

**19<sup>th</sup> Session of IOTC Compliance Committee**  
**8-10 and 12 May 2022, Seychelles**

**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 19<sup>th</sup> Session of the Compliance 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. 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. The United Kingdom is not in a position to claim any rights over the Chagos Archipelago and cannot therefore 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.