



16 January 2020

## IOTC CIRCULAR 2020-03

Dear Madam / Sir

### A COMMUNICATION FROM THE REPUBLIC OF MAURITIUS

Please find attached a communication from the Republic of Mauritius to the Food and Agriculture Organisation of the United Nations (FAO).

The Response from FAO to the Republic of Mauritius is also attached.

Yours sincerely

Christopher O'Brien  
Executive Secretary

#### Attachments:

1. Letter from the Republic of Mauritius to the FAO
2. A response from FAO to the Republic of Mauritius

#### Distribution

**IOTC Contracting Parties:** Australia, Bangladesh, China, Comoros, Eritrea, European Union, France (Territories), Guinea, India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom (OT), Yemen. **Cooperating Non-Contracting Parties:** Liberia, Senegal. **Intergovernmental Organisations, Non-Governmental Organisations. Chairperson IOTC. Copy to:** FAO Headquarters, FAO Representatives to CPCs.

This message has been transmitted by email only

## Attachment 1. Letter from the Republic of Mauritius to the FAO



REPUBLIC OF MAURITIUS

### *Ministry of Foreign Affairs, Regional Integration and International Trade*

No. **02/18570/46/142 V21**

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and has the honour to refer to the Note Verbale (Ref. LEG 53/19) dated 19 November 2019 from the Food and Agriculture Organization of the United Nations (FAO) concerning the report of the 23<sup>rd</sup> Session of the IOTC held from 17 to 21 June 2019 in Hyderabad, India.

The Ministry has addressed a Note Verbale (Ref: 01/18570/46/142 V21) dated 19 December 2019 to the FAO in response to the above-mentioned FAO Note Verbale.

The Ministry hereby submits a copy of the said Note Verbale addressed to the FAO and would be grateful if the Secretariat of the IOTC could kindly circulate it to the Members of the IOTC and the Chairperson of the IOTC.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the Secretariat of the Indian Ocean Tuna Commission the assurances of its highest consideration.

**Port Louis, 19 December 2019**

**Secretariat  
Indian Ocean Tuna Commission  
Victoria  
Seychelles**

**Copy to: 1. Director-General, Food and Agriculture Organization of the United Nations  
2. Chairperson of the Indian Ocean Tuna Commission**



REPUBLIC OF MAURITIUS

***Ministry of Foreign Affairs, Regional Integration and International Trade***

No. **01/18570/46/142 V21**

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Food and Agriculture Organization of the United Nations and has the honour to refer to its Note Verbale (Ref. LEG 53/19) dated 19 November 2019 concerning the report of the 23<sup>rd</sup> Session of the Indian Ocean Tuna Commission (IOTC) held from 17 to 21 June 2019 in Hyderabad, India.

The Ministry wishes to recall that in its Advisory Opinion of 25 February 2019 on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, the International Court of Justice (ICJ) found that the Chagos Archipelago is an integral part of Mauritius and that the United Kingdom's purported detachment of the Chagos Archipelago from Mauritius was in violation of international law. The Court accordingly ruled that the United Kingdom's continued administration of the Chagos Archipelago constitutes a wrongful act under international law which must be brought to an end as rapidly as possible.

The Ministry also wishes to recall that in its Resolution 73/295 of 22 May 2019, the UN General Assembly reaffirmed the conclusions of the ICJ and, *inter alia*, called upon the United Nations and all its specialized agencies as well as all other international, regional and intergovernmental organizations, including those established by treaty, "to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measure taken by or on behalf of, the British Indian Ocean Territory".

In light of the foregoing, Mauritius reiterates its strong objection to the above-mentioned report's references to "United Kingdom (BIOT)", "UK (BIOT)", "British Indian Ocean Territory", and "BIOT". Such references were not contained in the first draft of the report circulated on 27 June 2019 by the IOTC Secretariat to IOTC Members for comments. They appear to have been included in the report without a second draft having ever been circulated to IOTC Members for further comments, contrary to the agreed process for the adoption of the report of the 23<sup>rd</sup> Session of the IOTC.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the Food and Agriculture Organization of the United Nations the assurances of its highest consideration.

**Port Louis, 19 December 2019**

**Food and Agriculture Organization of the United Nations  
Viale delle Terme di Caracalla  
00153 Rome  
Italy**

**Copy to: 1. Chairperson of the Indian Ocean Tuna Commission  
2. Executive Secretary, Indian Ocean Tuna Commission**



## Attachment 2. A response from FAO to the Republic of Mauritius

منظمة  
الغذية والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food and Agriculture  
Organization of the  
United Nations



Organisation des  
Nations Unies pour  
l'alimentation et  
l'agriculture

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных Наций

Organización de las  
Naciones Unidas para la  
Alimentación y la  
Agricultura

Viale delle Terme di Caracalla, 00153 Rome, Italy

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Our Ref.: LEG 20/05

Your Ref.: 01/18570/46/142 V21

### NOTE VERBALE

The Food and Agriculture Organization of the United Nations (hereinafter the “Organization” or “FAO”) presents its compliments to the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius (hereinafter “the Ministry”), and has the honour to refer to Note Verbale No. 01/18570/46/142 V21 of 19 December 2019 concerning the report of the 23<sup>rd</sup> Session of the Indian Ocean Tuna Commission (hereinafter the “IOTC”), which took place in Hyderabad, India, 17-21 June 2019.

The Organization has taken note of the Republic of Mauritius’ “*strong objection to the above-mentioned report’s references to ‘United Kingdom (BIOT)’, ‘UK(BIOT)’, ‘British Indian Ocean Territory’, and ‘BIOT’*”. The Organization has also taken note of the Ministry’s statement in its Note that “[s]uch references were not contained in the first draft of the report circulated on 27 June 2019 by the IOTC Secretariat to the IOTC Members for comments” and that they “*appear to have been included in the report without a second draft having ever been circulated to IOTC Members for further comments*”.

The Organization recalls its earlier advice in its Note Verbale LEG 53/19 dated 19 November 2019 that, insofar as the Report was collectively approved by Members of the IOTC, a similar procedure should be followed for the amendment of the Report. The Organization advises that, following receipt of the Ministry’s Note, it has been informed by the IOTC Secretariat that the second draft of the Report was circulated to IOTC Members for comment on 19 July 2019, in accordance with the agreed process for adoption of the Report. Consequently, the Organization recommends that the Ministry address this matter with the IOTC Secretariat in the context of this process.

The Organization reiterates that it is mindful of the adoption by the General Assembly Resolution 73/295 entitled “*Advisory opinion of the International Court of Justice on the legal consequences*

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Ministry of Foreign Affairs, Regional Integration  
and International Trade of the Republic of Mauritius  
Port Louis

cc: Ministry of Agro Industry and  
Food Security  
Port Louis

Permanent Representation of the  
Republic of Mauritius to FAO  
Embassy of the Republic of Mauritius  
Paris

Chairperson  
Indian Ocean Tuna Commission  
Victoria Mahé

Executive Secretary  
Indian Ocean Tuna Commission  
Victoria Mahé

*of the separation of the Chagos Archipelago from Mauritius in 1965”, specifically its operative paragraph 6, which “calls upon the United Nations and all its specialized agencies to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measure taken by or on behalf of, the ‘British Indian Ocean Territory’”.*

The Food and Agriculture Organization of the United Nations avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius the assurance of its highest consideration. *DLR*



Rome, 15 January 2020