

Reference: C.N.50.2020.TREATIES-XXI.6.a (Depositary Notification)

AGREEMENT RELATING TO THE IMPLEMENTATION OF PART XI OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10
DECEMBER 1982

NEW YORK, 28 JULY 1994

MAURITIUS: COMMUNICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 9 January 2020.

(Original: English)

“N° 03/20 (NY/UN/395)

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to register its strong objection against the extension by the United Kingdom of Great Britain and Northern Ireland to the so-called ‘British Indian Ocean Territory’, of the Agreements listed at Annex and in respect of which the Secretary-General is the depositary.

The Government of the Republic of Mauritius considers that by extending these Agreements to the so-called ‘British Indian Ocean Territory’, the United Kingdom purported to exercise sovereignty over the Chagos Archipelago - a claim which is untenable under international law.

The Government of the Republic of Mauritius wishes to reiterate in emphatic terms that it does not recognize the so-called ‘British Indian Ocean Territory’. The fact that the Chagos Archipelago is, and has always been, part of the territory of the Republic of Mauritius, and that the United Kingdom has never had sovereignty over the Chagos Archipelago, has been authoritatively established by the International Court of Justice in its Advisory Opinion of 25 February 2019, on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*.

In this authoritative legal determination, the Court declared that the decolonization of the Republic of Mauritius had not been lawfully completed in 1968, since the Chagos Archipelago had been unlawfully detached in 1965, in violation of the right of self-determination of peoples and the Charter of the United Nations, as applied and interpreted in accordance with UN General Assembly resolution 1514 (XV) of 14 December 1960, resolution 2066 (XX) of 16 December 1965, resolution 2232 (XXI) of 20 December 1966 and resolution 2357 (XXII) of 19 December 1967. Accordingly, it went on to hold that the United Kingdom’s ongoing administration of the Chagos Archipelago, as the so-called ‘British Indian Ocean Territory’, was an internationally wrongful act, of a continuing nature, that engaged the State responsibility of the United Kingdom. It determined that the United Kingdom is under a legal obligation to terminate its unlawful colonial administration ‘as rapidly as possible’.

The Court further determined that all UN Member States have an obligation to cooperate with the United Nations in facilitating the completion of the decolonization of the Republic of Mauritius as rapidly as possible, including an obligation not to support the continuing wrongful conduct of the United Kingdom in maintaining its colonial administration in the Chagos Archipelago.

On 22 May 2019, the General Assembly, by an overwhelming majority of 116 votes to 6, adopted resolution 73/295. By this resolution, it endorsed the Court's Advisory Opinion, affirmed that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, and demanded that the United Kingdom terminate its unlawful colonial administration within a maximum of six months, that is, by no later than 22 November 2019. That deadline has now expired.

Moreover, the General Assembly in its resolution called upon Member States to 'cooperate with the United Nations to ensure the completion of the decolonization of Mauritius as rapidly as possible' and to refrain from conduct that might impede or delay the completion of decolonization. It further called upon the United Nations and all its specialized agencies 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 the so-called 'British Indian Ocean Territory'. Lastly, the resolution also called upon '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 its speedy decolonization, and to 'refrain from impeding that process' by recognizing the so-called 'British Indian Ocean Territory'.

The Republic of Mauritius has, over the years, consistently asserted, and hereby reasserts, its full sovereignty over the Chagos Archipelago. The Government of the Republic of Mauritius therefore unequivocally protests against the extension by the United Kingdom of the Agreements listed at Annex to the so-called 'British Indian Ocean Territory' and against the purported exercise by the United Kingdom of any sovereignty, rights or jurisdiction within the territory of the Republic of Mauritius.

For the above stated reasons, which arise from established principles of international law as authoritatively interpreted and applied by the International Court of Justice and endorsed by the UN General Assembly, the Government of the Republic of Mauritius does not recognize the extension by the United Kingdom of the Agreements listed at Annex to the so-called 'British Indian Ocean Territory', reserves all its rights in this regard, and calls upon all States Parties to the Agreements listed at Annex to reject the United Kingdom's extension of these Agreements to the so-called 'British Indian Ocean Territory'.

The Permanent Mission kindly requests that the present objection be duly recorded, circulated and published, including in any relevant publication issued by the United Nations.

The Permanent Mission of the Republic of Mauritius to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

9 January 2020"

ANNEX

LIST OF AGREEMENTS DEPOSITED WITH THE UN SECRETARY-GENERAL
AND WHICH THE UNITED KINGDOM HAS EXTENDED TO THE SO-CALLED
'BRITISH INDIAN OCEAN TERRITORY' ('BIOT')

Name of Agreement	Action Taken by the United Kingdom
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, New York, 14 December 1973	Notification on 2 May 1979 that the Convention applies to the so-called 'BIOT'
United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982	Accession in respect of the so-called 'BIOT' on 25 July 1997
Vienna Convention for the Protection of the Ozone Layer, Vienna, 22 March 1985	Ratification in respect of the so-called 'BIOT' on 15 May 1987
Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 16 September 1987	Ratification in respect of the so-called 'BIOT' on 16 December 1988
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Geneva, 3 September 1992	Ratification in respect of the so-called 'BIOT' on 26 October 2005
Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, New York, 28 July 1994	Ratification in respect of the so-called 'BIOT' on 25 July 1997
Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 4 August 1995	Signature on behalf of the so-called 'BIOT' on 4 December 19[9]5 Ratification in respect of the so-called 'BIOT' on 3 December 1999
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Oslo, 18 September 1997	Extension to the so-called 'BIOT' on 4 December 2001

31 January 2020

