



REPUBLIC OF MAURITIUS

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

No: 12/2021 (18570/46/142)

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 refer to the 5th Special Session of the Indian Ocean Tuna Commission scheduled to be held virtually on 29 November 2021.

The Ministry has further the honour to transmit herewith a Statement by the Republic of Mauritius under Agenda Item 2: Letters of Credentials, in respect of the above mentioned meeting.

The Ministry would be grateful to the esteemed Secretariat of the IOTC to kindly annex the Statement of the Republic of Mauritius to the report of the 5th Special Session of the Indian Ocean Tuna Commission.

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, 26 November 2021

**Secretariat
Indian Ocean Tuna Commission
Victoria
Seychelles**

5th Special Session of the Indian Ocean Tuna Commission
29 November 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 objection to the participation of the United Kingdom in the 5th Special 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 the Judgment delivered on 28 January 2021 in the case of *Mauritius v. Maldives* by a Special Chamber of the International Tribunal for the Law of the Sea (ITLOS). This Judgment ruled that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago, thereby further confirming that the United Kingdom cannot be recognized as a member of the IOTC as a coastal State.

In its Judgment, the Special Chamber also held 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;

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- (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 so-called "British Indian Ocean Territory" which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its accession to independence is an illegal entity. The United Kingdom cannot accordingly be a member of the IOTC as a coastal State.

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