

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

**Agenda Item 4: Adoption of the Agenda and arrangements for the Session**

**Statement by the Republic of Mauritius**

The Republic of Mauritius strongly objects to the references made in documents circulated for this meeting of the Compliance Committee to “British Indian Ocean Territory”, “BIOT” and “UK-BIOT” as well as to the ‘marine protected area’ (‘MPA’) purportedly established by the United Kingdom around the Chagos Archipelago.

The Republic of Mauritius wishes to recall that in its Judgment of 28 January 2021, the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) ruled that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago and that the United Kingdom’s continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations of the International Court of Justice (ICJ) to the effect that the detachment of the Chagos Archipelago from Mauritius was unlawful and that the United Kingdom’s continued administration of the Chagos Archipelago is an unlawful act of a continuing character. It also ruled that the Republic of Mauritius is to be regarded as the coastal State in respect of the Chagos Archipelago.

In the view of ITLOS, determinations made by the ICJ in an advisory opinion cannot be disregarded simply because the advisory opinion is not binding. The Special Chamber held that the determinations made by the ICJ in its Advisory Opinion of 25 February 2019 have legal effect and clear implications for the legal status of the Chagos Archipelago.

ITLOS further held that the UN General Assembly was entrusted by the ICJ to take necessary steps towards the completion of the decolonization of the Republic of Mauritius and that Resolution 73/295 which was adopted by the General Assembly on 22 May 2019 is also relevant to assessing the legal status of the Chagos Archipelago. ITLOS also considered that the time-limit of 22 November 2019 for the unconditional withdrawal of the United Kingdom’s

colonial administration from the Chagos Archipelago was one of the modalities for ensuring the completion of the decolonization of the Republic of Mauritius.

In Resolution 73/295, the General Assembly has called upon the United Nations and all its specialized agencies as well as all other international, regional and intergovernmental organizations to recognize that the Chagos Archipelago forms an integral part 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 “British Indian Ocean Territory”.

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 ICJ of 25 February 2019, UN General Assembly Resolution 73/295 and the Judgment of the Special Chamber of ITLOS of 28 January 2021, 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.

Moreover, the Republic of Mauritius objects to the use of terms such as “France (OT)” and “France (Territories)” in 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 Republic of Mauritius reaffirms that it has full and complete sovereignty over the Island of Tromelin, including its maritime zones.

The Republic of Mauritius rejects the sovereignty claim of France over the Island of Tromelin as well as France's claim to any sovereign right or jurisdiction over the Exclusive Economic Zone adjacent to the Island of Tromelin. Further, 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.

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

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.

This statement also applies to other agenda items and to all documents circulated for this meeting.

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