

**24<sup>th</sup> Session of IOTC Scientific Committee**  
**6-10 December 2021**

**Agenda Item 2: Adoption of the Agenda and Arrangements for the Session**

**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 24<sup>th</sup> Session of the IOTC Scientific Committee 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 Committee 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;

- (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.

More recently, on 24 August 2021, the Universal Postal Union (UPU) adopted a resolution for the implementation of UN General Assembly Resolution 73/295. This resolution, *inter alia*, provides that:

- (a) the UPU formally acknowledges that, for the purposes of its activities, the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius;
- (b) the International Bureau of the UPU should cease the registration, distribution and forwarding of any and all postage stamps issued by the so-called "British Indian Ocean Territory" ("BIOT");
- (c) the International Bureau of the UPU should ensure that UPU documentation does not include any references to the so-called "BIOT" or to the Chagos Archipelago

as part of the member country of the UPU known as the “Overseas Territories of the United Kingdom of Great Britain and Northern Ireland”.

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 “BIOT” which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of the Republic of Mauritius prior to its accession to independence is an illegal entity.

On 26 November 2021, the National Assembly of the Republic of Mauritius adopted an amendment to the Criminal Code. With that amendment, any person who acting under the instructions of, or with the financial support of, a foreign State as defined in the Criminal Code (Amendment) Act or any organ or agency of such a State produces, distributes, supplies or markets any coin, stamp, official map or other official object or document which, in any manner, misrepresents, or conveys misleading information to, the public about the sovereignty of the Republic of Mauritius over the Chagos Archipelago commits an offence under the laws of the Republic of Mauritius.

Since the United Kingdom is not entitled to be a member of the IOTC as a coastal State, the Republic of Mauritius objects to any documents purportedly submitted by the United Kingdom in respect of the so-called “BIOT” and to the use of terms such as “British Indian Ocean Territory”, “British Indian Ocean Territories” and “UK (OT)” in documents circulated for this meeting.

The Government of the Republic of Mauritius also objects to the use of terms such as “France (OT)” and “France (territories)” in the documents which have been circulated for this meeting in so far as these terms purport to refer to the Island of Tromelin as a French territory. The Island of Tromelin forms an integral part of the territory of the Republic of Mauritius. The Republic of Mauritius has full and complete sovereignty over that island, including its maritime zones.

Consideration by this meeting of any document which purports to refer to the Island of Tromelin as a French territory, as well as any action or decision that may be taken on the basis of any such document, cannot and should not be construed in any way whatsoever as implying that France has sovereignty or analogous rights over the Island of Tromelin.

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

This statement is applicable to all agenda items and all documents of this meeting.

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.

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

**24<sup>th</sup> Session of IOTC Scientific Committee**  
**6-10 December 2021**

**Agenda Item 6: National Reports from CPCs**

**Statement by the Republic of Mauritius**

**(a) National Report submitted by the United Kingdom**

The delegation of the Republic of Mauritius is deeply concerned that the United Kingdom has been allowed to submit a National Report in respect of the so-called “British Indian Ocean Territory” (“BIOT”) to this meeting. This is in total contradiction with UN General Assembly Resolution 73/295 and in violation of international law.

In Resolution 73/295, the UN General Assembly has called upon the United Nations and all its specialized agencies as well as all other international, intergovernmental and regional organizations to recognize that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, to support the decolonization of the Republic 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 so-called “BIOT”. The Scientific Committee which is a sub-body of the IOTC – itself a project of FAO which is a specialized institution of the UN – should accordingly not consider the part of the United Kingdom’s National Report which relates to the so-called “BIOT”.

The National Report of the United Kingdom also refers to the ‘marine protected area’ (‘MPA’) which was purportedly established by the United Kingdom around the Chagos Archipelago on 1 April 2010. As is well known, following proceedings initiated by Mauritius against the United Kingdom under Article 287 of, and Annex VII to, the United Nations Convention on the Law of the Sea (UNCLOS), the Arbitral Tribunal constituted under Annex VII to UNCLOS to hear the dispute ruled in its Award of 18 March 2015 that in establishing the ‘MPA’ around the Chagos Archipelago, the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of UNCLOS.

In the light of the Award of the Arbitral Tribunal, the Advisory Opinion of the International Court of Justice of 25 February 2019, 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 ruled that Mauritius is to be regarded the coastal state in respect of the Chagos Archipelago, it is clear that the ‘MPA’ purportedly established by the United Kingdom around the Chagos Archipelago is illegal and cannot be enforced. Any reference to or consideration given by the IOTC, including this meeting, to the purported ‘MPA’ will be in contradiction with international law.

The delegation of the Republic of Mauritius further wishes to point out that marine scientific research referred to in the United Kingdom’s National Report as having been carried out in the Chagos Archipelago was conducted without the approval of the Republic of Mauritius and therefore all such research is in breach of Mauritian laws. It wishes to emphasize that any person who has been engaged in such research is liable to prosecution under section 28 of the Maritime Zones Act of the Republic of Mauritius.

The Republic of Mauritius reiterates that it is firmly committed to the protection of the marine environment and to the promotion of marine scientific research and, provided that its laws are respected, welcomes collaboration with researchers, universities and research institutions towards these ends.

**(b) National Report submitted by France**

The delegation of the Republic of Mauritius also wishes to point out that the Island of Tromelin is not a French territory, as claimed by France in its National Report.

The Republic of Mauritius reiterates that the Island of Tromelin forms an integral part of its territory and rejects France’s sovereignty claim over that island as well as France’s claim to any sovereign right or jurisdiction over the Exclusive Economic Zone adjacent to that island.

Moreover, 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.

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