
IMPLEMENTATION OF PARAGRAPH 6 OF THE UNGA RESOLUTION 73/295PREPARED BY: FAO LEGAL OFFICE

PURPOSE

To inform the Commission about FAO's implementation of paragraph 6 of the UNGA Resolution 73/295 *Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* [[click here](#)].

BACKGROUND

In 2019 the IOTC Chairperson invited the FAO to submit a paper to the Commission on how it proposes to implement paragraph 6 of the UNGA Resolution 73/295:

Paragraph 6. 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";

IMPLEMENTATION OF UN GENERAL ASSEMBLY RESOLUTION 73/295 OF 22 MAY 2019, ENTITLED "ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE ON THE LEGAL CONSEQUENCES OF THE SEPARATION OF THE CHAGOS ARCHIPELAGO FROM MAURITIUS IN 1965"**A. Background**

1. By Resolution 73/295 of 22 May 2019, entitled "*Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*" (the "Resolution"), the General Assembly of the United Nations (UNGA) "[c]all[ed] 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' " (operative paragraph 6).

2. Prior to the 23rd Session of the Indian Ocean Tuna Commission ("IOTC" or the "Commission"), the FAO Legal Office, in consultation with the UN Office of Legal Affairs, issued a Note¹ to the Commission in anticipation of issues arising at this Session concerning the continued membership of the "British Indian Ocean Territory" (also referred to as "BIOT"). In that Note, the opinion was expressed that the continued membership of the Commission appeared to be a matter for the Commission to address under the Agreement for the Establishment of the Indian Ocean Tuna Commission (the "Agreement"). Reference was made to Articles IV(4) and XXIII of the Agreement, which provide:

Article IV(4):

"If any Member of the Commission ceases to meet the criteria set out in paragraphs 1 or 2 above for two consecutive calendar years, the Commission may, after consultation with the Member concerned, determine that the Member is deemed to have withdrawn from this Agreement effective as from the date of that determination".

Article XIII:

"Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred for settlement to a conciliation procedure to be adopted by the Commission. The results of such conciliation procedure, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it may be referred to the International Court of Justice in accordance with the Statute of the International Court of Justice, unless the parties to the dispute agree to another method of settlement".

3. At its 23rd Session held in June 2019, the Commission noted the statement made by the Republic of Mauritius requesting the inclusion of an item on the agenda concerning the “*termination of the membership of the United Kingdom (BIOT)’s membership of the Commission as a coastal state following the adoption of the [Resolution]*”². The Commission also noted the statement of the United Kingdom, which included a “*rejection of this item on the agenda for future sessions of the IOTC*”³.

4. The Commission concluded that “*this issue was a global one*” and requested the Republic of Mauritius to allow it to take note of this issue and put this item on the agenda of its next Session as the “*delegates present may not have had proper guidance from their capitals*”⁴. It also invited to “*submit a further paper on how it proposes to implement paragraph 6 of the UNGA Resolution 73/295*”⁵. The present Note responds to the Commission’s request.

B. Implementation of UNGA Resolution 73/295

5. By Note Verbale dated 10 December 2019, FAO was invited by the Secretariat of the UN to submit any relevant information on the implementation of the Resolution in response to the UNGA’s request for the Secretary-General to submit a report on “*the implementation of the present resolution, including any actions taken by the United Kingdom of Great Britain and Northern Ireland and other Member States*”⁶. Recalling the Agreement, FAO advised of the Commission’s situation described in paragraphs 3 and 4 above. This information was included in the Report of the Secretary-General to the UNGA, dated 18 May 2020, on the implementation of the Resolution⁷. This Report was included on the agenda of the 75th Session of the UNGA. The Organization will respond to any future requests to keep the UN informed of developments in this context.

6. As provided in its Constitution, FAO is mandated to collect, analyze, interpret and disseminate information. It, and Statutory Bodies established under its Constitution, generate and publish, among other things, statistics, maps, studies and other technical outputs. Consequently, implementation of the Resolution has necessitated coordination across FAO units and, where appropriate, consultation with counterparts in the UN Secretariat.

7. In determining how to proceed, the Organization consulted the UN and other Specialized Agencies concerning implementation of the Resolution. In light of those consultations, and taking into account the request of the UNGA to the Specialized Agencies set out in paragraph 6 of the Resolution (see paragraph 1 above), an instruction was issued to all personnel of the Organization on 21 December 2020 to review and modify, as required, the above-mentioned outputs produced by FAO to align with the Resolution.

8. Actions taken and to be taken by the Organization to implement the Resolution include the following:

- i. Maps reproduced by FAO apply, or will apply, the geo-naming conventions of the UN Geospatial Information Service, including those contained in its cartographic geospatial services such as the UN Clear Map.
- ii. Databases and relevant Country Profiles have been, or are being, updated (e.g. the Global Information System on Water and Agriculture (AQUASTAT), World Agriculture Watch (WAW), AGROVOC and the FAOSTAT-Forestry Database).
- iii. The updated Statistical Standard Series “*Standard Country or Area Codes for Statistical Use (M49)*” is to be followed. Statistics and data, including on catches, obtained from 22 May 2019 onwards will be integrated into data disseminated for Mauritius.

9. Given the very wide range of information that FAO collects and disseminates, implementation of Resolution 73/295 continues.

1 IOTC-2019-S23-14[E]

2 IOTC, 2020, S23-R, paragraph 7.

3 IOTC, 2020, S23-R, paragraph 8.

4 IOTC 2020 S23-R, paragraph 9.

5 IOTC, 2020, S23-R, paragraph 10.

6 UNGA Resolution 73/295, paragraph 8.

7 Document A/74/834.

RECOMMENDATION/S

That the Commission

- a) **NOTE** paper IOTC-2021-S25-07, which informs the Commission on how FAO is implementing paragraph 6 of the UNGA Resolution 73/295.