



REPUBLIC OF MAURITIUS

In reply please quote

FCR/14/25/13

Ministry of Ocean Economy, Marine
Resources, Fisheries, Shipping and
Outer Islands
4th Floor, L.I.C.I. Centre
Port Louis - Mauritius
Tel. No.: 211 2470 – 75
Fax No.: 208 1929
E-mail: fishadmin@govmu.org
Web Site: <http://fisheries@govmu.org>

20 April 2015

Sir,

**12th Session of IOTC Compliance Committee & 19th Session of the IOTC,
Busan, South Korea**

As you are aware, the Arbitral Tribunal set up in the case which was brought by the Republic of Mauritius in December 2010 against the United Kingdom under the United Nations Convention on the Law of the Sea (UNCLOS) to challenge the legality of the 'marine protected area' ('MPA') purportedly established by the United Kingdom around the Chagos Archipelago delivered its Award on 18 March 2015. The Tribunal declared that in establishing the aforementioned 'MPA', the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of UNCLOS.

In this connection, on 7 April 2015, the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius wrote to the Secretariat of the Indian Ocean Tuna Commission (IOTC), requesting it to inform Members of the IOTC of the delivery of this Award.

The Government of the Republic of Mauritius strongly believes that in keeping with the principles of international law, the Award, which has a binding character, will have an important bearing on some aspects of the work carried out by organisations such as the IOTC, in particular those related to the aforementioned 'MPA'.

The Government of the Republic of Mauritius accordingly objects to the reference made to the aforementioned 'MPA' in the Report of Implementation for the year 2014 and the document entitled "Reporting of vessels in transit through BIOT waters for potential breach of IOTC Conservation and Management Measures" submitted by the United Kingdom to the Compliance Committee.

Furthermore, the Republic of Mauritius notes that the provisional agenda for the 19th Session of the IOTC contains, *inter alia*, item 4 entitled "Update on actions from the 18th Session" and item 5 entitled "Report of the 17th Session of the Scientific Committee", under which the aforementioned 'MPA' is likely to be discussed.

Since the aforementioned 'MPA' purportedly established by the United Kingdom around the Chagos Archipelago has been held to be in breach of international law, it is legally invalid. As a consequence, any action taken by the IOTC, including its Scientific Committee and Working Parties, in respect of the aforementioned 'MPA' is, and should be regarded as, *ipso facto* null and void.

In the light of the above, the Government of the Republic of Mauritius requests that the aforementioned 'MPA', having been held to be legally invalid, should not be the subject of any discussions at the level of the IOTC, including the 12th Session of the Compliance Committee and the 19th Session of the IOTC.

We trust that in keeping with the principles of international law, the IOTC will uphold the Award of the Arbitral Tribunal.

Please accept, Sir, the assurances of our highest consideration.



A.K. Utchanah
Permanent Secretary



Mr. Rondolph Payet
Executive Secretary
Indian Ocean Tuna Commission
Victoria
Seychelles