

25th Session of the Indian Ocean Tuna Commission
7-11 June 2021

Agenda Item 14.2: Participation of the United Kingdom as a coastal State vis-à-vis “BIOT”

Statement by the Republic of Mauritius

The Republic of Mauritius wishes to recall that at the 23rd Session of the Indian Ocean Tuna Commission (IOTC) held in June 2019 in Hyderabad, India, it had, in line with UN General Assembly Resolution 73/295, proposed the inclusion on the agenda of that session of an item relating to the termination of the United Kingdom’s membership in the IOTC as a coastal State. General Assembly Resolution 73/295, which fully endorsed the determinations made by the International Court of Justice (ICJ) in its Advisory Opinion of 25 February 2019, recognizes that as a matter of international law, the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius.

By a ruling of the then Chairperson of the IOTC, the consideration of this item was postponed to the 24th Session of the IOTC in order to allow Members to seek instructions from their capitals. The Republic of Mauritius accordingly wrote on 4 March 2020 to the then Chairperson of the IOTC to formally request the inclusion on the agenda of the 24th Session of an item entitled “Termination of United Kingdom’s membership in the IOTC as a coastal State”.

Subsequently, the Republic of Mauritius wrote on 8 July 2020 to the then Chairperson of the IOTC to inform that it had no objection to the consideration of that item being postponed to the 25th Session of the IOTC in view of the situation surrounding the COVID-19 pandemic and the conduct of the 24th Session as a virtual meeting focused on essential matters requiring urgent attention.

On 2 April 2021, the Republic of Mauritius addressed a letter to the Chairperson to formally request that the item be inscribed on the agenda of the 25th Session of the IOTC.

The Republic of Mauritius has noted that further to its request, the item has been reformulated as “Participation of the United Kingdom as a coastal State vis-à-vis “BIOT”” and has been included on the agenda of this Session under “Any other business”.

The Republic of Mauritius would like to point out that in the light of the Advisory Opinion of the ICJ, UN General Assembly Resolution 73/295 and the Judgment of the Special Chamber of the International Tribunal for the Law of the Sea of 28 January 2021 which has confirmed that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago, the United Kingdom is not and cannot be the coastal State in relation to the Chagos Archipelago. It cannot therefore be a member of the IOTC as a coastal State.

Considering that the item has been listed as an item under AOB, in which case no formal decision is likely to be taken, and taking into account the virtual nature of this Session of the Commission, the Mauritius delegation will not insist on the item being formally considered during this session. The Republic of Mauritius however formally requests that the termination of the United Kingdom’s membership in the IOTC as a coastal State be included as a substantive item on the agenda of the 26th Session of the IOTC, as initially agreed.

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