

Actualité

HUMAN RIGHTS ISSUES

UN climate resolution carries major importance for Mauritius and vulnerable island nations

A landmark resolution adopted on the 20th of May by the United Nations General Assembly is being qualified as a major turning point in the global fight against climate change particularly for vulnerable island nations such as Mauritius. The resolution, adopted with overwhelming international support, received 141 votes in favour, including the vote of Mauritius. The strong backing reflects growing recognition that climate change is no longer only an environmental issue, but also a matter of international law, justice, accountability, and human rights.

The United Nations Secretary-General, António Guterres, described the resolution as “a powerful affirmation of international law, climate justice and science”, stressing that countries can no longer ignore the escalating dangers posed by climate change. The resolution comes at a particularly significant moment following a landmark advisory opinion delivered in July 2025 by the International Court of Justice (ICJ), the principal judicial body of the United Nations. In the said historic ruling, the Court declared that States have obligations under international law to protect the environment from greenhouse gas emissions and environmental harm. The decision was widely welcomed across the world, with Secretary-General Guterres describing it as “a victory for our planet”.

Importantly, the ICJ also stated that where States fail to meet these obligations, they may be held legally responsible. Countries breaching their environmental duties may be required to stop the harmful conduct, guarantee that such actions will not be repeated, and in some circumstances provide reparations for the damage caused. For Mauritius, these developments carry particular importance. As a Small Island Developing State, Mauritius contributes very little to global greenhouse gas emissions, yet it remains highly vulnerable to the effects of climate change. Rising sea levels, coastal erosions, stronger cyclones, flash floods, coral bleaching, biodiversity loss, and changing rainfall patterns already pose serious risks to the country's environment, economy, and population.

These threats can no longer be ignored. Many coastal communities in Mauritius are increasingly exposed to erosion, the area of



by Melany NAGEN,
Deputy Chairperson of the National
Human Rights Commission



Many seaside communities in Mauritius are increasingly exposed to coastal erosion. Pomponette Beach, pictured last Thursday, is an example.

Tamarin being currently living evidence of erosion, together with clear instances of floodings with loss of lives in recent years, even threatening homes, infrastructure, tourism facilities, and livelihoods. Beaches, lagoons, and coral reefs which are central to both the tourism industry and marine ecosystem continue to face growing pressure due to warming oceans and environmental degradation. In addition, climate instability is affecting fishermen, small planters, and vulnerable families whose livelihoods depend directly on stable environmental conditions. Agriculture, fisheries, water resources, and food security are increasingly being impacted by unpredictable weather patterns and environmental stress.

The UN resolution strongly reinforces the principle of “climate justice”, which

is especially relevant for countries like Mauritius. Climate justice recognises that nations least responsible for global pollution are often those suffering its harshest consequences. This strengthens the position of Mauritius and other vulnerable island nations when advocating for stronger international climate action, increased climate financing, and greater accountability from major polluting countries.

Mauritius has consistently supported international efforts aimed at environmental protection and sustainable development. Its vote in favour of the resolution reflects the country's continued commitment to multilateral cooperation and the protection of future generations. The ICJ ruling may also have important future legal implications. Recognising environmental protection as a legal obligation of States, the decision influences future court cases, environmental legislation, and international negotiations concerning climate change.

For Mauritius, this may provide stronger support for national efforts relating to renewable energy, coastal and marine protection, and climate justice policies. Importantly, the resolution and the ICJ ruling also reinforce the growing understanding that environmental protection and human rights are closely interconnected. Climate change increasingly affects rights linked to health, housing, food security, access to clean water, livelihood, equality, and human dignity. Environmental and human rights advocates worldwide have welcomed the developments as a major shift in global thinking. Climate change is now increasingly being treated not merely as an environmental concern, but as an issue of justice, responsibility, and protection of future generations.

Although the General Assembly resolution itself is not legally binding, together with the ICJ's landmark ruling, it sends a powerful international message, i.e. States can no longer ignore their environmental responsibilities without growing legal, political, and moral consequences. For Mauritius, the message is especially significant: protecting the environment is no longer solely a policy decision but is increasingly becoming part of a broader international legal and human rights obligation essential to the country's future survival and development.

l'express

NATIONAL
HUMAN
RIGHTS
COMMISSION
— Dignity for all —

Silence is not dishonesty:
The case for trauma-informed migration

■ Before a migrant becomes a legal category, they are a human being

The first line of the Universal Declaration of Human Rights does not say *some* members of the human family are entitled to dignity. It says *all*. That word – small, unambiguous, radical – has never been more important to recall than when we talk about migration.

Human dignity, as scholar Otto Spijkers puts it, is “the state or quality of being worthy of honour or respect by virtue of being human”.

Not by virtue of holding the right passport.

Not by virtue of having crossed the right border.

It is simply inherent. It travels with us, even when everything else has been stripped away.

And yet we keep forgetting the human.

We forget the human when migrants build our roads, clean our homes, care for our elderly, and staff our bakeries and construction sites – yet are underpaid, overcrowded, and silenced. We forget the human when a child who has crossed every conceivable danger is processed first as an immigration case and, only later, if at all, as a child. We forget the human when a woman forced into exploitation is seen as complicit before she is seen as suffering.

When we forget the human, migration governance may become administratively efficient. But it loses its soul, leading us to question whether the system aligns with the principle the forefathers of the Universal Declaration of Human Rights so clearly stated – human dignity is the foundation of freedom, justice, and peace in the world.

Here is why that matters in practice.

Many migrants do not arrive only with luggage. They arrive with invisible wounds. Some have survived wars. Some have survived trafficking. Some have watched loved ones die in front of them. Trauma changes the way people function: it alters memory, it distorts timelines, it can make a person go silent precisely when they are being questioned most intensely. If the systems designed to assess them are not trauma-informed, we will consistently misread pain as dishonesty, shock as non-cooperation, silence as guilt.

And so the victim becomes, once again, the accused.

The Global Compact for Safe, Orderly and Regular Migration already enshrines a human rights-based approach. That is progress. But rights on paper are only as strong as the human interactions that give them life. It is time to go a step further and ask whether our migration systems are genuinely trauma-informed – not as a luxury, but as a baseline for any system that claims to be just.

What does a trauma-informed approach actually look like?

It begins with different questions. Not “*what is your visa status?*” as the



by Deepti THAKOOR, barrister-at-law

opening line to someone who has just survived a sea crossing, but: “*Are you safe? Do you need water, food, rest?*” It means private interview rooms rather than open counters. It means child-sensitive procedures that account for how young people process and recount experience. It means ensuring that a victim of trafficking who finds the courage to report their exploitation is not then criminalised and deported for irregular entry. It means, above all, establishing trust before demanding a coherent narrative – because once trust is established, the story will unfold.

None of this requires abandoning border governance. A trauma-informed approach is not an open-borders argument. It is an argument for making governance more accurate, more humane, and, ultimately, more just. And it does not necessarily have to cost more money. What it requires is a fundamental shift in the way we train the people who stand at the intersection between the state and the migrant: immigration officers, police, labour inspectors, social workers. National human rights institutions are well-placed to become a bridge between governments and civil society in building that capacity.

We should also stop underestimating the resources already present in our communities. Diaspora groups and faith associations provide enormous, largely unrecognised support to migrants navigating this transition. A fragmented approach – where government agencies, NGOs, and community networks operate in silos – is no longer tenable. Coordination is not a bureaucratic nicety; it is what transforms a system of processing into a system of care.

The debate around migration is rarely short of heat. What it is often short of is humanity. Before we debate quotas, categories and compliance rates, we might pause to remember what the founders of the post-war international order understood clearly: that human dignity is not merely a value among values. It is, in their own words, “the foundation of freedom, justice, and peace in the world”.

A migrant is a human being first. Everything else – the paperwork, the procedures, the policy frameworks – comes after.

‘Ecocide’: when harm to nature becomes a crime

IN April, Parliament created an offence new to our law: ecocide. This significant step was made through the Anti-Money Laundering, Combatting the Financing of Terrorism and Countering Proliferation Financing (Miscellaneous Provisions) Act, which, amongst others, amended the Environment Act 2024. With this, Mauritius now belongs to a small, but growing, group of states that treat the gravest destruction of nature as a crime in its own right.

Our law defines ecocide as an unlawful or wanton act committed with knowledge that there is a substantial likelihood of severe, and either widespread or long-term, damage to the environment. A person convicted may face penal servitude of up to ten years, together with orders to restore the damage or to pay compensation for it.

The word ‘ecocide’ is not new. The biologist Arthur Galston coined it in 1970 to describe the destruction caused by the spraying of Agent Orange during the Vietnam War. He framed it as a companion concept to genocide: just as the law had come to punish the deliberate destruction of a people, it should punish the deliberate destruction of the environment in which a people lives. At the Stockholm Conference on the Human Environment in 1972, the idea entered international debate. Yet when the Rome Statute of the International Criminal Court was negotiated in the 1990s, ecocide was left out.

The concept has been revived over the past decade. In 2021, an independent panel of jurists led by Philippe Sands, King's Counsel, proposed the legal definition that Mauritius has now adopted almost word for word. In 2024, Vanuatu, Fiji, and Samoa



by Najah AHMED, Deputy Chairperson
National Preventive Mechanism Division

formally asked that ecocide be added to the Rome Statute as a fifth international crime, in addition to genocide, war crimes, crimes against humanity, and aggression. That proposal remains under consideration, so for now ecocide exists in national law well before it exists in international law.

Where does it belong? In form, it is a criminal offence. But it does not sit neatly within familiar categories. Unlike most crimes, its central concern is not a human victim, but the environment itself. It is best understood as a bridge between environmental law and criminal law, drawing on both without belonging completely to either. It also speaks to human rights. The protection of the environment cannot be separated from the rights to life, to health, and to an adequate standard of living. As

the International Court of Justice put it, “the environment is not an abstraction but represents the living space, the quality of life, and the very health of human beings, including generations unborn”. Recognising ecocide gives affected communities a route to redress when that living space is destroyed.

The concept carries real difficulties. The thresholds of severe, widespread, and long-term harm must each be proven. The offence reaches individuals rather than companies directly, and knowledge of likely harm can be hard to establish. For Mauritius, the timing is telling. As the forthcoming Constitutional Review Commission considers how the rights of Nature might be written into the Constitution, the new offence shows the law already beginning to speak for the environment.

When the *MV Wakashio* broke apart off Pointe-d'Esny in 2020, close to 1,000 tonnes of fuel oil reached a protected lagoon. Yet only the captain and first officer were charged, and under maritime law. Although civil proceedings against the relevant companies continue to be contested, criminal responsibility remains limited in scope. As former magistrate Valentine Mayer has observed in *l'express*, ecocide would shift the law's focus from the narrow circle of sailors towards the executives, investors, and officials whose decisions shape such disasters. That picture is confirmed by Marcos Orellana, the UN Special Rapporteur on toxics and human rights, whose report on Mauritius found that the spill left unresolved questions of accountability and remedy. Had ecocide existed as an offence in 2020, those questions need not have sunk with the ship.

CONTACTS UTILES

Pour toute information, accompagnement ou dépôt de plainte, voici les coordonnées essentielles de la NI-HRC

Adresse : 3^e étage, Èbène Heights, Èbène

● Secrétariat de la Commission — Tel: 460-5148
Email: mhrcdbs@intnet.mu
Fax: 468-6206

● Human Rights Division — Tel: 460-5148
Email: hrd-nhrc@govmu.org
Fax: 468-6241

● National Preventive Mechanism Division — Tel: 460-5151
Email: npmd-nhrc@govmu.org
Fax: 468-6233