

7th Meeting of IOTC Technical Committee on Allocation Criteria
22-25 March 2021

Agenda Item 5: Adoption of the agenda and arrangements for the session

Statement by the Republic of Mauritius

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) to the effect 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 and 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”.

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.

Moreover, the Republic of Mauritius rejects the sovereignty claim of France over the Island of Tromelin as well as France’s claim to any sovereign right or jurisdiction over the Exclusive Economic Zone adjacent to the Island of Tromelin. Further, the Republic of Mauritius does not recognize the validity of the inclusion of the Island of Tromelin in the French Southern and Antarctic Lands (TAAF) or the Scattered Islands/Iles Eparses. The Republic of Mauritius reaffirms that it has full and complete sovereignty over the Island of Tromelin, including its maritime zones.

Since the Chagos Archipelago and the Island of Tromelin form an integral part of the territory of the Republic of Mauritius, the United Kingdom and France cannot and should not be granted any baseline allocation in respect of the Chagos Archipelago and the Island of Tromelin respectively.

The baseline allocation for the Republic of Mauritius should take into account the maritime zones of the Republic of Mauritius around the Chagos Archipelago and the Island of Tromelin as well.

Subject to the foregoing, the Republic of Mauritius has no objection to the adoption of the draft agenda.

The Republic of Mauritius also reserves all its rights under international law, including under Article XXIII of the Agreement for the Establishment of the Indian Ocean Tuna Commission.

This statement also applies to other agenda items and to all documents circulated for this meeting.

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.



REPUBLIC OF MAURITIUS

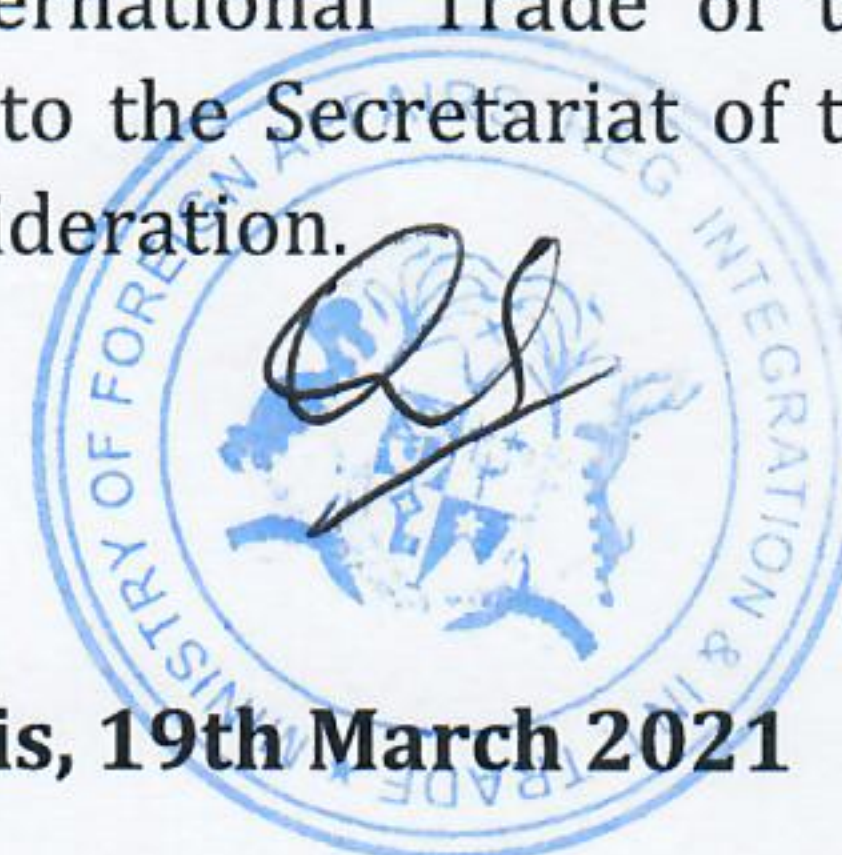
**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION
AND INTERNATIONAL TRADE**

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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 transmit herewith two statements being made by Mauritius under Agenda Items 3 and 5 of the 7th Meeting of the Indian Ocean Tuna Commission Technical Committee on Allocation Criteria to be held virtually from 22nd to 25th March 2021.

The Ministry would be grateful if a copy of these statements could be annexed to the report of the 7th Meeting.

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, 19th March 2021

**Secretariat
Indian Ocean Tuna Commission
Victoria
Seychelles**