.
13. After recalling the circumstances in which the colony of Mauritius agreed in principle to the detachment of the Chagos Archipelago, the **Court considered that this detachment was not based on the free and genuine expression of the will of the people concerned**. It took the view that the obligations arising under international law and reflected in the resolutions adopted by the General Assembly during the process of decolonization of Mauritius required the United Kingdom, as the administering Power, to respect the territorial integrity of that country, including the Chagos Archipelago⁷.
14. The Court concluded that, “**as a result of the Chagos Archipelago’s unlawful detachment and its incorporation into a new colony**, known as the [British Indian Ocean Territory] BIOT, **the process of decolonization of Mauritius was not lawfully completed** when Mauritius acceded to independence in 1968”⁸.

b) Forced displacements of Chagossians to “make room” for the US military Base in Diego Garcia Island

- The project of a military base in Diego Garcia

15. During the cold war, the U.S. began to look at strategic real estate in the Indian Ocean. Stuart B. Barber, an assistant director of the navy’s Long-Range Objectives Group, targeted Diego Garcia “*as most suitable for his strategic islands concept*”. The goal was to anticipate

⁵ <https://www.icj-cij.org/case/169>

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

the independence of former colonial territories in the Southern Hemisphere, then acquire base rights in strategic located islands in order “*to stockpile them for future use as communication, refueling and prepositioning station*”⁹.

16. In 1957, American admirals inspected Diego Garcia. The opportunities of the archipelagos in regard to its biodiversity and military strategic situation (location, isolation and geophysical-meteorological features), conducted US authorities to decide to possess this territory.

- Emptying the island of its population: the deracination

17. Negotiations have been done between Mauritius and United Kingdom to let them keep the British sovereignty on the Chagos islands. The United Kingdom started to depopulate the area because the military base needs to be kept secret and uninhabited.

18. A secret 1966 agreement between the United States and United Kingdom made provision for “those administrative measures” necessary to remove the local population in the territory.

19. At the beginning of 1967, any Chagossians leaving Chagos for regular vacations or medical treatment in Mauritius were prevented from returning to their homes and left stranded in Mauritius. Some Chagossians began leaving for Mauritius as food, medicines, and basic supplies began running low. Other Chagossians report being tricked or coerced into leaving.¹¹

20. In 1971, the U.S. military began construction of military facilities on Diego Garcia and instructed British officials to complete the removals. Later that year, the private company running Chagos for the British, with some assistance from U.S. soldiers, forced all remaining Chagossians in Diego Garcia onto overcrowded cargo ships. Chagossians were generally allowed to take with them a bedding mat and a small box of clothing and personal items. They were forced to leave all other possessions and property, their animals, their homes, and their land in Chagos.

21. The ships left some Chagossians in Chagos’s Peros Banhos and Salomon islands, and others on the docks in Mauritius and Seychelles. During the removal, the company running the islands, with the help of U.S. soldiers, **first poisoned, then shot, and finally gassed and burnt the islanders’ pet dogs massively in a sealed shed where the dogs had been lured.**¹²

22. In 1972 and 1973, the last Chagossians in Peros Banhos and Salomon were removed to Mauritius and Seychelles. They too were forced to leave behind most of their personal belongings and property, their animals, homes, and land. Since 1973, Chagossians have been barred from returning to Chagos by the laws of the BIOT (with the exception of partial

⁹ United States and Britain in Diego Garcia: The Future of a Controversial Base, P. Sand, 2009

¹¹ VINE, David, SOKOLOWSKI, S. Wojciech, et HARVEY, Philip. Dérasiné: The expulsion and impoverishment of the Chagossian people. Unpublished report, 2005.

https://aura.american.edu/articles/online_resource/D_RASIN_Draft_THE_EXPULSION_AND_IMPOVERISHMENT_OF_THE_CHAGOSSIAN_PEOPLE/23888868/1/files/41886786.pdf

¹² Ibid.

access from November 2000 to June 2004). Since this time, Chagossians have lived in Mauritius and Seychelles (independent nations since 1968 and 1976 respectively). The only people living in Chagos have been transient military and civilian contractor personnel working on the military base at Diego Garcia. Although Mauritians have been among the contractor employees, Chagossians have been barred from working on the island.¹³

23. Chagossians arrived on the docks in Mauritius and Seychelles with no resettlement assistance.

c) International decisions and judgements on the Chagos Islands and the lack of prospective right of Chagossians to return

24. An arbitration tribunal established under the United Nations Convention on the Law of the Sea has been called upon to adjudicate a related dispute, concerning the establishment by the United Kingdom in 2010 of a marine protected area in the archipelago's waters. In order to determine whether the creation of this area was lawful under the law of the sea, he was able to recognize the existence of the UK's international commitment to Mauritius, giving it rights over natural resources and a right to return the coveted islands. The court was thus cleverly led to strengthen the Mauritian position.

25. In 2012, the European Court of Human Rights ruled on the case but did not admit the status of victim of the descendants of Chagossians and merely said that the Chagossians can no longer claim reparations because they "accepted" financial compensation. In practice, these financial compensations are negligible amounts, the Chagossians community remains in a situation of poverty in all the cities where they were installed (e.g. Roche Bois in Mauritius, Crawley in the United Kingdom). The Court has not ruled on violations of their human rights, including the right to respect for private and family life (art. 8), freedom of assembly and association (art. 11) or the prohibition of discrimination (art. 14) the Chagossians have suffered from the UK.

26. In 2019, the ICJ clearly stated in its advisory opinion that the decolonization process had not been "*validly carried out*" by separating the Chagos archipelago from Mauritius and that it should end its administration as soon as possible (ICJ, Advisory Opinion of 25 February 2019, *Legal Effects of the Separation of the Chagos Archipelago from Mauritius in 1965*). The UN General Assembly then adopts a new resolution, giving UK six months to withdraw.

27. A maritime boundary dispute with the Maldives then served as a new basis for Mauritius to bring the case to another jurisdiction, the International Tribunal for the Law of the Sea (TIDM), to pronounce indirectly on the question of the Chagos. The Tribunal concluded that Mauritius was the coastal state which could request the delimitation of the continental shelf from the Chagos islands, even though the United Kingdom had not yet withdrawn (TIDM, judgment on preliminary exceptions of 28 January 2021, The delineation of the maritime boundary between Mauritius and the Maldives in the Indian Ocean).¹⁴

¹³ Ibid.

¹⁴<https://www.leclubdesjuristes.com/international/archipel-des-chagos-le-royaume-uni-reconnait-la-souverainete-de-lile-maurice-7278/>

28. Despite these decisions, the Chagossians have never been close to a chance of returning to their land. The situation is urgent because native Chagossians are now elderly people. They must be able to enjoy their rights before they die.

d) Lack of involvement of the Chagossians people in the UK/Mauritius negotiation/legal processes, including for the ICJ advisory opinion process

29. For more than half a century, the people of Chagos have been speaking out and peacefully demanding the liberation of their island and respect for their rights, without any response being given.

30. They are excluded from all negotiations between the United Kingdom and Mauritius. The few times they were invited to speak, their opinion was not taken into account.

31. As an economically important state in Africa, Mauritius pursues its own interests and does not specifically intend to participate in improving the life conditions of the Chagossians.

32. **The Chagossians have also repeatedly called for a referendum to decide their fate, but it has never taken place.**

33. Many demonstrations happen, always in a peaceful manner, but the authorities used force against the Chagossians who were entitled to protest during protests in London, Mauritius and Seychelles.

e) Continuing US military occupation of the Diego Garcia Island and the negotiation of the US/Mauritius agreement excluding the participation of the Chagossians people

34. In October 2024, the UK announced it would hand over sovereignty of the islands to Mauritius but would **maintain a 99-year lease** over the UK-US military airbase on the largest island, Diego Garcia.

35. The US will be present at talks over the future of the Chagos Islands, which has been the subject of a controversial deal between Mauritius and the UK, the Mauritian prime minister has said.¹⁵

36. **However, Chagossians were not consulted in the negotiations.**

37. In 2025, representatives from Mauritius and the UK held further discussions in London on the future of the Chagos Archipelago. Both countries reiterated their commitment to concluding a treaty providing that Mauritius is sovereign over the Chagos Archipelago; “and that would ensure the long-term, secure and effective operation of the base on Diego Garcia”.¹⁶

38. This agreement is just a cover to continue the illegal exploitation of the military base on the island. UK hide behind Mauritius to keep its control and sovereignty on Chagos islands.

¹⁵ <https://www.bbc.com/news/articles/c78xpxpx005o>

¹⁶ <https://www.gov.uk/government/news/uk-mauritius-joint-statement-on-the-chagos-archipelago-13-january-2025>

This treaty of retrocession is a complete violation of international commitments and warring the UN Charter.

f) Conclusion and suggestion of question for the LOIPR

39. The right to return should be particularly granted for native Chagossians. They also should have the right to ending their days in the land where they born. The voice of Chagossians interests should be represented in any treaty negotiation on the Digo Garcia island between Mauritius, UK and US. *In fine*, Chagossians should be able to establish their fate, including and through the recognition of their autonomy or even independence.

40. We respectfully request the Committee to ask the following questions in its upcoming LOIPR:

Please provide detailed information on the measures taken to ensure respect for the right to self-determination of the Chagossians people, in particular regarding their right to return to the Chagos Islands, including Diego Garcia. In this regard, please describe the steps taken to guarantee their meaningful participation in the negotiation process between the United Kingdom and Mauritius concerning the return of the Chagos Islands.

Furthermore, please provide information on any negotiations related to agreements, including treaties, that may affect the military control of Diego Garcia by the United States and/or the United Kingdom. Please clarify the measures taken to ensure transparency and the participation of the Chagossians people in any such discussions.

D. Article 27 of the ICCPR: the Chagossians people' marginalization

a) The Chagossians people qualifies as a minority in the sense of article 27 of the ICCPR

41. Chagossians are an ethnical minority group in Mauritius and Seychelles. They have their own culture, tradition, music, food and language.

- Chagos Segga Tambour listed as an intangible cultural heritage by UNESCO:

42. "Like other Segga music, it is born from slavery and sung in Chagossians Creole particular to the islands. Segga tambour Chagos is a gentle, vibrant and rhythmic performance of music, song and dance based on the 'tambour' – a large, circular instrument that is heated and then played to produce throbbing beats – which provides the basic rhythm. The lyrics consist of everyday experiences, often composed spontaneously, including narrations of sadness, happiness and rebellion. Segga tambour Chagos is also accompanied by traditional food and drink.

43. Nowadays, new lyrics have been created associated with the nostalgic past and motherland, rooted in an experience of dislocation to ensure young people do not lose their roots and

pride. However, despite efforts to safeguard the element, there are numerous threats to its viability. For example, while elder generations continue to perform the element in its traditional form, young people are moving towards other forms of music.

44. One major threat is the passing away of elders familiar with the landscape associated with the practice. Equally, with their displacement to a new land, people have faced challenges such as poverty and a lack of community cohesiveness, leading to some loss of memory and interest in the practice.”¹⁷

- Poem and Chagossians Segá:

45. One of the songs is a perfect illustration of the usual themes noted among displaced populations as classified by Cohen. *Bourik mo tonton*, a song written by Peros Banhos native Claude Lafoudre, who left his island in 1965 when he was six years old:¹⁸

| | |
|---|--|
| <i>Gran tonton raconter so lavi déraciné</i> | Le grand oncle raconte qu’il est un déraciné |
| <i>Li pa ti espere si enn zour li pu kitt so la ter natal</i> | Il n’espérait pas qu’un jour qu’il quitterait sa terre natale |
| <i>Bato Nordvaer ti vini pu vinnpran zott pu ale</i> | Le bateau <i>Nordvaer</i> est venu les prendre |
| <i>Ça zour ki embarke lors bato regre dan leker, larm kule</i> | Les regrets au cœur le jour de l’embarquement les larmes qui coulent |
| <i>Mo tonton so bourik, sa ban zanimalo ki li ti ena finn res la ba</i> | L’âne de mon oncle et ses autres animaux sont restés là-bas |
| <i>So la rap ki ti habitie rap coco</i> | Sa râpe pour râper les noix de coco |
| <i>So marmite ki li ti habitie cuit séráz</i> | Sa marmite où il cuit son <i>séráz</i> |
| <i>Tou finn res la ba – Oh oh oh !</i> | Tout est resté là-bas – Oh ! Oh ! Oh ! |

46. **Chagossians culture was split and fade in Mauritius. Their living conditions haven't allowed them to perpetuate their culture and tradition as an ethnical marginalized minority.**

47. Chagossian experienced ethnic discrimination:

- 50% of 1st generation report job and other discrimination in exile;
- 66% of 1st generation report verbal abuse from host populations;
- Compounding discrimination for most Chagossians as people of African descent;

¹⁷ <https://ich.unesco.org/en/USL/segá-tambour-chagos-01490?USL=01490>

¹⁸ Bruno Cunhiah. Le sagren et l’exil à travers la culture musicale des Chagossiens. *Revue historique de l’océan Indien*, 2017, Migrations, migrants et exils Dans les pays de l’Indianocéanie XVIIe-XXe siècles, 14, pp.218-231. fffhal-03260655f

- Exclusion from employment on the military base at Diego Garcia, while Mauritians, Filipinos, and others work as civilian contractors”.¹⁹

b) The lack of recognition by Mauritius of the minority status of Chagossians people

48. They were marginalized and put in a difficult situation without no home, no work and no psychological support.
49. Faced with the trauma of eviction, socio-economic marginalization, food insecurity, loss of a way of life and psychological fragmentation associated with unemployment, the Chagossians, who are mostly illiterate, find in their music culture a way to evoke their daily lives. While they have been deprived of everything that made up their lives, they use words and sounds familiar to them to evoke the tragedy.²⁰

“Sadness is often considered the most normal and appropriate expression of grief. But anger, reaction depression, irritability, annoyance, intolerance and frustration are also common reactions that can be exacerbated by sleep deprivation, ongoing changes in lifestyle and responsibilities, difficulties in administering care or fear of separation and the unknown”. – Katherine Murray, *Les nombreuses facettes du deuil*

50. The mourning is a main factor in the deportation of the Chagossians, because no authority, whether it be the Americans, the British, the Mauritians or the Seychellois, takes into account the effects of exile on a people. In light of the voluminous literature that exists on this forced displacement, it becomes clear that we are talking about an episode of history that all the protagonists have tried to minimize. In such a context, the effects of the expulsion of a people from its archipelago is an issue that has no place at the table.²¹
51. Moreover, in 1965, in a memo addressed to the Foreign Ministry by Sir Bruce Greatbatch, then governor of the Seychelles, it is obvious that the people of the Chagos do not enjoy any consideration from the colonial power: « These people have little aptitude for anything other than growing coconuts (...) they are unsophisticated and untrainable. In other words, from the very beginning of the project, the people of the Chagos are perceived as sub-men. From this observation, it will be easy for the colonial authorities to deny them any land rights.”²²

56. Chagossians worked for Mauritians at very low wages (30 rupees a month) doing jobs that Mauritians did not want to do (domestic, physical work), Chagossian children began working from the age of 12. Children was not allowed to going in public school il Mauritius.

¹⁹ VINE, David, SOKOLOWSKI, S. Wojciech, et HARVEY, Philip. Dérasiné: The expulsion and impoverishment of the Chagossian people. Unpublished report, 2005.

²⁰ Bruno Cunniah. Le sâgren et l'exil à travers la culture musicale des Chagossiens. *Revue historique de l'océan Indien*, 2017, Migrations, migrants et exils Dans les pays de l'Indianocéanie XVIIe-XXe siècles, 14, pp.218-231. hal-03260655

²¹ Ibid.

²² Ibid.

c) Conclusion and suggestion of question for the LOIPR

57. We respectfully request the Committee to ask the following questions in its upcoming LOIPR:

Please provide information on whether Mauritius recognizes the Chagossian people as a minority group under Article 27 of the Covenant. What measures have been taken to preserve and promote their distinct culture, traditions, language, and identity, including their recognized intangible cultural heritage.

Please provide information on steps have been taken to address Chagossian stigmatization compounded by their African descent, including to combat discrimination, ensure equal access to employment, and prevent further marginalization?

Please provide information on measures to ensure that Chagossians are meaningfully consulted and involved in decisions affecting their rights.

Please provide information on any project to adopt measures addressing past injustices suffered by Chagossians, including reparations or guarantees of non-repetition.

Annexes

Below extract of photos from “Dérasiné: The expulsion and impoverishment of the Chagossians people. Unpublished report, 2005.” (VINE, David, SOKOLOWSKI, S. Wojciech, et HARVEY):



Figure 1. Box used to carry possessions from Chagos, with owner in background, Cassis, Mauritius. 2002.⁶



Figure 3. Chagossian housing, Cassis, Mauritius. 2002.



Figure 4. Dirt pathway among Chagossian homes, Cassis, Mauritius. Note fence is at left, side of Chagossian home at right. 2004.



Figure 8. "Even when trying, you're stuck," (old Mauritian Kreol proverb), Roche Bois, Mauritius. 2002.

