

**REPORT ON THE WHC/ICOMOS REACTIVE MONITORING MISSION TO  
LE MORNE CULTURAL LANDSCAPE (MAURITIUS)**

**26 January to 2 February 2016**



Aerial view of Le Morne Cultural Landscape © UNESCO/E. Moukala

**Aerial view**



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## ACRONYMS AND ABBREVIATIONS

1. ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
2. ICOMOS	International Council on Monuments and Sites
3. HIA	Heritage Impact Assessment
4. LMHTF	Le Morne Heritage Trust Fund
5. NHF	National Heritage Fund
6. NMCAC	Nelson Mandela Centre for African Culture
7. NPCS	National Parks and Conservation Service
8. UNESCO	United Nations Educational, Scientific and Cultural Organization
9. OUV	Outstanding Universal Value
10. WHL	World Heritage List
11. WHS	World Heritage Site

## EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

Le Morne was proclaimed as a National Heritage site under the National Heritage Fund Act in 2003, and inscribed on the World Heritage List as Le Morne Cultural Landscape (No 1259) in 2008. The inscription and preservation of Le Morne Cultural Landscape is regarded as a highly positive development in Mauritius; it has created an important heritage focus on the island and this has successfully promoted the historical and cultural identity of the Creole community by valorizing their association with a specific place and a specific set of historical events. This is a positive development both in the sense of recognition and preservation of World Heritage and in the sense of nation-building in Mauritius. It is also important because it places Le Morne and descendant maroon communities and their history within the context of a global network of sites linked with the trade in slaves. This global network has been given particular prominence through the UNESCO Slave Route Project and so Le Morne fits well into an on-going heritage project that creates links between many different nations and their historical experience.

In 2010, during an ICOMOS evaluation mission for the cadastral monitoring of the property boundaries, carried out to advise on the demarcation of the boundaries of the property and its buffer zone, discrepancies in the geodesic coordinates were observed with regard to some of the 27 reference points on the boundaries of the property and buffer zone. The discrepancies ranged from 0.5 m to 30 m. The mission noted that 12 houses in the village of Le Morne were inside the buffer zone, whereas the initial plan indicated that the whole village was located outside the buffer zone. In order to comply with the actual boundaries of the village and its cadastral plan, the boundaries of the buffer zone to the north-east of the village were modified. The area of the buffer zone was reduced by 2 hectares, from 2407 ha to 2405 ha. The minor modification to the boundaries of Le Morne Cultural Landscape was approved accordingly as reflected in Decision 35 COM 8B.50.

In 2015, further to the recommendation of the World Heritage Committee to the State Party at the time of inscription, to strengthen the management system for the property, including the approval of the Management Plan (32 COM 8B.18), the Committee took note of the efforts made by the State Party to revise the Management Plan and requested it to provide this revised Management Plan and all its annexes to the World Heritage Centre, once approved.

The mission also noted that legal challenges had been filed by Société Le Morne Brabant Ltd company in relation to the proposed Trochetia development. This proposed large scale development situated within the property could have an adverse impact on the OUV of the property (a visual impact and possibly a physical impact on the Makak archaeological site). It is worth noting that Société Le Morne Brabant Ltd company may consider changing their development plans as the legal case proceeds, while the full extent of the Makak archaeological site is not known and cannot be determined because Société Le Morne Brabant Ltd has refused so far any access to the land they own. The Committee requested the State Party to inform the World Heritage Centre on the outcome of this hearing, and requested the State Party to invite a joint World Heritage Centre/ICOMOS Reactive Monitoring mission to the property, as soon as possible, to assess the development pressures and the overall conservation of the property, Decision : 39 COM 7B.42.

In response to the request of the World Heritage Committee at its 39th session in Bonn (June 2015) (Decision 39 COM 7B.42), the State Party of Mauritius invited a joint World Heritage/ICOMOS reactive monitoring mission to Le Morne Cultural Landscape from 26 January to 1 February 2016, to understand how the various legislative and planning frameworks in place have been enforced, and to assess progress with the revision of the management plan, and the creation of sub-plans, as requested by the Committee.

The mission team, composed of Mr John Kinahan (ICOMOS) and Edmond Moukala (WHC), explored also whether the mountain and its setting have been managed as an entity, as set out in the ICOMOS

evaluation. In relation to Société Le Morne Brabant Ltd's proposed Trochetia development in Makak, within the property, the mission considered (1) the archaeological significance of the site as shown by archaeological investigations in 2007; (2) the planning history of the site, including the lack of access given by the developers and its implications for management and access; (3) the challenges heard by the Supreme Court in July 2015, and the outcome of that hearing and its implications. The mission also considered the state of conservation of the property and the effectiveness of the protection and management regimes, and whether a tourism strategy is needed.

Since inscription of the property on the World Heritage List, concerns have arisen on the status of new development projects within the property and buffer zone and the implementation of Heritage Impact Assessments, as noted by the Committee in Decision 39 COM 7B.42. There has also arisen a legal dispute in which one party, namely Société Le Morne Brabant Ltd, is apparently seeking some sort of financial compensation. The company asserts that contrary to what was reported at the time of inscription when the property was said to be mainly State owned, (while the buffer zone included private owners), it is now stated that the property contains land owned by private owners and companies as well as by the State. The mission was told that the legal dispute has had implications for conservation, property management, for the enforcement of planning guidelines, for access, and for the development of heritage activities at the property. As few details of the legal dispute were provided to the mission, it is not clear on what grounds the company considers itself to have been financially disadvantaged nor how its disputes relate to whether or not the land in the property is entirely owned by the State. The issue of ownership is not, per se, an issue for the World Heritage Committee, rather it is the sole responsibility of the State Party as stipulated in the Paragraph 15 of the Operational Guidelines for the Implementation of the World Heritage Convention. Also it should be noted in relation to the supposed limitation of their right to develop land- holdings invoked by Société Le Morne Brabant Ltd following the inscription of Le Morne Cultural Landscape, such limitations were in effect already in place before inscription by virtue of the fact that the area had been proclaimed a National Heritage site.

It is clearly important that the impasse between the Government of Mauritius and the plaintiff is resolved in a definitive and harmonious manner. While the legal dispute continues, it is recommended that the Le Morne Heritage Trust continues to manage and conserve the property to the fullest extent possible under the circumstances. This should include:

1. Pursuing efforts to gain permission from the Société Le Morne Brabant Ltd group to access the Makak site (see section 4) for purposes of archaeological research. Without detailed archaeological research on the Makak site, a critical part of the history of Le Morne will remain unknown. The site which, has been so far inadequately studied, lies within the buffer zone of Le Morne Cultural Landscape. This is but one of a large number of archaeological sites which provide unique evidence of the relationship between maroon communities and the landscape setting of Le Morne. Investigations so far have demonstrated on the basis of spatial data that the sites formed an integrated social landscape, and detailed studies of individual sites have determined the potential for future research. With the possible exception of Makak, the Le Morne archaeological sites are individually of low to moderate research significance. Their value lies in their combination as a system of linkages over the landscape, integrating terrain, resources and strategy of survival. Advanced techniques of geo-prospection have not been widely applied on the sites and nor has geochemical assay, but the available results are encouraging. This, combined with the results of excavations in the cemetery site at Le Morne should be seen in the context that it occupies a unique place in the field of archaeological research focussed on the African slave trade. It is proposed that the Le Morne Heritage Trust should consider the possibility of eventually acquiring the Makak site as a possible visitor centre and point of entry to the Le Morne property. The archaeological site is ideally situated on the

approaches to le Morne from the north and will be of optimal interest and value if combined with visitor facilities and an information centre. This will ensure that the visitor approach from the north has a real “sense of arrival”, something that is lacking at the moment.

2. The Government of Mauritius should proceed from its position of responsible entity and main authority (Le Morne being an inscribed World Heritage site) to explore options for the resolution of the dispute that are in its favour, through inclusive dialogue.
3. At the same time the State Party should revoke the “perpetual leases” as originally proposed in the nomination dossier.
4. Key points on the boundaries as well as intersection points on access and through roads should be clearly marked on the ground with properly labelled bollards or similar markers (as an aid to management and visitors).
5. The Reactive Monitoring Mission noted that several luxury hotels had been approved in the buffer zone before inscription.
6. The mission also noted the concerns raised in the Le Morne Local Economic Development Plan regarding the shortage of land at Le Morne village, comprising many descendants of the maroon community. The mission considered that planning guidelines should be re-considered to allow reasonable and controlled expansion of the village by its inhabitants.

## 1. BACKGROUND TO THE MISSION

### 1.1 Inscription history

The Statement of OUV adopted at the time of inscription states:

#### **Brief Synthesis:**

Le Morne Cultural Landscape is an exceptional testimony to maroonage or resistance to slavery in terms of the mountain being used as a fortress to shelter escaped slaves, with physical and oral evidence to support that use. Le Morne represents maroonage and its impact, which existed in many places around the world, was demonstrated so effectively on Le Morne mountain. It is a symbol of slaves' fight for freedom, their suffering, and their sacrifice, all of which have relevance beyond its geographical location, to the countries from which the slaves came - in particular the African mainland, Madagascar, India, and South-east Asia- and represented by the Creole people of Mauritius and their shared memories and oral traditions.

**Criterion (iii):** The mountain is an exceptional testimony to maroonage or resistance to slavery in terms of it being used as a fortress for the shelter of escaped slaves, with evidence to support that use.

**Criterion (vi):** The dramatic form of the mountain, the heroic nature of the resistance it sheltered, and the longevity of the oral traditions associated with the maroons, has made Le Morne a symbol of slaves' fight for freedom, their suffering, and their sacrifice, all of which have relevance beyond its geographical location, to the countries from which the slaves came - in particular the African mainland, Madagascar and India and South-east Asia.

The values of the property, in relation to the shelter of the maroons and their attempts to escape to freedom, extend beyond the main bulk of the mountain to the foothills and coast. Only the mountain is in the property and its spiritual qualities extend well into its surroundings. To preserve the integrity of the mountain means considering the property and buffer zone as a management unit. There is no doubt over the authenticity of the remains of maroon settlements on the mountains nor of the strong associations between the maroons and the mountain which are now known and valued far beyond the area.

The legal protection in place is adequate for the property; the Planning Policy Guidance for the buffer zone needs to be rigorously enforced. The current Management Plan is a good framework document, but needs to be augmented with detailed sub-plans and extended to address the marine environment of the buffer zone. The management system for the property should include professional staff with conservation and other appropriate disciplines and capacity building programmes.

In 2008, at the inscription of the property, the Committee at its 32nd session:

Recommended that the State Party:

- a) increase the management system for the property to include professional staff with conservation and other appropriate disciplines and through capacity building programmes
- b) improve the Management Plan through the development of sub-plans which identify actions and resources, particularly relating to protection of the buffer zone;
- c) include the monitoring of views, appropriate awareness of and respect for oral traditions, and the marine environment in the monitoring programme.

Requested the State Party to:

- a) enforce the Planning Policy Guidance for developments in the buffer zone and refrain from approving any developments in the property;
- b) develop a comprehensive analysis on the implication of building heights in the buffer zone and the villages of Coteau Raffin and La Gaulette on the Outstanding Universal Value of the property;
- c) establish a regular monitoring mechanism on the key views and sight axis of the property.

## **1.2 Examination of the state of conservation by the World Heritage Committee**

In 2010, during an ICOMOS evaluation mission for the cadastral monitoring of the property boundaries, carried out to demarcate the boundaries of the property and its buffer zone, discrepancies in the geodesic coordinates were observed on some of the 27 reference points on the boundaries of the property and buffer zone. The discrepancies ranged from 0.5 m to 30 m. The mission noted that 12 houses in the village of Le Morne were inside the buffer zone, whereas the initial plan indicated that the whole village was located outside the buffer zone. In order to comply with the actual boundaries of the village and its cadastral plan, the boundaries of the buffer zone to the north-east of the village were modified. The area of the buffer zone was reduced by 2 hectares, from 2407 ha to 2405 ha. The minor modification to the boundaries of Le Morne Cultural Landscape was approved accordingly as reflected in Decision 35 COM 8B.50.

## **1.3 Mission objectives**

In 2015, further to the recommendation of the World Heritage Committee to the State Party at the time of inscription to strengthen the management system for the property, including the approval of the Management Plan (32 COM 8B.18), the Committee took note of the efforts made by the State Party to revise the Management Plan and requested it to provide this revised Management Plan and all its annexes to the World Heritage Centre, once approved. It also noted that the legal challenges that have been filed by Le Morne Brabant Ltd IRS Co Ltd (LMB) (former Trochetia development), which could have an impact on the OUV of the property, requested the State Party to inform the World Heritage Centre on the outcome of this hearing, and requested the State Party to invite a joint World Heritage Centre/ICOMOS Reactive Monitoring mission to the property, as soon as possible, to assess the development pressures and the overall conservation of the property, Decision : 39 COM 7B.42.

In response to the request of the World Heritage Committee at its 39th session in Bonn (June 2015) to the State Party of Mauritius to invite a joint World Heritage/ICOMOS reactive monitoring mission to Le Morne Cultural Landscape (Decision 39 COM 7B.42), and further to the letter of invitation received from The State Party dated 31 August 2015, a joint mission was organized to the World Heritage property between 26 January to 1 February 2016, and the mission met with national and local authorities, representatives of local communities and other relevant stakeholders, in order to understand how the various legislative and planning frameworks in place have been enforced, as requested by the Committee, since the time of inscription, in relation to the property and its buffer zone. The mission also assessed the progress with the revision of the management plan, the creation of sub-plans, as requested by the Committee, the monitoring regime inducing of views, and the marine environment, and the effectiveness of these instruments, particularly in relation to the protection in the buffer zone and how 'tight' constraints are and have been in that area.

The mission team composed of Mr John Kinahan (ICOMOS) and Edmond Moukala (WHC), explored also whether the mountain and its setting have been managed as an entity, as set out in the ICOMOS evaluation. In relation to the Le Morne Brabant Ltd IRS Co Ltd (LMB) proposed development in Makak, within the property, the mission considered:



- The archaeological significance of the site as shown by archaeological investigations in 2007;
- The planning history of the site, including the lack of access by the developers and its implications for management and access;
- The challenges heard by the Supreme Court in July 2015, the outcome of that hearing and its implications.

The mission also considered the state of conservation of the property and the effectiveness of the protection and management regimes, and whether a tourism strategy is needed.

## **2. NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY**

Le Morne was proclaimed as a National Heritage site under the National Heritage Fund Act in 2004, and inscribed on the World Heritage List as the Le Morne Cultural Landscape (No 1259) in 2008. Since the inscription some concerns have arisen, such as the status of new development projects within the buffer zone and the implementation of heritage impact assessments. There has also arisen a legal dispute in which one party, namely Société Le Morne Brabant Ltd, is apparently seeking some sort of financial compensation. The company asserts that contrary to what was said at the time of inscription, when it was reported that that the property was mainly State owned while the buffer zone included private owners, it is now said to be the case that the property contains land owned by the State and by private owners and companies. The mission was told that the situation apparently has had some implications for conservation, property management, for the enforcement of planning guidelines, for access, and for the development of heritage activities at the property. As few details of the dispute were provided to the mission, it is not clear on what grounds the company considers itself to have been financially disadvantaged, nor how its disputes relate to whether or not the land in the property is all owned by the State. The issue of ownership is not, per se, an issue for the World Heritage Committee, rather, it is the sole responsibility of the State Party as stipulated in the Operational Guidelines for the Implementation of the World Heritage Convention Para 15.

The following report does not address the legalities themselves, focusing instead on the decisions and documentation related to the inscription of the property, and which apparently led to the dispute, as well as the implications of the dispute for the conservation of the property.

## **3. IDENTIFICATION AND ASSESSMENT OF ISSUES**

### **3.1 Cadastre, property registration and ownership issues**

Property cadastre data included as part of the nomination dossier has been augmented, as indicated in the State of Conservation Report of 2015 (Ref: 1259bis) and a master diagram entitled “New Area for ‘Le Morne Site’ (WH property area)” has been produced by the Survey Division, Ministry of Housing and Lands (2005). The diagram resolves issues related to the buffer zone boundary in relation to the village of Le Morne; it indicates and identifies the precise location and extent of hotel developments within the buffer zone; and it presents a register of all 103 privately owned land parcels within the property, as well as State Land within the property. This more detailed information may require that the State Party submit a boundary clarification.

It is claimed by Le Morne Brabant Ltd IRS Co Ltd (LMB), the plaintiff in the dispute with the State

Party, that the Société Le Morne Brabant Ltd Mountain Reserves are held by them under “perpetual lease”, for purposes of grazing. The Survey Division map referred to above shows that the perpetual lease area covers only about one quarter of the Société Le Morne Brabant Ltd Mountain Reserves. The nomination dossier states that such leases would be “revoked”. Société Le Morne Brabant Ltd contests the authority of the State Party in this regard.

### **3.2 Management plans and their implementation**

The Le Morne Cultural Landscape has been managed through the agency of the Le Morne Heritage Trust Fund, under the Ministry of Arts and Culture. Management is based on a series of formal policy implementation instruments, with an Integrated (revised) Management Plan for the period 2014 – 2019 which are being mostly implemented as a good practice and part of the timed action plan based on existing legislations.. There are in addition a Land Management Plan for the period 2014 – 2019, and a Lagoon Management Plan (2013). Further related management and planning instruments include a Local Economic Development Plan for Le Morne village. The latest State of Conservation (SoC) Report (2016) contains responses by the State Party to concerns raised by the World Heritage Committee (32 COM 8B.18 and 39 COM 7B.42). These reports highlight that :

- The SP has developed and implemented appropriate legal frameworks and policies
- The SP has launched a series of research programmes on maroon archaeology and history
- Members of the LMHTF staff have undergone appropriate training
- The SP has continued in its endeavors to gain access to the site and has invested considerable effort in establishing the heritage trail.
- The SP has developed visitor information in three languages. These are available in both printed and electronic format.

The issues raised by the World Heritage Committee addressed by the State of Conservation Report of 2015 (Ref: 1259bis) include a number of developments that may affect the OUV of the Le Morne site. In this regard it should be noted that the six beach hotels located within the buffer zone were all constructed prior to the nomination and inscription of the Le Morne WH Site, the most recent having been completed in 2001, seven years before the date of inscription of Le Morne Cultural Landscape (No 1259) in 2008. Effective resolution of possible threats is exemplified by the Coastal Surveillance Radar System and the practical application of the Critical Viewpoint Analysis, which forms part of the Integrated Management Plan. The Critical Viewpoint Analysis was applied in a constructive and transparent fashion, successfully averting a potential threat to the visual integrity of the site. Likewise, the implementation of the Planning Policy Guidelines for the development of four residential properties in the Morcellment Cambier showed that the guidelines were both practical and acceptable to the project architect. Both of these examples provide positive tests of the management plan and its implementation.

A positive factor affecting the property is the evident sense of identity and affiliation shown by the local community. The property and its history are clearly important both at the level of the local community and at the level of government ministries and institutions. This means that Mauritius has succeeded in fostering pride in national history through the recognition and preservation of the property and through the promotion of tourism centred on the property. The strong government support for related events, such as the Abolition of Slavery in Mauritius celebration, reinforces the importance of the property and its related history. The result is that heritage preservation is strongly integrated in national life rather than being the particular concern of government institutions and international organizations. In this sense the degree of community involvement in the property is quite unusual and highly positive.

### **3.3 Management capacity and activities**

The Le Morne Heritage Trust is adequately staffed and equipped to carry out its functions in respect of management and conservation of the site at the present level. There seem to be several vehicles, and there is appropriate office space in a rented main street residence in Le Morne village. The team is clearly

motivated and well trained, one staff member having recently completed a postgraduate dissertation on the management of the property. The staff of the Trust, with the involvement and support of local and visiting technical experts has produced a range of management plans, development plans, instructional materials and presentations on the site. The staff also played a central role in the events of the Anniversary of Abolition of Slavery celebrations, which took place during the Reactive Monitoring Mission, thus demonstrating a high level of organizational capacity.

The Le Morne Heritage Trust has carried out valuable conservation and research initiatives, including the mapping and archaeological investigation of several sites on the southern side of the property. The investigations were carried out in partnership with foreign universities and were evidently successful both as research and training or skills transfer exercises. A number of the sites investigated have been cleared and provided with signage to serve as visitor attractions. The archaeological investigations, which are continuing at le Morne, play a vital in the improvement of knowledge regarding maroonage on Mauritius.

A large number of archaeological sites provide unique evidence of the relationship between maroon communities and the landscape setting of Le Morne. Investigations so far have demonstrated on the basis of spatial data that the sites formed an integrated social landscape and detailed studies of individual sites have determined the potential for future research. Individually, the Le Morne archaeological sites are individually of low to moderate research significance. Their high value lies in their combination as a system of linkages over the landscape, integrating terrain, resources and strategy of survival and their crucial relationship to the OUV of the property. Advanced techniques of geoprospection have not been widely applied on the sites and nor has geochemical assay, but the available results are encouraging. This, combined with the results of excavations in the cemetery site at Le Morne should be seen in the context that Le Morne occupies a unique place in the field of archaeological research focused on the African slave trade.

### **3.4 Factors affecting the property**

#### **a) Le Morne Brabant Ltd IRS Co Ltd (LMB)**

The major factor affecting the property is the existence of the legal dispute between the Le Morne Brabant Ltd IRS Co Ltd (LMB) proposed and the State Party. As stated on the latest State of Conservation report, the State Party does not have full access to the land and leased by the company; neither do the Le Morne Heritage Trust and its staff. Mauritian citizens, including descendants of the escaped slaves who lived on the mountain have severely limited access. The company in response to an enquiry from the Ministry of Arts and Culture (LMB Doc 29B) stated that it required to know the purpose of each visit, the number of persons involved and to be allowed five days' notice to consider applications for access to its land. Thus, a major factor affecting the property is the absence of reasonable accommodation and common purpose, with consequently negative implications for the conservation of the buffer zone.

The legal challenge mounted by Le Morne Brabant Ltd IRS Co Ltd (LMB) proposed was noted by the World Heritage Committee (Decision 39 COM 7B.42) which requested the State Party to invite a joint World Heritage Centre/ICOMOS Reactive Monitoring mission to “assess the development pressures and the overall conservation of the property”.

As set out in an amended plaint to the Supreme Court of Mauritius, Le Morne Brabant Ltd IRS Co Ltd (LMB) has been engaged in negotiation with the State Party on this matter since 1998, when an application for a development certificate was first requested. This was followed by the granting of an environmental impact assessment licence with clearly stated environmental safeguards. Following the decision to proceed with the nomination of Le Morne Cultural Landscape, it was considered by the State Party that Le Morne Brabant Ltd IRS Co Ltd (LMB) proposal was incompatible with World Heritage List inscription. Following a series of restrictive decisions, the company decided to take legal action.

A detailed Chronology of Events (1998 to 2009) has been submitted by the company.

The outcome of the legal dispute will have important consequences for the conservation status of Le Morne WH property.

In this regard it should be noted that, although the largest, Société Le Morne Brabant Ltd is not the only private owner that might challenge limitations on development. At the outset of the Reactive Monitoring Mission, it emerged that the Société Unitex Finance Corporation which owns 28 ha within the Morcellement Cambier, had approached the Ministry of Housing and Lands with a similar permission to that which had been refused to Société Le Morne Brabant Ltd which considers that the State Party has limited its freedom to develop the properties under its ownership. It is important to emphasize that while the case presented by Société Le Morne Brabant Ltd invokes a supposed limitation of their right to develop land-holdings following the inscription of the Le Morne Cultural Landscape, such limitations were in effect already in place before inscription by virtue of the fact that the area had been proclaimed a National Heritage site.

b)Other Threats:

Although the six beach hotels located within the buffer zone were all constructed prior to the nomination and inscription of the property, it is a concern that the densification of development on the western side of the buffer zone could exceed the ability of the terrain and the vegetation to “absorb” visual disruption. The development of luxury hotels presents a continuous threat to the visual integrity of the property. The nomination dossier, the site management plan and the ICOMOS evaluation all stress the importance of managing Le Morne Mountain (the property) in its natural, visual setting (the buffer zone). The latest State of Conservation report (2016) reflects the position of the State Party in its efforts to develop and harmonize a range of practical management policies and guidelines to manage the property and its buffer zone as an indivisible visual and cultural unit.

However, because the State Party considers the local community as “co-managers, guardians and custodians of a shared heritage” (SoC 2016: 3), management will always be tempered by a degree of negotiation.

The lagoon, which comprises more than half of the extent of the buffer zone and is now managed through a dedicated management plan, is also subject to some pressure. The State Party explained that Mauritius has become a major global centre in the sport of kite surfing, and steps have had to be taken to manage, conflict between the kite surfers and local fishermen who are dependent on the lagoon for their livelihood. The management approach of the State Party has been exemplary and as far as can be seen, reasonably successful. Permission has been granted for a limited number of kite surfing “schools”, and the lagoon has been divided into zones so that the surfers and fishermen are kept separate. The management committee for the lagoon is also properly broad-based with representatives of both groups.

Another conservation issue is the risk to floral diversity on the Mountain itself if there is no continued conservation. Small pockets of natural vegetation exist, and these shelter several important endemic species. Active attempts are being made to manage and reduce the spread of exotic species at the foot of the Mountain, but this work is severely hampered by restrictions on access to the summit. At the moment access is by helicopter.

#### 4 ASSESSMENT OF THE STATE OF CONSERVATION OF THE SITE

The latest State of Conservation Report (SoC 2016) presents the responses of the State Party to the Decisions of the World Heritage Committee (Decision 39 COM 7B.42 and Decision 32 COM 8B.18), reviews the current conservation issues and provides an update on proposed developments that may affect the OUV of Le Morne Cultural Landscape.

The ICOMOS evaluation stresses that the integrity and authenticity of the property are intimately dependent on the management and conservation of the Property, comprising the mountain as a maroon refuge, and the buffer zone, as its landscape and resource setting, as an integrated whole. Thus, the Le Morne buffer zone plays a crucial role in maintaining the visual integrity of the property and its setting. Here, the State Party has had mixed success: on the one hand, the development of luxury hotels presents a continuous threat to the visual integrity of the property, while on the other, the State Party has devised policies and procedures that allow systematic and transparent management of these processes. To some extent this has worked and it can be said that the State Party is in control of the situation. However, the legal dispute with the Le Morne Brabant Ltd IRS Co Ltd (LMB) may severely strain the capacity of the State Party.

It is critical for the long term conservation of the site that good relations exist between all stakeholders. The landowning class and in particular the Société Le Morne Brabant Ltd group need to be more closely integrated in the management of the site for the common good. The hotel-owners and foreign investors with interests at le Morne need also to be drawn in, possibly through communal projects such as the establishment of a visitor centre as a point of arrival at the site. Finally, the community at le Morne village needs to be assisted in terms of settlement space (preferably within the buffer zone) and with basic infrastructure needs.

The Le Morne Cultural Landscape has been managed through the agency of the Le Morne Heritage Trust Fund, under the Ministry of Arts and Culture. Management is based on a series of formal policy implementation instruments, with an Integrated Management Plan (revised) for the period 2014 – 2019 now in effect. There are in addition a Land Management Plan for the period 2014 – 2019, and a Lagoon Management Plan (2013). Further related management and planning instruments include a Local Economic Development Plan for Le Morne village. The latest State of Conservation (SoC) Report (2016) contains responses by the State Party to concerns raised by the World Heritage Committee (32 COM 8B.18 and 39 COM 7B.42).

The issues raised by the World Heritage Committee addressed by the latest SoC Report include major proposed developments that may affect the OUV of the property. The resolution of the possible threat posed by the Coastal Surveillance Radar System exemplifies the practical application of the Critical Viewpoint Analysis, which forms part of the Integrated Management Plan. The Critical Viewpoint Analysis was applied in a constructive and transparent fashion which successfully averted a potential threat to the visual integrity of the site. Likewise, the implementation of the Planning Policy Guidelines for the development of four residential properties in the Morcellment Cambier showed that the guidelines were both practical and acceptable to the project architect. Both of these examples provide positive tests of the management plan and its implementation.

Although accepted as one of the two *Criteria of inscription (iii) and (iv)*, the history of the site and its exceptional testimony to maroonage and to Creole cultural need to be supported by concrete archaeological evidence. A strongly supported archaeological research programme will provide this body of evidence and strengthen the existing evidence that ties the cultural history of Le Morne to the landscape setting. This will also strengthen the authenticity value of the site and counter the undermining of the cultural history of the site by unsympathetic parties. Likewise, the existence of the site as an outstanding example of a landscape illustrating maroonage and to Creole cultural traditions requires conservation as a single integrated entity. At the moment the state of conservation of the site is in keeping

with these criteria, but there is a sense of a creeping, uncontained threat of encroachment through ad hoc development. This threat is raised further by the legal dispute that has arisen with the Société Le Morne Brabant Ltd group.

## 5 CONCLUSIONS AND RECOMMENDATIONS

The inscription and preservation of Le Morne Cultural Landscape is a highly positive development in Mauritius; it has created an important heritage focus on the island and this has successfully promoted the historical and cultural identity of the Creole community by valorizing their association with a specific place and a specific set of historical events. This is a positive development both in the sense of recognition and preservation of World Heritage and in the sense of nation-building in Mauritius. It is also important because it places Le Morne and descendant maroon communities and their history within the context of a global network of sites linked with the trade in slaves. This global network has been given particular prominence through the UNESCO Slave Route Project and so Le Morne fits well into an ongoing heritage project that creates links between many different nations and their historical experience.

While the legal dispute continues in relation to proposed development on land owned and leased by Le Morne Brabant Ltd IRS Co Ltd (LMB), it is recommended that the Le Morne Heritage Trust should continue to manage and conserve the property to the fullest extent possible under the circumstances. This must include continuing with efforts to gain permission from the Le Morne Brabant Ltd IRS Co Ltd (LMB) to access the Makak site for purposes of archaeological research.

It is proposed that the Le Morne Heritage Trust should consider the possibility of eventually acquiring the Makak site as a possible visitor centre and point of entry to the Le Morne property. The archaeological site is ideally situated on the approaches to le Morne from the north and will be of optimal interest and value if combined with visitor facilities and an information centre. This will ensure that the visitor approach from the north has a real “sense of arrival”, something that is lacking at the moment.

The Government of Mauritius should therefore proceed from a position of strength (Le Morne being an inscribed World Heritage property) and explore options for the resolution of the dispute that are in its favour.

It is critical for the long term conservation of the site that good relations exist between all stakeholders. The landowning class and in particular the Société Le Morne Brabant Ltd group need to be more closely integrated in the management of the site for the *common good*. The hotel-owners and foreign investors with interests at le Morne need also to be drawn in, possibly through communal projects such as the establishment of a visitor centre as a point of arrival at the site.

Finally, the community at le Morne village needs to be assisted in terms of settlement space (preferably within the buffer zone) and with basic infrastructure needs, in order to ensure that outward appearances do not appear to show the main beneficiaries of the property as being hotel-owners and the land owning class of Mauritians. This apparent highly visible inequality needs to be addressed in order to avoid it presenting a threat to the conservation of the property.

Key points on the boundaries as well as intersection points on access and through roads must also be clearly marked on the ground with properly labelled bollards or similar markers. It is essential that the visitor or passing traveller should know that he or she is entering or leaving the inscribed WH property and its buffer zone. The State Party should also give serious consideration to the concerns raised in the Le Morne Local Economic Development Plan regarding the shortage of land at Le Morne village.

Therefore, it is recommended that the Le Morne Heritage Trust continues to manage and conserve the

property to the fullest extent possible under the circumstances. This should include:

1. Le Morne Heritage Trust should consider the possibility of eventually acquiring the Makak site as a possible visitor centre and point of entry to the Le Morne property. The archaeological site is ideally situated on the approaches to le Morne from the north and will be of optimal interest and value if combined with visitor facilities and an information centre. This will ensure that the visitor approach from the north has a real “sense of arrival”, something that is lacking at the moment.
2. The Government of Mauritius should proceed from its position of responsible entity and main authority (Le Morne being an inscribed World Heritage site) to explore options for the resolution of the dispute that are in its favour, through inclusive dialogue.
3. At the same time the State Party should revoke the “perpetual leases” as originally proposed in the nomination dossier.
4. Key points on the boundaries as well as intersection points on access and through roads should be clearly marked on the ground with properly labelled bollards or similar markers (as an aid to management and visitors).
5. The Reactive Monitoring Mission noted that several luxury hotels had been approved in the buffer zone before inscription.
6. The mission also noted the concerns raised in the Le Morne Local Economic Development Plan regarding the shortage of land at Le Morne village, comprising many descendants of the maroon community. The mission considered that planning guidelines should be re-considered to allow reasonable and controlled expansion of the village by its inhabitants.

## 6. ANNEXES

### 6.1 Decision 39COM 7B.42 on Le Morne Cultural Landscape (Mauritius)

The World Heritage Committee,

1. Having examined Document WHC-15/39.COM/7B.Add,
2. Recalling Decision 32 COM 8B.18, adopted at its 32nd session (Quebec City, 2008),
3. Notes the efforts made by the State Party to enforce the various legislative and planning frameworks, as requested by the Committee at the time of inscription, and reminds the State Party to ensure that new development projects that might impact on Outstanding Universal Value (OUV) should be submitted to the World Heritage Centre for review, as set out in Paragraph 172 of the *Operational Guidelines*, together with Heritage Impact Assessments (HIAs);
4. Acknowledges the efforts made by the State Party to revise the Management Plan and requests it to provide this revised Management Plan and all its annexes to the World Heritage Centre, once approved;
5. Also notes the legal challenges that have been filed for the proposed Trochetia development, which could have a negative impact on the OUV, and that matters of law in relation to these challenges will be heard by the Supreme Court in July 2015, and also requests the State Party to inform the World Heritage Centre on the outcome of this hearing;
6. Further requests the State Party to invite a joint World Heritage Centre/ICOMOS Reactive Monitoring mission to the property, as soon as possible, to assess the development pressures and the overall conservation of the property;
7. Requests furthermore the State Party to submit to the World Heritage Centre, by **1 February 2016**, an updated report, including a 1-page executive summary, on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 40th session in 2016.



## **6.2 Terms of reference of the mission and composition of the mission team**

In response to the request of the World Heritage Committee at its 39th session in Bonn (June 2015) for the State Party of Mauritius to invite a joint World Heritage/ICOMOS reactive monitoring mission to Le Morne Cultural Landscape (Decision 39 COM 7B.42), and the letter of invitation received from The State Party dated 31 August 2015, a joint mission shall visit the World Heritage property between 27 January to 1st February 2016, and meet with national and local authorities, representatives of local communities and other relevant stakeholders, in order to:

1. Understand how the various legislative and planning frameworks in place have been enforced, as requested by the Committee, since the time of inscription, in relation to the property and its buffer zone;
2. Consider progress with the revision of the Management plan, the creation of sub-plans, as requested by the Committee, the monitoring regime including of views, and the marine environment, and the effectiveness of these instruments, particularly in relation to the protection in the buffer zone and how 'tight' constraints are and have been in that area;
3. In particular consider whether the mountain and its setting have been managed as an entity, as set out in the ICOMOS evaluation.
4. Fully appraise the development threats facing the property, its buffer and its wider setting, and in particular consider the six hotels which have been given permission in the buffer zone since inscription, for which no details have been provided, and other changes since inscription;
5. In relation to the proposed Trochetia development in Makak, partly in the property and partly in the buffer zone, consider:
  - a. The archaeological significance of the site as shown by archaeological investigations in 2007;
  - b. The planning history of the site, including the lack of access by the developers and its implications for management and access;
  - c. The challenges heard by the Supreme Court in July 2015, the outcome of that hearing and its implications.
6. Overall, consider the state of conservation of the property and the effectiveness of the protection and management regimes, and whether a tourism strategy is needed.
7. Provide recommendations for measures to address threats or vulnerabilities.

Prepare a joint mission report, following the attached format, in English or French, for review by the World Heritage Committee at its 40th session (Istanbul, 2016).

The State Party should facilitate necessary field visits to key locations and also kindly arrange necessary meetings with the relevant institutions and stakeholders involved in the management of the World Heritage property.

The mission team was composed of Mr John Kinahan (ICOMOS) and Edmond Moukala (WHC).

### 6.3 Itinerary and programme and delegations met

From Tuesday 26 January to Monday 01 February, 2016

Day	Time (Hrs)	Programme
Tuesday 26 January 2016		Arrival at the Sir Seewoosagur Ramgoolam International Airport and received by officials of the Ministry of Arts and Culture and the Le Morne Heritage Trust Fund
Wednesday 27 January 2016	09.30 -12.30	<p>Working Session with:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Minister of Arts and Culture;</li> <li><input type="checkbox"/> Permanent Secretary, Ministry of Arts and Culture;</li> <li><input type="checkbox"/> Chairperson, Le Morne Heritage Trust Fund;</li> <li><input type="checkbox"/> Officer-in-Charge, Le Morne Heritage Trust Fund;</li> <li><input type="checkbox"/> Mr. J.F. Lafleur, Site Manager; and</li> <li><input type="checkbox"/> Officials of the Ministry of Arts and Culture and Le Morne Heritage Trust Fund.</li> <li><input type="checkbox"/> Attorney General' Office</li> </ul> <p>Agenda:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Status of Court case</li> <li><input type="checkbox"/> State of Conservation Report 2015 &amp; draft State of Conservation Report 2016</li> <li><input type="checkbox"/> Draft Land Management Plan</li> <li><input type="checkbox"/> Draft Lagoon Management Plan</li> <li><input type="checkbox"/> Draft Local Economic Development Plan</li> <li><input type="checkbox"/> Draft Integrated Management Plan</li> </ul>
	12.00-13.00	Lunch to be hosted by the Minister of Arts and Culture
	13.00-14.30	<p>Working Session in Port Louis with: Members of the Buffer Zone Management Committee, Representatives of Lagoon Management Committee Representative Kite Surfing Committee</p> <p><b>Agenda:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Status of each Committee</li> <li><input type="checkbox"/> Status of amendments being made in the Local Government Act with regard to the</li> </ul>

		BZMC	
Thursday 28 January 2016	09.30-09.45	Visit at the International Slave Route Monument at Le Morne Village	
	09.45-12.00	Trail and visit to site office, Chamarel, Maconde and Dilo Pourri. Meeting with Local Representatives of Le Morne Village Update on Management Plan and participation of the Civil Society for the development of Le Morne	
	12.00-13.00	Lunch hosted by Le Morne Heritage Trust Fund.	
	14.00-16.00	Continued update on Management Plan and participation of the Civil Society for the development of Le Morne	
	Friday 29 January 2016	0930-10.30	Helicopter Tour to view the Le Morne Mountain and its surroundings
Friday 29 January 2016	12.15-13.15	Lunch hosted in Port-Louis by Le Morne Heritage Trust Fund Board with its Board Members	
	13.30-14.30	Guided tour at Aapravasi Ghat World Heritage Site	
	14.30-15.30	Meeting with the State Law Office*	
	15.30-17.00	Debriefing session in the presence of Hon. S. Baboo, Minister of Arts and Culture	
	Saturday 30 January 2016	Morning	Meeting with members of the Société Le Morne Brabant Ltd (Tom Gosling, Director LMB IRS Co Ltd)
Saturday 30 January 2016	Afternoon	TV interview on the 181st Anniversary of the	
	Sunday 31 January 2016	Noon	Chair of the National Heritage Trust
	evening	Meeting with the members of Bertrand Giraud family	
Monday 01 February 2016	10.30-12.00	Commemoration of the 181 <sup>st</sup> Anniversary of the Abolition of Slavery	
	12:30-13:30	Meeting with the other members of the Bertrand Giraud family	
	Evening	Seen off and departure by LMHTF and MAC	

## 6.4 Photographs



Briefing with the Minister of Arts and Culture and his Cabinet ©UNESCO/E. Moukala

### Technical meetings



Meeting with the Ministry ©UNESCO/E. Moukala



Archaeological team © UNESCO/E. Moukala

### Local communities (including private owners) ©UNESCO/E. Moukala



With the Bertrand Giraud family



Representatives of Le Morne Village



**Field survey**



©UNESCO/E. Moukala

**Aerial and coastal surveys**



©UNESCO/J. Kinahan












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## 6.5 List of documents

-  Letter of Intent – Société Le Morne Brabant Ltd IRS Co. Ltd., dated 30 December 2005, Ref: R&D/AC/dh/irs/30-12
-  Letter of Intent- Société du Morne Brabant, dated 3 January 2006, Ref: R&D/AC/dh/hl/03-01
-  In the Supreme Court of Mauritius - Plea on behalf of Defendant No. 1,
-  In the Supreme Court of Mauritius (Amended plaint with summons)
-  Brief on Application from Mr Salim Ismael to Develop his Site Falling Within the Le Morne Cultural Landscape
-  Part of Le Morne Cultural Landscape, Aerial Photo (2009), Ministry of Housing and Lands, 2 July 2014, scale 1: 7 500
-  Proposed Le Morne World Heritage Site (Land Ownership), Ministry of Housing and Lands, January 2016, scale 1: 30 000
-  Owners in the Core Zone, sheet accompanying item 9, below
-  New area for “Le Morne Site” (Core Area), Ministry of Housing and Lands, 22 September 2005, scale 1: 10 000
-  New Area for “Le Morne Site” (map of 22 september 2005)
-  Certified map Le Morne received on 2<sup>nd</sup> February 2016