



REPUBLIC OF MAURITIUS

**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION
AND INTERNATIONAL TRADE**

No (2/2021) 18570/46/142T2

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 with reference to the Note Verbale (No. OTD/001/2021) dated 3 March 2021 from the Overseas Territories Directorate of the Foreign, Commonwealth and Development Office of the United Kingdom of Great Britain and Northern Ireland, has the honour to state as follows:

The Republic of Mauritius wishes to recall that in its Judgment of 28 January 2021, the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) ruled that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago and that the United Kingdom's continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations of the International Court of Justice (ICJ) that the detachment of the Chagos Archipelago from Mauritius was unlawful and that the United Kingdom's continued administration of the Chagos Archipelago is an unlawful act of a continuing character. It also ruled that the Republic of Mauritius is to be regarded as the coastal State in respect of the Chagos Archipelago.

In the view of ITLOS, determinations made by the ICJ in an advisory opinion cannot be disregarded simply because the advisory opinion is not binding. The Special Chamber held that the determinations made by the ICJ in its Advisory Opinion of 25 February 2019 have legal effect and clear implications for the legal status of the Chagos Archipelago.

ITLOS further held that the UN General Assembly was entrusted by the ICJ to take necessary steps towards the completion of the decolonization of the Republic of Mauritius and that Resolution 73/295 which was adopted by the General Assembly on 22 May 2019 is also relevant to assessing the legal status of the Chagos Archipelago. ITLOS also considered that the time-limit of 22 November 2019 for the unconditional withdrawal of the United Kingdom's colonial administration from the Chagos Archipelago was one of the modalities for ensuring the completion of the decolonization of the Republic of Mauritius. It ruled that “[t]he fact that the time-limit set by the General Assembly has passed without the United Kingdom complying with this demand further strengthens the Special Chamber's finding that its claim to sovereignty over the Chagos Archipelago is contrary to the authoritative determinations made in the advisory opinion”.

It is therefore clear that as a matter of international law, the Republic of Mauritius is the sole State lawfully entitled to exercise sovereignty or sovereign rights over the Chagos Archipelago and its maritime zones and that the United Kingdom cannot claim any rights over the Chagos Archipelago. The Judgment of ITLOS, which is binding and without appeal, has further confirmed the illegality of the so-called “British Indian Ocean Territory”.

It is deeply regrettable that the United Kingdom which professes support for the international rule of law should blatantly disregard both the authoritative determinations of the ICJ and the Judgment of ITLOS. The United Kingdom's stand is all the more astounding, having regard to the fact that it participated actively in the proceedings that led to the authoritative determinations of the ICJ, and its objection to the stand of Mauritius and a large number of other States that the decolonization of the Republic of Mauritius was still incomplete was rejected by the ICJ.

The Republic of Mauritius reiterates that in the light of the foregoing, the United Kingdom is not and cannot be the coastal State in relation to the Chagos Archipelago and is therefore not entitled to be a member of the IOTC as a coastal State pursuant to Article IV(1)(a)(i) of the Agreement for the Establishment of the Indian Ocean Tuna Commission.

The Republic of Mauritius would be grateful if a copy of this Note Verbale could be annexed to the report of the 4th Special Session of the IOTC scheduled for 8-12 March 2021.

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, 5th March 2021

**Secretariat
Indian Ocean Tuna Commission
Victoria
Seychelles**