

**25<sup>th</sup> Session of the Indian Ocean Tuna Commission**  
**7-11 June 2021**

**Agenda Item 2: Letters of Credentials**

**Statement by the Republic of Mauritius**

The Republic of Mauritius reiterates its long-standing position that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC) as a “coastal State situated wholly or partly within the Area [of competence of the Commission]” and wishes to place on record its formal objection (on legal grounds) to the participation of the United Kingdom in the 25<sup>th</sup> Session of the IOTC as a coastal State purporting to represent the Chagos Archipelago.

In addition to the reasons provided in the past to support its stand, the Republic of Mauritius wishes to draw the attention of the Commission to another recent development which confirms that the United Kingdom cannot be recognized as a member of the IOTC as a coastal State. In a Judgment delivered on 28 January 2021 in the case of *Mauritius v. Maldives*, the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) held that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago.

In its Judgment, the Special Chamber, *inter alia*, ruled that:

- (a) the determinations made by the International Court of Justice (ICJ) in its Advisory Opinion of 25 February 2019 on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* have legal effect and clear implications for the legal status of the Chagos Archipelago;
- (b) the United Kingdom’s continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations made by the ICJ that the detachment of the Chagos Archipelago by the United Kingdom from Mauritius was unlawful and that the United Kingdom’s continued administration of the Chagos Archipelago constitutes an unlawful act of a continuing character;

- (c) the fact that the time-limit of 22 November 2019 set by the UN General Assembly for the withdrawal of the United Kingdom's administration from the Chagos Archipelago has passed without the United Kingdom complying with that 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 of the ICJ;
- (d) while the process of decolonization of the Republic of Mauritius has yet to be completed, the Republic of Mauritius' sovereignty over the Chagos Archipelago can be inferred from the ICJ's determinations;
- (e) the continued claim of the United Kingdom to sovereignty over the Chagos Archipelago cannot be considered anything more than "a mere assertion" and such assertion does not prove the existence of a dispute;
- (f) the Republic of Mauritius is to be regarded as the coastal State in respect of the Chagos Archipelago.

It is crystal clear that as a matter of international law, the Republic of Mauritius is the only State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones, as the coastal State and that the United Kingdom is not in a position to claim any rights over the Chagos Archipelago. The United Kingdom cannot accordingly be a member of the IOTC as a coastal State.

The Republic of Mauritius notes that in the Instrument of Acceptance which it deposited with the Director-General of FAO last December, the United Kingdom claimed that it meets the conditions for membership of the IOTC, as set out in paragraph (1)(a) of Article IV of the Agreement for the Establishment of the Indian Ocean Tuna Commission. In this regard, and taking into account the UN General Assembly Resolution 73/295, the Republic of Mauritius would like the IOTC Secretariat to confirm that the United Kingdom submitted that Instrument of Acceptance on the basis of Article IV(1)(a)(ii) only.

In the absence of a clear and immediate decision by the Commission to confirm that the United Kingdom is not and cannot be a member of the IOTC as a coastal State, the Republic of Mauritius will proceed to invoke its rights under the Agreement and international law, including Article XXIII.

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