

20th Meeting of the North Indian Ocean Hydrographic Commission
13-15 July 2021

Written Statement by the Republic of Mauritius on the National Report
of the United Kingdom

The Republic of Mauritius wishes to register its strong objection to the claim of the United Kingdom, in its National Report to the 20th Meeting of the North Indian Ocean Hydrographic Commission (NIOHC), that it fulfils the Primary Charting Authority responsibilities of the so-called “British Indian Ocean Territory” within the NIOHC region.

The Republic of Mauritius wishes to recall that in its Advisory Opinion of 25 February 2019 on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, the International Court of Justice (ICJ) determined that the Chagos Archipelago is, and has always formed, an integral part of the territory of the Republic of Mauritius. The Court also found that the United Kingdom’s continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of that State and is an unlawful act of a continuing character which arose as a result of the separation of the Chagos Archipelago from Mauritius. It accordingly determined that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible.

UN General Assembly Resolution 73/295, which fully endorsed the determinations of the ICJ, recognizes that under international law, the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius and demanded the United Kingdom to withdraw its colonial administration from the Chagos Archipelago unconditionally by 22 November 2019. The General Assembly also called upon the United Nations and all its specialized agencies, as well as all other international, regional and intergovernmental organizations, including those established by treaty, 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 “British Indian Ocean Territory”.

More recently, on 28 January 2021, the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) delivered a Judgment which further confirmed that the Chagos Archipelago is an integral part of the territory of the Republic of Mauritius. The Special Chamber, *inter alia*, ruled that:

- (a) 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;
- (b) the United Kingdom's continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations of the ICJ that the detachment of the Chagos Archipelago 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;
- (d) 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.

It follows that under 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 and to carry out legal and representative functions with regard to the Chagos Archipelago within the NIOHC. In this regard, the Republic of Mauritius has submitted a request for full membership of the NIOHC. The United Kingdom is neither in a position to claim any rights over the Chagos Archipelago, nor lawfully entitled to be a full member of the

NIOHC or take any action in the Chagos Archipelago and its maritime zones without the express authority of the Republic of Mauritius.

The Republic of Mauritius also reiterates its objection to the publication by the UK Hydrographic Office of any hydrographic documents, including the charts listed in paragraphs 3.2 and 3.4 of the United Kingdom's National Report, referring to the Chagos Archipelago as the so-called "British Indian Ocean Territory" and/or depicting the maritime zones around the Chagos Archipelago as a "Marine Protected Reserve".

On 24 September 2020, the Republic of Mauritius sent a note of protest to the United Kingdom to register its strong objection to the maritime zones around the Chagos Archipelago being depicted as a purported "Marine Protected Reserve" on navigational charts published by the UK Hydrographic Office, including the chart entitled "Chagos Archipelago to Madagascar" referred to in paragraph 3.2 of the United Kingdom's National Report, and ask for the removal of the purported "Marine Protected Reserve" area depicted around the Chagos Archipelago on those charts. In that note, the Republic of Mauritius also objected to the publication by the UK Hydrographic Office of any hydrographic documents referring to the Chagos Archipelago as the so-called "British Indian Ocean Territory".

In its Award of 18 March 2015, the Arbitral Tribunal in the case of *Mauritius v. United Kingdom* ruled unanimously that in purporting to establish a 'marine protected area' ('MPA') around the Chagos Archipelago, the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of the UN Convention on the Law of the Sea. The illegality of the 'MPA' purportedly established by the United Kingdom around the Chagos Archipelago has further been confirmed by 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.

The refusal of the United Kingdom to remove the purported "Marine Protected Reserve" area depicted around the Chagos Archipelago on navigational charts published by the UK Hydrographic Office and to cease the publication of any hydrographic documents referring to the Chagos Archipelago as the so-called "British Indian Ocean Territory" amount to a blatant violation of international law.

The Republic of Mauritius requests that this statement be annexed to the minutes of the 20th Meeting of the NIOHC.