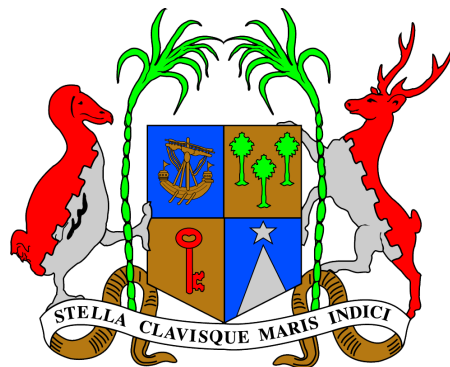


ARBITRATION UNDER ANNEX VII OF THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA

REPUBLIC OF MAURITIUS

v.

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**



MEMORIAL OF THE REPUBLIC OF MAURITIUS

VOLUME III

ANNEXES 81 – 177

1 August 2012

LIST OF ANNEXES

- Annex 1** United Nations General Assembly Resolution 1514 (XV), 14 December 1960
- Annex 2** Robert Newton, Report on the Anglo-American Survey in the Indian Ocean, 1964, CO 1036/1332
- Annex 3** “British Indian Ocean Territory” 1964-1968, Chronological Summary of Events relating to the Establishment of the “B.I.O.T.” in November, 1965 and subsequent agreement with the United States concerning the Availability of the Islands for Defence Purposes, FCO 32/484
- Annex 4** Extracts from Non-Aligned Movement Declarations:
- NAM Declaration, “Programme for Peace and International Co-operation”, adopted at the NAM Conference held on 5-10 October 1964 in Cairo, Egypt, pp. 25-26
 - NAM Summit Declaration, 7-12 March 1983, New Delhi, India, para. 81
 - NAM Summit Declaration, 1-6 September 1986, Harare, Zimbabwe, para.137
 - NAM Summit Declaration, 4-7 September 1989, Belgrade;
 - NAM Summit Declaration, 1-6 September 1992, Jakarta, Indonesia, NAC 10/Doc.2/Rev.2, para.14
 - NAM Summit Declaration, 18-20 October 1995, Cartagena, Colombia, para.171
 - NAM Summit Declaration, 2-3 September 1998, Durban, South Africa, para. 227
 - NAM Summit Declaration, 20-25 February 2003, Kuala Lumpur, Malaysia, para. 184
 - NAM Summit Declaration, 11-16 September 2006, Havana, Cuba, NAM 2006/Doc.1/Rev.3, para. 155
 - NAM Summit Declaration, 11-16 July 2009, Sharm el Sheikh, Egypt, NAM2009/FD/Doc.1, para. 213
 - NAM Ministerial Conference Declaration, 23-27 May 2011, Bali, Indonesia, paras. 260-262
 - NAM Ministerial Meeting Final Document, 7-10 May 2012, Sharm el Sheikh, Egypt, paras 285-287
- Annex 5** Letter dated 14 January 1965 from the Counselor for Politico-Military Affairs at the US Embassy in London to the Head of the Permanent Under-Secretary’s Department, UK Foreign Office
- Annex 6** Letter dated 15 January 1965 from the British Embassy, Washington to the UK Foreign Office

- Annex 7** Letter dated 10 February 1965 from the Counselor for Politico-Military Affairs at the US Embassy in London to the Head of the Permanent Under-Secretary's Department, UK Foreign Office
- Annex 8** Permanent Under-Secretary's Department (Foreign Office), Secretary of State's Visit to Washington and New York, 21-24 March, Defence Interests in the Indian Ocean, Brief No. 14, 18 March 1965, FO 371/184524
- Annex 9** Foreign Office Telegram No. 3582 to Washington, 30 April 1965, FO 371/184523
- Annex 10** Colonial Office Telegram No. 198 to Mauritius, No. 219 to Seychelles, 19 July 1965, FO 371/184526
- Annex 11** Colonial Office Telegram No. 199 to Mauritius, No. 222 to Seychelles, 21 July 1965, FO 371/184524
- Annex 12** Mauritius Telegram No. 170 to the Colonial Office, 23 July 1965, FO 371/184526
- Annex 13** Mauritius Telegram No. 175 to the Colonial Office, 30 July 1965, FO 371/184526
- Annex 14** Colonial Office Telegram No. 214 to Mauritius, 10 August 1965, FO 371/184526
- Annex 15** Mauritius Telegram No. 188 to the Colonial Office, 13 August 1965, FO 371/184526
- Annex 16** Record of a Meeting in the Colonial Office at 9.00 a.m. on Monday, 20th September, 1965, Mauritius – Defence Issues, FO 371/184528
- Annex 17** Colonial Office, Note for the Prime Minister's Meeting with Sir Seewoosagur Ramgoolam, Premier of Mauritius, 22 September 1965, PREM 13/3320
- Annex 18** Record of a Conversation between the Prime Minister and the Premier of Mauritius, Sir Seewoosagur Ramgoolam, at No. 10, Downing Street, at 10 a.m. on Thursday, 23 September 1965, FO 371/184528
- Annex 19** Record of a Meeting held in Lancaster House at 2.30 p.m. on Thursday 23rd September [1965], Mauritius Defence Matters, CO 1036/1253
- Annex 20** Record of UK-US Talks on Defence Facilities in the Indian Ocean, 23-24 September 1965 (FO 371/184529):
- List of Officials who took part in U.S./U.K. talks on Defence Facilities in the Indian Ocean, 23-24 September, 1965
 - Record of a Meeting with an American Delegation headed by Mr. J.C. Kitchen, on 23 September, 1965, Mr. Peck in the Chair, Defence Facilities in the Indian Ocean

- Record of a Meeting of U.K. and U.S. Officials on 24 September, 1965, to Discuss Draft B, Mr. Peck in the Chair, Defence Facilities in the Indian Ocean
- Summary Record of ‘Plenary’ Meeting between the United Kingdom and United States Officials (led by Mr. Kitchen), Mr. Peck in the Chair on 24 September, 1965, Defence Facilities in the Indian Ocean
- Note on Further Action

- Annex 21** Colonial Office Despatch No. 423 to the Governor of Mauritius, 6 October 1965, FO 371/184529
- Annex 22** Letter dated 8 October 1965 from the UK Colonial Office to the UK Foreign Office, FO 371/184529
- Annex 23** Foreign Office Telegram No. 4104 to the UK Mission to the United Nations, New York, 27 October 1965, FO 371/184
- Annex 24** UK Mission to the United Nations, New York, Telegram No. 2697 to the UK Foreign Office, 28 October 1965
- Annex 25** Mauritius Telegram No. 247 to the Colonial Office, 5 November 1965, FO 371/184529
- Annex 26** Minute dated 5 November 1965 from the Secretary of State for the Colonies to the Prime Minister, FO 371/184529
- Annex 27** Colonial Office Telegram No. 267 to Mauritius, No. 356 to Seychelles, 6 November 1965, FO 371/184529
- Annex 28** Foreign Office Telegram No. 4310 to the UK Mission to the United Nations, New York, 6 November 1965, FO 371/184529
- Annex 29** Colonial Office Telegram No. 298 to Mauritius, 8 November 1965, FO 371/184529
- Annex 30** Foreign Office Telegram No. 4327 to the UK Mission to the United Nations, New York, 8 November 1965
- Annex 31** UK Mission to the United Nations, New York, Telegram No. 2837 to the UK Foreign Office, 8 November 1965
- Annex 32** “British Indian Ocean Territory” Order No. 1 of 1965
- Annex 33** Foreign Office Telegram No. 4361 to the UK Mission to the United Nations, New York, 10 November 1965
- Annex 34** Colonial Office Telegram No. 305 to Mauritius, 10 November 1965
- Annex 35** UK Mission to the United Nations, New York, Telegram No. 2971 to the UK Foreign Office, 16 November 1965

- Annex 36** UK Mission to the United Nations, New York, Telegram No. 2972 to the UK Foreign Office, 16 November 1965
- Annex 37** Mauritius Telegram (unnumbered) to the Secretary of State for the Colonies, 17 November 1965
- Annex 38** United Nations General Assembly Resolution 2066 (XX), 16 December 1965
- Annex 39** Despatch dated 7 January 1966 from C. G. Eastwood, Colonial Office to F. D. W. Brown, UK Mission to the United Nations, New York
- Annex 40** Despatch dated 2 February 1966 from F.D.W. Brown, UK Mission to the United Nations, New York to C.G. Eastwood, Colonial Office
- Annex 41** Letter dated 8 February 1966 from K.W.S. MacKenzie, Colonial Office to A. Brooke-Turner, UK Foreign Office, FO 371/190790
- Annex 42** UK Mission to the United Nations, New York, Telegram No. 1872 to the UK Foreign Office, 9 September 1966, CO 936/972
- Annex 43** UK Mission to the United Nations, New York, Telegram No. 1877 to the UK Foreign Office, 12 September 1966, CO 936/972
- Annex 44** Statement by Mr. Francis Brown in the Committee of 24: Mauritius, the Seychelles and St. Helena (Report of Sub-Committee I), 6 October 1966
- Annex 45** United Nations General Assembly Resolution 2232 (XXI), 20 December 1966
- Annex 46** Exchange of Notes Constituting an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of United States of America Concerning the Availability for Defence Purposes of the “British Indian Ocean Territory”, in force 30 December 1966, 603 *U.N.T.S.* 273 (No. 8737)
- Annex 47** UK Mission to the United Nations, New York, Telegram No. 60 to the UK Foreign Office, 21 April 1967
- Annex 48** Minute dated 12 May 1967 from the Secretary of State for Defence to the Foreign Secretary, FO 16/226
- Annex 49** Minute dated 22 May 1967 from a Colonial Office official, A. J. Fairclough, to a Minister of State, with a Draft Minute appended for signature by the Secretary of State for Commonwealth Affairs addressed to the Foreign Secretary, FCO 16/226
- Annex 50** Letter dated 12 July 1967 from the UK Commonwealth Office to the Governor of Mauritius, FCO 16/226

- Annex 51** United Nations General Assembly Resolution 2357 (XXII), 19 December 1967
- Annex 52** Despatch dated 28 April 1969 from J. W. Ayres, Foreign and Commonwealth Office to J. R. Todd, Administrator, “BIOT”, FCO 31/2763
- Annex 53** “British Indian Ocean Territory” Proclamation No. 1 of 1969
- Annex 54** Note Verbale dated 19 November 1969 from the Prime Minister’s Office (External Affairs Division), Mauritius to the British High Commission, Port Louis, No. 51/69 (17781/16/8)
- Annex 55** Note Verbale dated 18 December 1969 from the British High Commission, Port Louis to the Prime Minister’s Office (External Affairs Division), Mauritius
- Annex 56** Pacific and Indian Ocean Department (Foreign and Commonwealth Office), Visit of Sir Seewoosagur Ramgoolam, Prime Minister of Mauritius, 4 February 1970, Speaking Note, 2 February 1970
- Annex 57** Despatch dated 24 March 1970 from A. F. Knight, Foreign and Commonwealth Office to J. R. Todd, “BIOT” Administrator
- Annex 58** Telegram No. BIOT 12 dated 30 May 1970 from the Governor of Seychelles to the UK Foreign and Commonwealth Office
- Annex 59** Minute dated 5 June 1970 from J. Thomas (Defence Department) to J. W. Ayres (Aviation and Marine Department), UK Foreign and Commonwealth Office, FCO 32/716
- Annex 60** “British Indian Ocean Territory” Ordinance No. 2 of 1971
- Annex 61** Despatch dated 3 June 1971 from M. Elliott, UK Foreign and Commonwealth Office to F.R.J. Williams, Seychelles, FCO 31/2763
- Annex 62** Despatch dated 16 June 1971 from F.R.J. Williams, Seychelles to M. Elliott, UK Foreign and Commonwealth Office, BIOT/54/61
- Annex 63** Despatch dated 2 July 1971 from M. Elliott, UK Foreign and Commonwealth Office to R. G. Giddens, British High Commission, Port Louis, FCO 31/2763
- Annex 64** Note from R. G. Giddens, British High Commission, Port Louis, 15 July 1971
- Annex 65** Despatch dated 26 May 1972 from J. R. Todd, “BIOT” Administrator to P. J. Walker, UK Foreign and Commonwealth Office, FCO 31/2763
- Annex 66** Letter dated 26 June 1972 from the British High Commission, Port Louis, to the Prime Minister of Mauritius

- Annex 67** Letter dated 4 September 1972 from Prime Minister of Mauritius to British High Commissioner, Port Louis
- Annex 68** Press Communiqué dated 9 February 1973, Prime Minister's Office, Mauritius
- Annex 69** Letter dated 24 March 1973 from Prime Minister of Mauritius to the British High Commissioner, Port Louis
- Annex 70** Mauritius Legislative Assembly, 9 April 1974, Speech from the Throne – Address in Reply, Statement by Hon. G. Ollivry
- Annex 71** Mauritius Legislative Assembly, 26 June 1974, Committee of Supply
- Annex 72** Memorandum by the UK Secretary of State for Foreign and Commonwealth Affairs, "British Indian Ocean Territory: The Ex-Seychelles Islands", 4 July 1975
- Annex 73** Briefing note dated 14 July 1975 from John Hunt to the UK Prime Minister
- Annex 74** Office of International Security Operations Bureau, Politico-Military Affairs, United States Department of State, "Disposition of the Seychelles Islands of the BIOT", 31 October 1975
- Annex 75** Anglo/US Consultations on the Indian Ocean: November 1975, Agenda Item III, Brief No. 4: Future of Aldabra, Farquhar and Desroches, November 1975
- Annex 76** British Embassy, Washington, November 1975, Minutes of Anglo-US Talks on the Indian Ocean held on 7 November 1975 (Extract)
- Annex 77** Record of Conversation between the UK Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs and the Mauritius High Commissioner, London at the Foreign and Commonwealth Office on 8 March 1976 at 4 p.m.
- Annex 78** Letter dated 15 March 1976 from Parliamentary Under Secretary of State, UK Foreign and Commonwealth Office, to the Mauritius High Commissioner, London
- Annex 79** Heads of Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland, the Administration of the "British Indian Ocean Territory" and the Government of Seychelles Concerning the Return of Aldabra, Desroches and Farquhar to Seychelles to be Executed on Independence Day, FCO 40/732
- Annex 80** Telegram No. 43 from the UK Foreign and Commonwealth Office to the British High Commission, Port Louis, 19 March 1976
- Annex 81** Mauritius Legislative Assembly, 15 March 1977, Speech from the Throne – Address in Reply, Statement by Hon. M.A. Peeroo

- Annex 82** Mauritius Legislative Assembly, 8 November 1977, Reply to PQ No. B/539
- Annex 83** Mauritius Legislative Assembly, 29 November 1977, Reply to PQ No. B/634
- Annex 84** Mauritius Legislative Assembly, 5 July 1978, Committee of Supply
- Annex 85** Mauritius Legislative Assembly, 11 April 1979, Speech from the Throne – Address in Reply, Statement by the Prime Minister of Mauritius
- Annex 86** Mauritius Legislative Assembly, 10 July 1979, Reply to PQ No. B/754
- Annex 87** Mauritius Legislative Assembly, 13 November 1979, Reply to PQ No. B/844
- Annex 88** Mauritius Legislative Assembly, 20 November 1979, Reply to PQ No. B/967
- Annex 89** Mauritius Legislative Assembly, 27 November 1979, Reply to PQ No. B/982
- Annex 90** Mauritius Legislative Assembly, 13 May 1980, Second Reading of the Fisheries Bill (No. IV of 1980), Statement by the Minister of Fisheries and Cooperatives and Co-operative Development
- Annex 91** Mauritius Fisheries Act 1980, Act No. 5 of 1980
- Annex 92** Mauritius Legislative Assembly, 26 June 1980, Interpretation and General Clauses (Amendment) Bill (No. XIX of 1980), Committee Stage, Statement by Sir Harold Walter
- Annex 93** Resolution on Diego Garcia, AHG/Res.99 (XVII), adopted by OAU Summit, 1-4 July 1980, Freetown, Sierra Leone
- Annex 94** Hansard, House of Commons Debates, 11 July 1980, vol. 988 c314W
- Annex 95** Extracts from Annual Statements Made by Mauritius to the United Nations General Assembly (Chagos Archipelago)
- Annex 96** Mauritius Legislative Assembly, 25 November 1980, Reply to PQ No. B/1141
- Annex 97** Extracts from the Mauritius Legislative Assembly, Report of the Select Committee on the Excision of the Chagos Archipelago, June 1983
- Annex 98** “British Indian Ocean Territory” Notice No. 7 of 1985
- Annex 99** Note Verbale dated 23 July 1991 from British High Commission, Port Louis to Government of Mauritius, No. 043/91

- Annex 100** Note Verbale dated 7 August 1991 from Ministry of External Affairs, Mauritius to British High Commission, Port Louis, No. 35(91) 1311
- Annex 101** “British Indian Ocean Territory” Proclamation No. 1 of 1991
- Annex 102** “British Indian Ocean Territory” Ordinance No. 1 of 1991
- Annex 103** Letter dated 1 July 1992 from the British High Commissioner, Port Louis to the Prime Minister of Mauritius
- Annex 104** Note Verbale dated 9 May 1997 from High Commission of India, Port Louis to Ministry of Foreign Affairs, International and Regional Cooperation, Mauritius
- Annex 105** Letter dated 10 November 1997 from the UK Secretary of State for Foreign and Commonwealth Affairs to the Prime Minister of Mauritius
- Annex 106** Letter dated 9 January 1998 from the Prime Minister of Mauritius to the UK Secretary of State for Foreign and Commonwealth Affairs
- Annex 107** Note Verbale dated 13 April 1999 from the British High Commission, Port Louis to the Ministry of Foreign Affairs and International Trade, Mauritius, No. 15/99 and Speaking Notes, “Chagos – Inshore Fisheries Licences”
- Annex 108** Note Verbale dated 11 May 1999 from the Ministry of Foreign Affairs and International Trade, Mauritius to the British High Commission, Port Louis, No. 29/99 (1197/25)
- Annex 109** Note Verbale dated 1 July 1999 from the Ministry of Foreign Affairs and International Trade, Mauritius to the British High Commission, Port Louis, No.37/99 (1100/20)
- Annex 110** Letter dated 16 August 1999 from the Mauritius High Commissioner, London to Mr. G. Hoon MP, UK Foreign and Commonwealth Office
- Annex 111** Note Verbale dated 5 July 2000 from the Ministry of Foreign Affairs and International Trade, Mauritius to the British High Commission, Port Louis, No. 52/2000 (1197)
- Annex 112** Decision on Chagos Archipelago, AHG/Dec.159(XXXVI), adopted by OAU Summit, 10-12 July 2000, Lomé, Togo
- Annex 113** Note Verbale dated 6 November 2000 from the Ministry of Foreign Affairs and Regional Cooperation, Mauritius to the British High Commission, Port Louis, No. 97/2000 (1197/T4)
- Annex 114** Statement by Hon. A.K. Gayan, Minister of Foreign Affairs and Regional Cooperation, to the National Assembly of Mauritius, 14 November 2000

- Annex 115** Letter dated 21 December 2000 from the Minister of Foreign Affairs and Regional Cooperation, Mauritius to the UK Secretary of State for Foreign and Commonwealth Affairs
- Annex 116** Letter dated 6 July 2001 from the UK Secretary of State for Foreign and Commonwealth Affairs to the Minister of Foreign Affairs and Regional Cooperation, Mauritius
- Annex 117** OAU Council of Ministers, Decision on the Chagos Archipelago, including Diego Garcia, CM/Dec.26 (LXXIV), 5-8 July 2001, Lusaka, Zambia
- Annex 118** Letter dated 14 May 2002 from the Prime Minister of Mauritius to the President of the United States
- Annex 119** Letter dated 8 July 2003 from the Director of Overseas Territories Department, UK Foreign and Commonwealth Office, to the Mauritius High Commissioner, London
- Annex 120** Letter dated 13 August 2003 from the Director of Overseas Territories Department, UK Foreign and Commonwealth Office, to the Mauritius High Commissioner, London
- Annex 121** “British Indian Ocean Territory” Proclamation No. 1 of 2003
- Annex 122** Letter dated 7 November 2003 from the Minister of Foreign Affairs and Regional Cooperation, Mauritius to the UK Secretary of State for Foreign and Commonwealth Affairs
- Annex 123** Joint Statement Issued on the Occasion of the Visit of the Prime Minister of Mauritius to India, 19-24 November 2003
- Annex 124** Letter dated 12 December 2003 from the Minister responsible for Overseas Territories, UK Foreign and Commonwealth Office to the Minister of Foreign Affairs and Regional Cooperation, Mauritius
- Annex 125** Hansard, House of Lords, 31 March 2004, col. WS62, Statement of Baroness Symons of Vernham Dean
- Annex 126** Note Verbale dated 14 April 2004 from the Permanent Mission of the Republic of Mauritius to the United Nations, New York, to the Secretary General of the United Nations, No. 4780/04 (NY/UN/562)
- Annex 127** Note Verbale dated 20 April 2004 from the Mauritius High Commission, London to the UK Foreign and Commonwealth Office, Ref. MHCL 886/1/03
- Annex 128** Note Verbale dated 13 May 2004 from UK Foreign and Commonwealth Office to Mauritius High Commission, London, No. OTD 016/05/04

- Annex 129** Letter dated 22 July 2004 from the Prime Minister of Mauritius to the Prime Minister of the United Kingdom
- Annex 130** Letter dated 22 October 2004 from Minister of Foreign Affairs, International Trade and Regional Cooperation, Mauritius to the UK Secretary of State for Foreign and Commonwealth Affairs
- Annex 131** Mauritius Maritime Zones Act 2005
- Annex 132** Letter dated 1 December 2005 from the Prime Minister of Mauritius to the Prime Minister of the United Kingdom
- Annex 133** Letter dated 4 January 2006 from the Prime Minister of the United Kingdom to the Prime Minister of Mauritius
- Annex 134** Note Verbale dated 26 July 2006 from the Permanent Mission of the Republic of Mauritius to the United Nations, New York, to the UN Secretary General, No. 4678/06
- Annex 135** Letter dated 13 December 2007 from the Prime Minister of Mauritius to the Prime Minister of the United Kingdom
- Annex 136** Note Verbale dated 20 June 2008 from Permanent Mission of Mauritius to the United Nations, New York to the Secretary General of the United Nations, No. 10260/08 (NY/UN/395)
- Annex 137** Joint Communiqué, Bilateral talks between Mauritius and the UK on the Chagos Archipelago, 14 January 2009
- Annex 138** “Giant marine park plan for Chagos”, The Independent, Sadie Gray, 9 February 2009
- Annex 139** Note Verbale dated 5 March 2009 from the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Foreign and Commonwealth Office, No. 2009(1197/28)
- Annex 140** Note Verbale dated 13 March 2009 from the UK Foreign and Commonwealth Office to the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius, No. OTD 04/03/09
- Annex 141** Note Verbale dated 19 March 2009 from the United Kingdom Mission to the United Nations, New York to the Secretary General of the United Nations, No. 26/09
- Annex 142** Note Verbale dated 10 April 2009 from the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Foreign and Commonwealth Office, No. 1197/28
- Annex 143** National Assembly of Mauritius, 14 April 2009, Reply to PQ No. B/185

- Annex 144** Preliminary Information Submitted by the Republic of Mauritius Concerning the Extended Continental Shelf in the Chagos Archipelago Region Pursuant to the Decision Contained in SPLOS/183
- Annex 145** Note Verbale dated 6 May 2009 from the UK Foreign and Commonwealth Office to Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius, No. OTD 06/05/09
- Annex 146** Cable from US Embassy, London, on UK Government's Proposals for a Marine Reserve Covering the Chagos Archipelago, May 2009: Mauritius Application, 20 December 2010, Annex 2
- Annex 147** Note Verbale dated 9 June 2009 from Permanent Mission of the Republic of Mauritius to the United Nations, New York to the Secretary General of the United Nations, No. 107853/09
- Annex 148** Joint Communiqué, Second round of bilateral talks between Mauritius and the UK on the Chagos Archipelago, 21 July 2009, Port Louis, Mauritius
- Annex 149** Declaration of Nueva Esparta, 2nd Africa-South America Summit, 26-27 September 2009, Isla de Margarita, Venezuela (extract)
- Annex 150** Note Verbale dated 5 November 2009 from Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the British High Commission, Port Louis, No. 46/2009 (1197/28/4)
- Annex 151** Note Verbale dated 10 November 2009 from the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Foreign and Commonwealth Office, No. 1197/28/10
- Annex 152** UK Foreign and Commonwealth Office, Consultation on Whether to Establish a Marine Protected Area in the "British Indian Ocean Territory", November 2009
- Annex 153** Note Verbale dated 10 November 2009 from the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the British High Commission, Port Louis, No. 48/2009 (1197/28/10)
- Annex 154** Note Verbale dated 11 November 2009 from the British High Commission, Port Louis, to the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius, No. 54/09
- Annex 155** Note Verbale dated 23 November 2009 from the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Foreign and Commonwealth Office, No. 1197/28/10
- Annex 156** Letter dated 15 December 2009 from the UK Secretary of State for Foreign and Commonwealth Affairs to the Minister of Foreign Affairs, Regional Integration and International Trade, Mauritius

- Annex 157** Letter dated 30 December 2009 from the Minister of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Secretary of State for Foreign and Commonwealth Affairs
- Annex 158** Note Verbale dated 30 December 2009 from the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Foreign and Commonwealth Office, No. 1197/28/4
- Annex 159** Letter dated 30 December 2009 from the Mauritius High Commissioner, London to *The Sunday Times*, published on 10 January 2010
- Annex 160** Written Evidence of the Mauritius High Commissioner, London, on the UK Proposal for the Establishment of a Marine Protected Area around the Chagos Archipelago, to the House of Commons Select Committee on Foreign Affairs
- Annex 161** Note Verbale dated 15 February 2010 from British High Commission, Port Louis, to the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius, No. 07/2010
- Annex 162** Letter dated 19 February 2010 from the Secretary to Cabinet and Head of the Civil Service, Mauritius to the British High Commissioner, Port Louis
- Annex 163** Letter dated 19 March 2010 from the British High Commissioner, Port Louis to the Secretary to Cabinet and Head of the Civil Service, Mauritius
- Annex 164** Note Verbale dated 26 March 2010 from British High Commission, Port Louis, to the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius, No. 14/2010
- Annex 165** UK Foreign and Commonwealth Office Press Release, 1 April 2010, “New Protection for marine life”
- Annex 166** “British Indian Ocean Territory” Proclamation No. 1 of 2010
- Annex 167** Note Verbale dated 2 April 2010 from the Ministry of Foreign Affairs, Regional Integration and International Trade, Mauritius to the British High Commission, Port Louis, No. 11/2010 (1197/28/10)
- Annex 168** African Union Assembly of Heads of States and Government, Decision on the Sovereignty of the Republic of Mauritius over the Chagos Archipelago, Assembly/AU/Dec.331(XV), 27 July 2010, Kampala, Uganda
- Annex 169** Hansard, House of Commons Written Answers, 21 October 2010
- Annex 170** African Union Assembly of Heads of States and Government, Resolution adopted at the 16th Ordinary Session,

Assembly/AU/Res.1(XVI), 30-31 January 2011, Addis Ababa, Ethiopia

- Annex 171** Hansard, House of Commons Written Answers, 16 May 2011
- Annex 172** Letter dated 20 October 2011 from the Minister of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Secretary of State for Foreign and Commonwealth Affairs
- Annex 173** Letter dated 21 March 2012 from the Minister of Foreign Affairs, Regional Integration and International Trade, Mauritius to the UK Secretary of State for Foreign and Commonwealth Affairs
- Annex 174** Ministerial Declaration of the Group of 77 and China on the occasion of UNCTAD XIII, 21 April 2012, Doha, Qatar
- Annex 175** Hansard, House of Lords Debates, 11 June 2012, c149W
- Annex 176** National Assembly of Mauritius, 12 June 2012, Reply to Private Notice Question
- Annex 177** National Assembly of Mauritius, 10 July 2012, Reply to PQ No. B/457

ANNEX 109

Note Verbale dated 1 July 1999 from the Ministry of Foreign Affairs and International Trade, Mauritius to the British High Commission, Port Louis, No.37/99 (1100/20)

No.37/99(1100/20)

1 July,1999

The Ministry of Foreign Affairs and International Trade of the Republic of Mauritius presents its compliments to the British High Commission and has the honour to refer to the High Commission's Note (No.15/99) of 13 April,1999 informing the Ministry of the decision of the British authorities, based on ecological considerations, to reduce the number of licences for Inshore fisheries for the 1999 season from six to four.

The Ministry wishes once again to reaffirm the position of the Government that sovereignty over the Chagos Archipelago rests with the Republic of Mauritius.

The Ministry of Foreign Affairs and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the British High Commission the assurances of its highest consideration.

The British High Commission
Les Cascades Building
Edith Cavell Street
Port Louis



c.c.

1. Secretary for Home Affairs, Prime Minister's Office (Mrs. K. Beegun)
2. Solicitor-General (Mr. A. Caunhye)
3. Permanent Secretary, Ministry of Fisheries and Cooperatives

ANNEX 110

Letter dated 16 August 1999 from the Mauritius High
Commissioner, London to Mr. G. Hoon MP, UK Foreign and
Commonwealth Office

ANNEX 110

15:38 FROM: MAURITIUS H.C. LONDON 01718239437

TO: 2068087

PAGE: 06



MAURITIUS HIGH COMMISSION

0171-581 0294/5

Your Ref :

Our Ref : MHCL 883/1/01

32/33 ELVASTON PLACE
LONDON SW7 5NW

Telex No: 917772

Fax No: 0171-823 8437

16 August 1999

Mr G. Hoon, MP
Minister of State
Foreign and Commonwealth Office
King Charles Street
LONDON SW1A 2AH

Dear Mr Hoon

I wish to refer to the statement made by you at the conference "A Breath of Fresh Air" at the London Zoo on 29 June 1999, which was subsequently published in the July edition of "Survey of Current Affairs".

In your speech you raised the question "Should the Chagos Archipelago be made a World Heritage Site?".

The Government of Mauritius strongly deplores the reference to the Chagos Archipelago.

Whilst we acknowledge that Diego Garcia is temporarily occupied, we strongly object to any suggestion of the UK Government to propose Chagos Archipelago as a possible World Heritage site.

The Government of Mauritius is fully aware of its responsibilities and environmental legacy on the Chagos Archipelago, which is an integral part of the Mauritian territory.

Any proposal regarding the Chagos Archipelago would necessitate the concurrence of the Government of Mauritius.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Satcam Boolell'.

Sir Satcam Boolell, QC
High Commissioner

ANNEX 111

Note Verbale dated 5 July 2000 from the Ministry of Foreign Affairs and International Trade, Mauritius to the British High Commission, Port Louis, No. 52/2000 (1197)

CONFIDENTIAL

No. 52/2000 (1197)

5 July, 2000

The Ministry of Foreign Affairs and International Trade of the Republic of Mauritius presents its compliments to the British High Commission and has the honour to refer to the recent visit of the three Mauritian citizens to the Chagos Archipelago.

Despite the fact that the Chagos Archipelago including Diego Garcia has always been and is an integral part of the territory of Mauritius, the former inhabitants of the Chagos Archipelago have been forcibly removed and prevented from returning to that part of the territory of Mauritius.

Those who have been forcibly removed by the UK Government and have been continuously and illegally denied access to the Chagos Archipelago have, to all intents and purposes, always been, and are citizens of Mauritius and as such have always been residing in Mauritius.

Ever since the unlawful detachment of the Chagos Archipelago from Mauritius, Mauritius has constantly and repeatedly made representations to the UK Government for its return to Mauritius.

In the circumstances, the Government of Mauritius notes with concern and strongly objects to the arrangement of the visit by the UK Government of the three Mauritian citizens to the Chagos Archipelago.

In view of the excellent and historical relations between Mauritius and the United Kingdom, Mauritius has always favoured and still favours that the return of the Chagos to Mauritius be arranged in an amicable manner between the two states.

The Ministry of Foreign Affairs and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the British High Commission the assurances of its highest consideration.

The British High Commission
Edith Cavell Street
Port Louis.



copy to: Secretary for Home Affairs, PMO
Solicitor General's Office, SLO

DESPATCH

1-5 JUL 2000

ANNEX 112

Decision on Chagos Archipelago, AHG/Dec.159(XXXVI), adopted
by OAU Summit, 10-12 July 2000, Lomé, Togo

ORGANIZATION OF AFRICAN UNITY



ORGANISATION DE L'UNITE AFRICAINE

P.O. Box 3243, Addis Ababa - ETHIOPIA

Telephone 251 1 517700

Fax 251 1 517844

Reference : CD/DOC/14/18.00

The General Secretariat of the Organization of African Unity presents its compliments to the Ministries of Foreign Affairs/External Relations of all the Member States and has the honour to draw their attention to and inadvertent typing error in Paragraph 3 of the English and Portuguese versions of Decision AIG/Dec.159(XXXVI) on Chagos Archipelago, adopted by the 36th Ordinary Session of the OAU Assembly of Heads of State and Government, held from 10 to 12 July 2000 in Lome, Togo.

Paragraph 3 of this Decision must read in English and Portuguese as stated in the respective copies attached hereto as follows:

"URGES the UK Government to immediately enter into direct and constructive dialogue with Mauritius so as to enable the early return of the Chagos Archipelago to the sovereignty of Mauritius."

The French and Arabic texts, being correct, remain unchanged.

The General Secretariat apologizes this typing error and avails itself of this opportunity to renew to the Ministries of Foreign Affairs/External Relations of all the Member States the assurance of its highest consideration.

Addis Ababa, 3 October 2000

TO: *Ministries of Foreign Affairs/External Relations
of all Member States*

cc: *Embassies of all OAU Member States
Addis Ababa*



RECEIVED

10 OCT 2000

AHG/Dec.159 (XXXVI)

DECISION ON CHAGOS ARCHIPELAGO

Assembly:

1. **EXPRESSES CONCERN** that the Chagos Archipelago was unilaterally and illegally excised by the colonial power from Mauritius prior to its independence in violation of UN Resolution 1514;
2. **NOTES WITH DISMAY** that the bilateral talks between Mauritius and UK on this matter has not yet yielded any significant progress;
3. **URGES** the UK Government to immediately enter into direct and constructive dialogue with Mauritius so as to enable the early return of the Chagos Archipelago to the sovereignty of Mauritius.

ANNEX 113

Note Verbale dated 6 November 2000 from the Ministry of Foreign Affairs and Regional Cooperation, Mauritius to the British High Commission, Port Louis, No. 97/2000 (1197/T4)

97/2000(1197/T4)

6 November 2000

The Ministry of Foreign Affairs and Regional Cooperation of the Republic of Mauritius presents its compliments to the British High Commission and has the honour to refer to the statement of Mr Robin Cook, Foreign Secretary, on 3 November 2000 on the return of the former inhabitants of the Chagos to the islands of the Archipelago.

The Ministry wishes to state that despite the fact that the Chagos Archipelago including Diego Garcia has always been and is an integral part of the territory of Mauritius, the former inhabitants of the Chagos Archipelago have been forcibly removed and prevented from returning to that part of the territory.

Ever since the unlawful detachment of the Chagos Archipelago from Mauritius, Mauritius has constantly and repeatedly made representations to the UK Government for its return to the State of Mauritius.

The Government of Mauritius has been informed of a recent judgement of the High Court in the Bancoult case which declares unlawful the removal of Mauritian citizens from the Chagos Archipelago and the deprivation of their right to return there. The Government of Mauritius does not recognise the 'treaty obligations' mentioned by the Foreign Secretary and reiterates that the Chagos Archipelago including Diego Garcia has always been, and is still, to all intents and purposes, an integral part of the territory of Mauritius.

The Government of the Republic of Mauritius also notes that the return of Mauritian citizens to the Chagos Archipelago will create a new situation which amply justifies the early holding of all appropriate negotiations for the early restoration of the Chagos Archipelago including Diego Garcia to Mauritius.

In this connection, the Ministry also recalls the U.K. statement to the United Nations General Assembly on 22nd September 2000 stating the readiness of the United Kingdom to enter into negotiations on the issue of sovereignty and the undertaking of Mr. Robin Cook to enter into prior consultation as conveyed in

his letter dated 10 November 1997. The Ministry invites the High Commission to enter into consultations on the modalities, venue and date of the substantive discussions for an early return of the Chagos Archipelago to Mauritius.

The Ministry of Foreign Affairs and Regional Cooperation of the Republic of Mauritius avails itself of this opportunity to renew to the British High Commission the assurances of its highest consideration.

The British High Commission
Les Cascades Building
Edith Cavell Street
Port Louis

ANNEX 114

Statement by Hon. A.K. Gayan, Minister of Foreign Affairs and
Regional Cooperation, to the National Assembly
of Mauritius, 14 November 2000

STATEMENT BY HON. A.K. GAYAN, MINISTER OF FOREIGN AFFAIRS AND REGIONAL COOPERATION

14.11.2000

CHAGOS ARCHIPELAGO – MAURITIUS STAND

Mr Speaker, Sir, I wish to enlighten the House on a matter which has been widely covered in both the local and international media and to restate what the stand of Mauritius is on the Chagos Archipelago.

As the House is aware the Chagos Archipelago was in 1965 detached by the then colonial power prior to our Independence from what was to become the State of Mauritius. Mauritius has never relinquished its sovereignty over the Chagos Archipelago and has never acquiesced in the creation of the BIOT which we do not recognise or accept. Whenever this matter has been raised her Majesty's Government in the UK has maintained that sovereignty over the Chagos Archipelago will revert to Mauritius when the military facility on Diego Garcia is no longer needed for the defence of the West. That was their stand in 1965 and that is still their stand today. We consider that even this stand of the UK has to be reviewed in the light of the changing security environment in the world.

The House may wish to know that in 1965 the world was in the thick of the Cold War; there were two super powers each vying with each other in the arms race, the Bay of Pigs has happened four years earlier. President J. Kennedy has been shot two years before, the UK was in NATO but not yet in the European Union, or the European Economic Community as it then was. The Berlin wall still divided East from West.

The Soviet Union was then in existence. The Soviet Union is no more. NATO was facing the Warsaw pact. Warsaw Pact is part of history and most of its former members want to join NATO.

The USA and the Soviet Union had not yet sent any man to the moon and there was fierce rivalry between them as to who would be the first. Today there is space cooperation between the US and Russia.

I could go on but I will not as the House is conscious of the many developments and events which have shaped to modern history. The point I

wish to make is that the world as it was in 1965 is not the one we know today. This calls for an urgent re-assessment of the situation regarding the Chagos Archipelago.

The House is aware that the stand of Mauritius on the Chagos Archipelago is as follows:

- (1) The circumstances of the dismemberment by the UK Government of Mauritian territory prior to independence was in violation of international law and is of no effect.
- (2) The BIOT is a creation which Mauritius does not recognise.
- (3) Mauritius has never relinquished its sovereignty over the Chagos Archipelago.
- (4) Mauritius has consistently raised in international fora the return of the Chagos Archipelago to the sovereignty of Mauritius.
- (5) The issue of sovereignty is non-negotiable.
- (6) Mauritius has expressed deep concern at the manner of the removal of those persons who were living on the Chagos Archipelago.
- (7) The Chagos Archipelago was always prior to independence under the administrative control of Mauritius.
- (8) Mauritius has asked the UK Government to start negotiations forthwith on the modalities of the retrocession of sovereignty.
- (9) Mauritius considers that the position of the UK to the effect that sovereignty will revert to Mauritius once the military facility and base the USA has on Diego Garcia is no longer needed for the defence of the West is untenable in view the fundamental change in circumstances between 1965 and the present time.
- (10) Mauritius prefers a negotiated settlement but does not rule out a recourse to other means.
- (11) Mauritius will support all efforts at obtaining full compensation for all those persons who were subjected to gross violations of human rights since the time of their removal from their habitual residence to the present time.
- (12) In the light of the changing security environment in our region Mauritius is not opposed to the USA maintaining the military base on Diego Garcia on terms which are mutually acceptable but Mauritius reserves the right to discuss with the USA the modalities for the utilisation of Diego Garcia.

Thank you, Mr Speaker.

ANNEX 115

Letter dated 21 December 2000 from the Minister of Foreign
Affairs and Regional Cooperation, Mauritius to the UK Secretary of
State for Foreign and Commonwealth Affairs



Ministry of Foreign Affairs and Regional Co-operation
Republic of Mauritius

The Minister

21st December 2000

H.E. Mr. R. Cook
Secretary of State
Foreign & Commonwealth Office
London SW1A 2AG
ENGLAND

Your Excellency

May I thank you for your letter dated 6th December 2000 which was delivered by hand to me in Port Louis on 20th December 2000. I have taken note of its contents.

I wish to express my appreciation for the full, forceful and frank discussions I had with your officials in Gaborone as well as with your colleague, Minister Peter Hain. I am sure they have briefed you fully.

While going through your letter I have noticed some significant departures from the position that Her Majesty's Government has taken in the past.

For the sake of the record I am mindful of the fact that your Government had taken the position that the Chagos Archipelago would be ceded to Mauritius when it was no longer needed for the defence of the West.

It appears that you are now modifying this stand by including new elements.

Mauritius does not subscribe to your "willingness to cede the islands of the Chagos Archipelago subject to the requirement of International Law"

We note also that there is no strategic or defence impediment for the return of those persons of Mauritian origin who were living on the Chagos Archipelago to what you term the "outer islands".

As you are aware, Mauritius has officially announced that we have no objection to the continued presence of the US military base on Diego Garcia and we have informed the United States that there is no risk with regard to their security of tenure on the island.

Mauritius considers that the time has come to engage in constructive negotiations with a view to working out the modalities for an early return of sovereignty on the Chagos Archipelago to Mauritius.

Mauritius and the United Kingdom enjoy excellent bilateral relations and we are sure that we will be able to find a way round this dispute in a friendly and constructive atmosphere.

Yours sincerely



A. K. Gayan
Minister of Foreign Affairs
& Regional Cooperation

ANNEX 116

Letter dated 6 July 2001 from the UK Secretary of State for Foreign
and Commonwealth Affairs to the Minister of Foreign Affairs and
Regional Cooperation, Mauritius

11:27 FROM: MAURITIUS H.C. LONDON 020 7823 8437

IU:2125764

PAGE: 02

135091

6 July 2001



Foreign &
Commonwealth
Office

London SW1A 2AH

From The Secretary of State

Your Excellency,

Thank you for your kind letter of 11 June 2001 congratulating me on my appointment as Foreign Secretary. It is both a huge honour, and responsibility, to have been appointed to this post. I too look forward working with you to build on the close and warm relationship between the United Kingdom and Mauritius.

You mentioned the British Indian Ocean Territory. The British Government acknowledges that Mauritius has a legitimate interest in the future of the islands and recognises Mauritius as the only State which could assert a claim to the territory in the event that the United Kingdom relinquishes its own sovereignty.

Yours sincerely,

JACK STRAW

HE Mr Anil Kumarsingh Gayan

ANNEX 117

OAU Council of Ministers, Decision on the Chagos Archipelago,
including Diego Garcia, CM/Dec.26 (LXXIV), 5-8 July 2001,
Lusaka, Zambia

COUNCIL OF MINISTERS
Seventy-fourth Ordinary Session/
Ninth Ordinary Session of the AEC
5 – 8 July, 2001
Lusaka, ZAMBIA

CM/ Dec.1-46 (LXXIV)

DECISIONS ADOPTED BY THE
SEVENTY-FOURTH ORDINARY SESSION
OF THE COUNCIL OF MINISTERS

CM/ Dec.26 (LXXIV)

DECISION ON THE CHAGOS ARCHIPELAGO
INCLUDING DIEGO GARCIA

Council:

1. REITERATES its unflinching support to the Government of Mauritius in its endeavours and efforts to restore its sovereignty over the Chagos Archipelago, which forms an integral part of the territory of Mauritius and CALLS UPON the United Kingdom to put an end to its continued unlawful occupation of the Chagos Archipelago and to return it to Mauritius thereby completing the process of decolonization;
2. FURTHER EXHORTS the United Kingdom authorities not to take any steps or measures likely to adversely impact on the sovereignty of Mauritius;
3. ENJOINS the international community to support the legitimate claim of Mauritius and extend all assistance possible to it to secure the return of the Chagos Archipelago to its jurisdiction thereby enabling it to exercise its rightful sovereign responsibilities on the totality of its territory.

ANNEX 118

Letter dated 14 May 2002 from the Prime Minister of Mauritius to
the President of the United States



*Prime Minister
Republic of Mauritius*

14 May 2002

Mr President,

My country was shocked by the events of September 11th and spontaneously demonstrated its commitment to join with you in the global war against terrorism. Mauritius has since then been following and supporting your actions aimed at the total eradication of terrorism.

Our commitment has not wavered and will not waver as we are convinced that the efforts you personally and your Administration are conducting to eliminate terrorism in all its forms need to be supported worldwide.

In that context, Mauritius has considered the request of your Government concerning maritime interception operations in the war against terrorism. We are prepared to agree to such operations being conducted by your naval forces in our territorial waters and the airspace above. We have noted with appreciation your Government's intention to make every effort to inform us of the decision to board suspected vessels and to share with us the results of such boardings and inspections unless your doing so would jeopardize the success of the mission or future operations or the safety of US/Coalition personnel.

In a separate correspondence with your Administration we shall identify appropriate points of contact within Mauritius to facilitate further dialogue and exchange of information. We welcome your Government's offer to assist us in conducting our own inspections of suspected vessels in our ports and territorial waters.

While Mauritius and the US see eye-to-eye on most issues there is, Mr President, one matter which is of great concern and interest to us. I am referring to the Chagos Archipelago of which Diego Garcia forms part.

.../

In 1965, prior to Mauritius obtaining its independence from the United Kingdom, the latter excised the Chagos Archipelago from the territories forming part of what should have been the State of Mauritius to create a brand new colony, the so-called British Indian Ocean Territory (BIOT).

We have always claimed that this excision was in violation of International Law and United Nations Resolutions and we have never relinquished our sovereignty over the totality of the Chagos Archipelago.

We would wish here to refer to recent developments that have led us to make a fresh proposal to the U.K. in relation to our sovereignty claim.

On 03 November 2000, the High Court in London struck down the Immigration Ordinance of 1971 which had been made by the Commissioner of the so-called BIOT and which prevented some 2,000 Chagossians displaced from the Chagos since 1965 from returning there.

With effect from the same date, the United Kingdom enacted another Ordinance granting to the former inhabitants of the Chagos Archipelago and their descendants the right to return to the outer islands while observing the U.K.'s treaty obligations in the case of Diego Garcia.

Additionally, since August 2001, the crews of Mauritian fishing vessels are being allowed to go ashore onto the outer islands.

In the light of the above, in November 2001, a meeting was held in London between the Hon. Jack Straw, British Foreign Secretary and the Hon. Paul Bérenger, Deputy Prime Minister and Minister of Finance of Mauritius in the course of which Mauritius argued that the above developments had created a new situation and opened a window of opportunity in regard to our sovereignty claim.

Mauritius thus proposed the transferring of sovereignty over the outer islands of the Chagos back to Mauritius, whilst leaving the status of Diego Garcia unchanged and the US base unchallenged.

.../

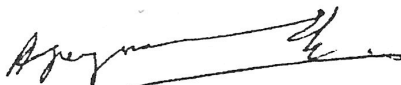
We have now been informed that the U.K. authorities have explained to you the advantages of our proposal and suggested that any US security concerns might be allayed by a prior agreement with the Mauritian Government, but that the US is concerned that this change could open a portion of the islands to possible activities whose long-term effect might compromise your ability to maintain the military utility of Diego Garcia.

We are fully conscious of the importance of Diego Garcia as an uninhabited and isolated strategic military installation for the United States and we do not propose any change with regard to your continued use of Diego Garcia. Our proposal would in no way undermine the US access to, and control over Diego Garcia which is 100 miles distant from the nearest outer islands namely, Egmont Islands.

We would wish to meet with you as friends and partners to discuss our proposal further and, in particular, to address your security concerns in regard to activities on the outer islands that could impact on the military utility of Diego Garcia.

Having appreciated your strong resolve to find solutions to problems which seemed unsurmountable, we trust, Mr President, that you will inspire us to reach an early agreement on the basis of our proposal mentioned above.

With warm regards.



*Sir Anerood Jugnauth, K.C.M.G., P.C., Q.C.
Prime Minister*

*H.E. Mr George W. Bush
President of the Unites States of America
The White House
Washington D.C., 20506
UNITED STATES OF AMERICA*

ANNEX 119

Letter dated 8 July 2003 from the Director of Overseas Territories
Department, UK Foreign and Commonwealth Office, to the
Mauritius High Commissioner, London



Foreign &
Commonwealth
Office

King Charles Street
London
SW1A 2AH

08 July 2003

HE Mr Mohunlall Goburdhun
High Commissioner
Mauritius High Commission
32/33 Elvaston Place
London
SW7 5NW

Tel: 020 7008 2890
Fax: 020 7008 1589
E-mail: charles.hamilton@fc.gov.uk

Dear High Commissioner

BRITISH MAURITIAN FISHERIES COMMISSION

One of the regular agenda items at meetings of the British Mauritian Fisheries Commission (BMFC) has been discussion of plans for closed area management (Marine Protected Areas) in the Chagos Archipelago. There was a commitment on our part to keep the Mauritius Government fully informed of any changes to the management of the (Chagos Archipelago) inshore fishery and in accordance with that undertaking I wish to inform you of a recent decision to close the area enclosed by the following points:

05010" S, 072050" E
05010" S, 072000" E
05020" S, 072050" E
05020" S, 072000" E

As you are aware there have been no formal scientific exchanges about the inshore fishery of the Chagos Archipelago since the last meeting of the BMFC and its Scientific Sub-Committee in 1999. I understand the concerns of your Government about the re-instatement of the BMFC but, as a first step, may ~~suggest that we re-instate the Scientific Sub-Committee and perhaps look at the re-instatement of the Commission itself at a later date.~~ Regular meetings of the Sub-Committee would allow for the resumption of scientific exchanges, something which would be warmly welcomed by our scientists and which would be to our mutual benefit.

ANNEX 119

11-07-2003 17:37 FROM:

TO:002302126764

P:3/3



I did raise the possibility of the re-instatement of the BMFC and/or the Scientific Sub-Committee when I met with Mr Rhafic Janhangeer in the FCO last year and I also raised it with Mr Gayan when I called on him in Port Louis last October.

I am sending our High Commissioner in Port Louis a copy of this letter and look forward to hearing from you in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Charles Hamilton'.

Charles Hamilton
Overseas Territories Department

cc: British High Commissioner, Port Louis, Mauritius

ANNEX 120

Letter dated 13 August 2003 from the Director of Overseas
Territories Department, UK Foreign and Commonwealth Office, to
the Mauritius High Commissioner, London

3 16:06 FROM:

TO: 002302088087

P: 2/3



Foreign &
Commonwealth
Office

King Charles Street
London
SW1A 2AH

13 August 2003

HE Mr Mohunlall Goburdhun
High Commissioner
Mauritius High Commission
32/33 Elvaston Place
London
SW7 5NW

Tel: 020 7008 2890
Fax: 020 7008 1589
E-mail: charles.hamilton@fco.gov.uk

British Indian Ocean Territory (BIOT): Great Chagos Bank: Environmental Protection

The Great Chagos Bank, which lies within the waters adjacent to the outer islands of the Chagos Archipelago (BIOT), is an exceptional example of a submerged coral atoll, providing a valuable contribution to the marine ecology of the Indian Ocean.

The UN Convention on the Law of the Sea (UNCLOS) permits States to establish an exclusive economic zone (EEZ), extending 200 nautical miles from the territorial sea baselines, within which they may exercise certain sovereign rights and jurisdiction. They may do so for the purpose, among other things, of conserving and managing the natural resources of the waters, seabed and subsoil, and also for the protection and preservation of the marine environment of the zone. In 1991, in reliance on that provision of UNCLOS, the United Kingdom Government established a Fisheries (Conservation and Management) Zone (FCMZ) for BIOT. This was done by formal Proclamation, issued by the Commissioner for BIOT in Her Majesty's name. We subsequently enacted BIOT legislation to regulate all fishing within the FCMZ.

The Government of Mauritius will wish to be aware that in order to help preserve and protect the environment of the Great Chagos Bank, the British Government proposes to issue a similar Proclamation by the Commissioner for BIOT, but this time establishing an Environmental (Protection and Preservation) Zone. This will be defined so as to have the same geographical extent as BIOT's FCMZ. It will not involve any change in the land areas comprised within BIOT. A copy of the Proclamation, together with copies of the relevant charts and co-ordinates, will be deposited with the UN under Article 75 of UNCLOS later this year.

ANNEX 120

16:07 FROM:

10-002302000001

F:3:3



I am sending a copy of this letter to the British High Commissioner in Mauritius.

Yours sincerely
Charles Hamilton

Charles Hamilton
Overseas Territories Department

cc: High Commissioner, Port Louis



ANNEX 121

“British Indian Ocean Territory” Proclamation No. 1 of 2003

ANNEX 121

- 99 -

3. United Kingdom of Great Britain and Northern Ireland:

(a) PROCLAMATION No. 1 of 17 September 2003 establishing the Environment (Protection and Preservation) Zone for the British Indian Ocean Territory

IN THE NAME of Her Majesty ELIZABETH the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of Commonwealth, Defender of the Faith.

[signed]

.....
ALAN EDDEN HUCKLE
Commissioner,

By Alan Edden Huckle, Commissioner for the British Indian Ocean Territory.

I, Alan Edden Huckle, Commissioner for the British Indian Ocean Territory, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do hereby proclaim and declare that:

1. There is established for the British Indian Ocean Territory an environmental zone, to be known as the Environment (Protection and Preservation) Zone, contiguous to the territorial sea of the Territory.
2. The said environmental zone has as its inner boundary the outer limits of the territorial sea of the Territory and as its seaward boundary a line drawn so that each point on it is two hundred nautical miles from the nearest point on the low-water line on the coast of the Territory or other baseline from which the territorial sea of the Territory is measured or, where this line is less than two hundred nautical miles from the baseline and unless another line is declared by Proclamation, the median line. The median line is a line every point on which is equidistant from the nearest point on the baseline of the Territory and the nearest point on the baseline from which the territorial sea of the Republic of the Maldives is measured.
3. Within the said environmental zone, Her Majesty will exercise sovereign rights and jurisdiction enjoyed under international law, including the United Nations Convention on the Law of the Sea, with regard to the protection and preservation of the environment of the zone.
4. In this Proclamation "the Territory" means the British Indian Ocean Territory". The British Indian Ocean Territory comprises the islands of the Chagos Archipelago, as set out in the Schedule to this Proclamation.

Given the Foreign and Commonwealth Office, London, this 17 day of September 2003.

GOD SAVE THE QUEEN

ANNEX 121

- 100 -

SCHEDULE

The islands of the Chagos Archipelago, which constitute the British Indian Ocean Territory, are the following:

Diego Garcia	Three Brothers Islands
Egmont or Six Islands	Nelson or Legour Island
Peros Banhos	Eagle Islands
Salomon Islands	Danger Island

(b) British Indian Ocean Territory Environment (Protection and Preservation) Zone

		Latitude			Longitude			Line Type	Datum
3	27	56.82	S	75	3	10.1	E	Geodesic	WGS 84
3	15	22	S	74	0	0	E	Geodesic	WGS 84
3	5	21	S	73	10	0	E	Geodesic	WGS 84
2	58	3	S	72	33	34	E	Geodesic	WGS 84
2	47	31	S	71	53	40	E	Geodesic	WGS 84
2	36	44	S	71	17	14	E	Geodesic	WGS 84
2	17	15.01	S	70	12	4.45	E	Geodesic	WGS 84
2	17	41.37	S	70	11	15.19	E	200M arc	WGS 84
2	18	9.94	S	70	10	22.44	E	200M arc	WGS 84
2	18	38.77	S	70	9	29.83	E	200M arc	WGS 84
2	19	7.86	S	70	8	37.37	E	200M arc	WGS 84
2	19	37.21	S	70	7	45.05	E	200M arc	WGS 84
2	20	6.83	S	70	6	52.88	E	200M arc	WGS 84
2	20	36.71	S	70	6	0.86	E	200M arc	WGS 84
2	21	6.85	S	70	5	8.97	E	200M arc	WGS 84
2	21	37.25	S	70	4	17.25	E	200M arc	WGS 84
2	22	7.91	S	70	3	25.67	E	200M arc	WGS 84
2	22	38.82	S	70	2	34.23	E	200M arc	WGS 84
2	23	10	S	70	1	42.97	E	200M arc	WGS 84
2	23	41.42	S	70	0	51.85	E	200M arc	WGS 84
2	24	13.1	S	70	0	0.89	E	200M arc	WGS 84
2	24	45.05	S	69	59	10.09	E	200M arc	WGS 84
2	25	17.24	S	69	58	19.45	E	200M arc	WGS 84
2	25	49.69	S	69	57	28.96	E	200M arc	WGS 84
2	26	22.38	S	69	56	38.64	E	200M arc	WGS 84
2	26	55.33	S	69	55	48.47	E	200M arc	WGS 84
2	27	28.54	S	69	54	58.47	E	200M arc	WGS 84
2	28	1.99	S	69	54	8.64	E	200M arc	WGS 84
2	28	35.69	S	69	53	18.97	E	200M arc	WGS 84

ANNEX 122

Letter dated 7 November 2003 from the Minister of Foreign Affairs
and Regional Cooperation, Mauritius to the UK Secretary of State
for Foreign and Commonwealth Affairs

REPUBLIC OF MAURITIUS
MINISTRY OF FOREIGN AFFAIRS AND REGIONAL CO-OPERATION

7 November, 2003

Dear Foreign Secretary,

The Chagos Archipelago

I am writing to you in the context of the Foreign and Commonwealth Office letter of 13 August, 2003 conveying the intention of your Government to issue a Proclamation establishing an Environmental (Protection and Preservation) Zone around the Chagos Archipelago, and to deposit a copy of the Proclamation, together with copies of the relevant charts and coordinates with the UN under Article 75 of UNCLOS later this year.

2. In responding to our assertions of sovereignty over the Chagos Archipelago, successive Governments of the UK have consistently assured us that the British Government recognizes Mauritius as the only state which has a right to assert a claim of sovereignty over the islands, which the UK would transfer back when no longer required for the defence purposes of the United Kingdom and the United States.

3. You may recall that when in 1991 the UK authorities established a Fisheries (Conservation and Management) Zone around the Chagos Archipelago, Mauritius had protested.

4. On 1 July 1992, the British High Commissioner wrote to our Prime Minister to provide clarification about British policy towards Mauritius claims to sovereignty over the Chagos Archipelago and affirmed that the UK had no plans to establish an exclusive economic zone around the Chagos Archipelago islands. In the same letter, the UK recognized the special position of Mauritius and its legitimate interest in the future of the Chagos Archipelago, and expressed its readiness to pursue any further concerns that Mauritius may have over the future of the Chagos Archipelago through normal bilateral discussions.

- 2 -

5. Our Joint Cooperation Agreement of 27 January 1994 on the conservation of fisheries around the Chagos Archipelago had its foundation on the assurances of the UK Government as contained in the letter referred to in paragraph 4 above. You will also recall that when our two countries signed the Agreement establishing a British – Mauritian Fisheries Commission on 27 January 1994, it was agreed that nothing in that statement or anything resulting from it was to be interpreted as a change in our position regarding our sovereignty or territorial and maritime jurisdiction over the Chagos Archipelago and its surrounding waters.

6. Nearer to us, you will recall that in the context of the judgement of the London High Court delivered on 3 November, 2000 and its aftermath, our Prime Minister (then Deputy Prime Minister) met you in November 2001 in London and proposed on behalf of Mauritius that the sovereignty of Mauritius over the outer islands of the Chagos Archipelago be recognized now, whilst we would continue to agree to disagree on the sovereignty status of Diego Garcia and the US base on the island would remain unchallenged.

7. In a letter dated 18 March 2002, addressed to the then Deputy Prime Minister of Mauritius, you were kind enough to inform him that you had explained the advantages of our proposal at paragraph 6 above to the US and had suggested that US security concerns might be allayed by a prior agreement with the Mauritian Government.

8. On 14 May 2002, the Prime Minister of Mauritius wrote to President Bush explaining our position, and conveying our wish to meet as friends and partners to find a way forward.

9. In response, in a letter dated 18 October 2002 addressed to the Prime Minister, Ms Condoleezza Rice has informed us that the US are aware of our Government's discussions with the UK Government regarding the status of the outer islands of the Chagos Archipelago and are studying our concerns, confident that a mutually agreeable solution would be found.

10. You will agree that we have always sought to pursue this matter through normal and friendly bilateral discussions. We have no doubt that the UK Government will stand by its undertaking that, should the Government of Mauritius have further concerns over the future of the Chagos Archipelago, the UK Government remained ready to pursue these through normal bilateral discussions.

11. In view of the above, I earnestly request the UK Government not to proceed with the issue of a Proclamation establishing an Environmental (Protection and Preservation) Zone around the Chagos Archipelago and not to deposit a copy thereof together with copies of the relevant charts and coordinates with the UN under Article 75 of UNCLOS. As you are aware, Article

- 3 -

75 falls under Part V of UNCLOS which deals solely with EEZs. Depositing copies of relevant charts and coordinates with the UN under Article 75 of UNCLOS would in effect amount to a declaration of an EEZ around the Chagos Archipelago, something the UK undertook not to do in the letter of 1 July 1992 referred to at paragraph 4 above.

12. At the same time, you are aware that we have always given great importance to the preservation and protection of the flora and fauna in the waters of the Chagos Archipelago. It was for this very reason that during the Fifth meeting of the BMFC held on 1 December 1999, Mauritius had proposed a joint monitoring programme related to the marine environment in the Chagos Archipelago.

13. We therefore welcome your suggestion that the Scientific Sub-Committee under the British – Mauritian Fisheries Commission be reactivated and suggest that it should address itself in priority to the environmental protection and preservation of the waters around the Chagos Archipelago.

14. We are confident that you will agree that we need to build on our excellent bilateral relations.

15. We do understand that the Diego Garcia base is vital to the defence interests of your country and of the US in view of the situation in that part of the world. We are however confident that, as the situation in the area improves, this will allow for close consultations with your Government and the Government of the United States over our proposal and a way forward.

Yours sincerely,



A. K. Gayan
Minister

The Rt. Hon. J. Straw, MP
Secretary of State for Foreign and
Commonwealth Affairs
King Charles Street
London SW1A 2AH
UNITED KINGDOM

ANNEX 123

Joint Statement Issued on the Occasion of the Visit of the Prime
Minister of Mauritius to India, 19-24 November 2003

ANNEX 123

STATE VISIT OF THE PRIME MINISTER OF THE REPUBLIC OF MAURITIUS,

Mr. PAUL R. BERENGER TO INDIA

NOVEMBER 19 - 24, 2003

Joint Statement

1. His Excellency Mr. Paul Raymond Berenger, G.C.S.K, Prime Minister of the Republic of Mauritius, accompanied by Mrs Berenger, paid a state visit to India from 19-24 November 2003 at the invitation of the Prime Minister of India.
2. During the visit, the Prime Minister of Mauritius called on the President of the Republic of India, Dr. A.P.J Abdul Kalam. He visited Rajghat to pay homage to the memory of Mahatma Gandhi. The Mauritian dignitary called on the Prime Minister of India, Shri Atal Bihari Vajpayee, and held detailed discussions on bilateral, regional and international issues. The Prime Minister of India also hosted a banquet in honour of Mr Paul R. Berenger and Mrs Berenger.
3. The Prime Minister of Mauritius held meetings with the Deputy Prime Minister, Shri L.K. Advani, Minister of External Affairs, Shri Yashwant Sinha, Minister of Defence, Shri George Fernandes, Minister of Human Resource Development, Dr Murli Manohar Joshi and Leader of Opposition, Mrs Sonia Gandhi.
4. They reaffirmed their commitment to democracy and secularism and emphasized on the importance of harmonious co-existence in multi-racial, multi-ethnic, multi-religious and multi-lingual societies, and stressed on the concept of unity in diversity.
5. Both leaders hailed the traditional bonds of friendship and kinship between Mauritius and India founded on historical and shared cultural heritage and expressed satisfaction at the vibrant and excellent relations existing between the two countries. They reaffirmed their intention to continue to further strengthen bilateral relations. In this context, they decided that both countries should conclude, at the earliest, a Comprehensive Economic Cooperation and Partnership Agreement (CECPA). Both

ANNEX 123

sides agreed to setting up of a Joint Working Group to prepare the modalities of the CECPA. The objectives of this Agreement would be, *inter alia*, to (i) strengthen and enhance economic, industrial, trade and investment co-operation between the two countries; (ii) progressively liberalise and promote trade in goods and services with a view to the eventual setting up of a Free Trade Area; (iii) facilitate the setting up of joint ventures; and (iv) promote partnerships to ensure greater development of the region.

6. Both sides were satisfied with the level of bilateral cooperation in the field of defence and security. India reiterated its commitment to provide assistance to Mauritius in the surveillance of its Exclusive Economic Zone (EEZ). Mauritius welcomed Indian assistance and acknowledged that the Indian Navy had already commenced provision of assistance in this regard. Mauritius recognized the assistance being extended by India in the field of defence including repair works being carried out to its OPV 'Vigilant' and training of defence personnel. They also recognized the potential that exist for purchase of defence equipment by Mauritius from India. In this context, an agreement was signed during the visit for the purchase of a Dornier aircraft by Mauritius from India.

7. India confirmed its readiness to conduct hydrographic surveys of the harbours, ports and outer islands of Mauritius and update its existing navigational charts and to offer assistance in the field of prospecting and exploration of oil and gas resources in the EEZ and continental shelf of Mauritius. It was noted that cooperation in this regards had already begun between the ONGC and National Institute of Oceanography, Goa with the corresponding Mauritian Organizations. Both sides agreed to conclude an MOU at an early date on exploration of oil and gas in the Mauritian EEZ

8. Both sides agreed to strengthen cooperation against drug trafficking and other criminal matters. In this regard an Extradition Treaty was signed in the presence of the two Prime Ministers. It was also agreed to conclude an agreement on Mutual Legal Assistance in Criminal Matters and an agreement on cooperation on matters relating to Drug Trafficking at an early date.

9. The Prime Minister of Mauritius conveyed his appreciation of India's generous assistance for the construction of a Multi-purpose conference Centre at Domaine Les Pailles to host the International Meeting on the Comprehensive Review of the Barbados Programme of Action for the Sustainable Development of Small Islands Developing States scheduled from 29 August to 3 September 2004.

ANNEX 123

10. The Prime Minister of Mauritius reiterated his appreciation for India's support and assistance in Information and Communications Technology and particularly in the setting up of the Cybercity at Ebène in Mauritius. He highlighted the potential for further Indo-Mauritian cooperation in this field, specially with regard to capacity building and to opportunities existing in Africa and in the region.

11. The two sides expressed satisfaction that the Agreement for the setting up of the World Hindi Secretariat and the MOU on cooperation in the field of Non-Conventional Energy Sources were signed during the visit. The two sides also reviewed the progress achieved so far with regard to the Rajiv Gandhi Science Centre and the inclusion of Aapravasi Ghat on the list of UNESCO's World Heritage Sites. In the field of film and image development, India agreed to extend technical assistance in the form of training and equipment and to consider possibilities for joint venture partnerships in the film sector.

12. They also agreed that the next meeting of the Indo-Mauritius Joint Commission would be held in early 2004 at the level of Foreign Ministers of the two countries.

13. Both sides recognized the important role of the United Nations and expressed their determination to continue their efforts in strengthening the UN System as the central organ for ensuring international peace and security. They reiterated their support to the reform of the United Nations Organisation and stressed, in particular, the need for an enlarged Security Council which would be more democratic and more representative of to-day's world. The Prime Minister of Mauritius reiterated his total support to India's candidature to a permanent seat in an expanded Security Council and expressed his satisfaction for India's support of the sovereignty of Mauritius over the Chagos Archipelago.

14. On Iraq, both sides had a convergence of view and felt that it was imperative that the people of Iraq should be empowered to determine their own future to rebuild their nation. Both sides also agreed that the UN had a crucial role to play in the process of political and economic reconstruction of that country. The immediate priorities in Iraq are ensuring security and stability, restoration of basic facilities and infrastructure, and a road map for the political process towards a representative government.

15. India and Mauritius called for the establishment of a just, comprehensive and durable peace in the Middle East. They reiterated their principled support for the

ANNEX 123

Palestinian cause and for the legitimate rights and aspirations in the framework of the UN Security Council Resolutions No. 242, 338, 1397 and 497 as well as the “land for peace” principle. Both sides stated that the cycle of violence and counter-violence must end.

16. Mauritius welcomed India’s commitment to Africa’s development through NEPAD and sub-regional fora such as SADC and COMESA. Both sides highlighted the importance of the IOR-ARC and acknowledged the vital role of the Non-Aligned Movement and of the Commonwealth in addressing global issues. They agreed to continue their coordination in the context of these multilateral organizations.

17. Mauritius and India affirmed that terrorism cannot be justified in any form and that it is only through international efforts and cooperation that the war against terrorism could be won. In this context they reiterated their commitment to UNSC Resolution 1373. Mauritius shared the concern of India regarding cross-border terrorism in Jammu and Kashmir and reiterated that the Kashmir issue should be resolved through bilateral dialogue.

18. With regard to the global trading system, both sides underscored the need to guarantee equity and fairness for developing countries in post-Cancun. In this regard, India agreed to support the work programme on small economies for their further integration in the Multilateral Trading System, Special and Differential Treatment to developing countries including Small Islands Developing States, and the importance of preferential trade regimes for small vulnerable countries like Mauritius.

19. The Prime Minister of Mauritius expressed his deep gratitude to the Government of the Republic of India for the warm hospitality provided to him and his delegation and the excellent arrangements made during his visit to India. He extended an invitation to H.E Shri Atal Bihari Vajpayee, Prime Minister of the Republic of India to visit Mauritius in early 2004 for the inauguration of the Ebene Cyber city. The invitation was accepted with pleasure. The dates of the visit would be finalized through diplomatic channels.

ANNEX 124

Letter dated 12 December 2003 from the Minister responsible for Overseas Territories, UK Foreign and Commonwealth Office to the Minister of Foreign Affairs and Regional Cooperation, Mauritius



Foreign &
Commonwealth
Office

London SW1A 2AH

From the Parliamentary Under Secretary of State

Hon A K Gayan MLA
Minister of Foreign Affairs and Regional Co-operation
Port Louis
Mauritius

12th December 2003

Dear Anil.

**BRITISH INDIAN OCEAN TERRITORY (BIOT): GREAT CHAGOS BANK:
ENVIRONMENTAL PROTECTION**

You wrote to the Foreign Secretary on 7 November expressing concern at the British Government's decision to proclaim an area of waters contiguous to the BIOT territorial sea, including the Great Chagos Bank, as an Environmental (Protection and Preservation) Zone (EPPZ). Your letter referred to various undertakings and assurances that the Mauritius Government has received from the British Government about sovereignty over the Chagos Archipelago. I am writing as the Minister responsible for Overseas Territories.

The proposed Zone is not a full exclusive economic zone for all purposes. On 13 August my officials wrote to your High Commissioner in London making it clear that the purpose of the proposed Zone is simply to help protect and preserve the environment of the Great Chagos Bank. I am sure that you will share this objective and understand our purpose in taking this action. The Great Chagos Bank is an exceptional example of a submerged coral atoll which provides a valuable contribution to the marine ecology of the Indian Ocean. As your letter itself notes, the BIOT Commissioner issued a similar Proclamation in 1991 when a Fisheries (Conservation and Management) Zone (FCMZ) was established. As was then explained, the purpose of the FCMZ was to contribute to the safeguarding of tuna and other fish stocks in the Indian Ocean.

In the case of the FCMZ, as you know, we have enacted legislation to regulate fishing activities within that Zone whilst protecting traditional Mauritian fishing rights there. We do not, however, propose at this stage to enact new legislation to regulate other activities which might impinge on the environment within the EPPZ, though of course we may wish to do so if environmental considerations make that necessary. If so, we would keep you closely informed. We plan for the time being simply to rest on the proclamation of the Zone as the public expression of our concern for the environment of the archipelago. As we have also made clear, the EPPZ is defined so as to have the same geographical extent as the FCMZ. It does not involve the UK asserting control over any new area.



As we have assured you previously, we have no intention to undertake or to allow any economic exploitation or geological exploration in the area which these zones cover. We want to preserve the natural environment and beauty of the Chagos Islands.

The British Government has always acknowledged that Mauritius has a legitimate interest in the future of the Chagos Islands and recognises Mauritius as the only state which has a right to assert a claim to sovereignty over them when the United Kingdom relinquishes its own sovereignty. Successive British Governments have given undertakings to the Government of Mauritius that the Territory will be ceded when no longer required for defence purposes subject to the requirements of international law. This remains the case. The British Government has also stated that, when the time comes for the Territory to be ceded, it will liaise closely with the Government of Mauritius.

I welcome your agreement to re-activate the Scientific Sub-Committee of the British-Mauritius Fisheries Commission. This should allow our officials to discuss issues of mutual fisheries; concern. We need to consult on these measures without having such consultations unnecessarily complicated by sovereignty issues. My officials will be in touch with yours in due course with proposals for dates as well as a venue and possible agenda.

I am sending this by hand of our High Commissioner.

Yours sincerely

A handwritten signature in dark ink, reading "Bill Rammell". The signature is written in a cursive style with a large initial "B".

Bill Rammell

ANNEX 125

Hansard, House of Lords, 31 March 2004, col. WS62, Statement of
Baroness Symons of Vernham Dean

Lords Hansard

31 Mar 2004 : Column WS62

Great Chagos Bank: Environmental Protection

Baroness Symons of Vernham Dean: The Great Chagos Bank, which lies within the waters adjacent to the outer islands of the British Indian Ocean Territory (BIOT), is an exceptional example of a submerged coral atoll, providing a valuable contribution to the marine ecology of the Indian Ocean. On 17 September 2003, in order to help to conserve the natural resources of the bank, the Commissioner for BIOT proclaimed an area including the Great Chagos Bank to be an environmental (preservation and protection) zone. A copy of the proclamation, together with the relevant chart and co-ordinates, has been deposited with the UN under Article 75 of UNCLOS, and will be published in the Law of the Sea Bulletin No. 54.

ANNEX 126

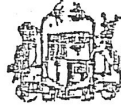
Note Verbale dated 14 April 2004 from the Permanent Mission of the Republic of Mauritius to the United Nations, New York, to the Secretary General of the United Nations, No. 4780/04 (NY/UN/562)

J-04 17:25

From-MAURITIUS MISSION TO THE UN USA

12129531233

T-644 P.005/006 F-00



PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS
MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES

Ref. 4780/04 (NY/UN/562)

14 April 2004

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 bring to his attention, in his capacity as depositary of the 1982 United Nations Convention on the Law of the Sea ("the Convention"), the following statement of the position of the Government of the Republic of Mauritius with respect to the deposit by the United Kingdom of Great Britain and Northern Ireland to the United Nations Secretariat of a list of geographical coordinates of points pursuant to article 75, paragraph 2, of the Convention, as reported in Circular Note M.Z.N. 46.2004-LOS (Maritime Zone Notification) dated 12 March 2004.

The Government of the Republic of Mauritius wishes to protest strongly against this declaration inasmuch as it considers that, by depositing the list of geographical coordinates of points defining the outer limits of the so-called Environment (Protection and Preservation) Zone with the Secretary-General of the United Nations pursuant to article 75, paragraph 2, of the Convention, the United Kingdom of Great Britain and Northern Ireland is purporting to exercise over that zone rights which only a coastal state may have over its exclusive economic zone.

The Government of the Republic of Mauritius wishes to reiterate in very emphatic terms that it does not recognize the so-called "British Indian Ocean Territory" which was established by the unlawful excision in 1965 of the Chagos Archipelago from the territory of Mauritius, in breach of the United Nations General Charter, as applied and interpreted in accordance with resolution 1514 (XV) of 14 December 1960, resolution 2066 (XX) of 16 December 1965, and resolution 2357 (XXII) of 19 December 1967.

The Government of the Republic of Mauritius has, over the years, consistently asserted, and hereby reasserts, its complete and full sovereignty over the Chagos Archipelago, including its maritime zones, which forms part of the national territory of Mauritius.

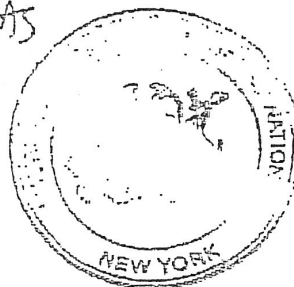
ANNEX 126

04 17:25 From:MAURITIUS MISSION TO THE UN USA 12129531233 T-644 P.006/006 F-008
FILE No.597 04/14 '04 09:50 ID:MAURITIUS MISSION FAX:12126973829 PAGE 2

The Government of the Republic of Mauritius therefore unequivocally protests against the deposit of the charts and coordinates of the so-called Environment (Protection and Preservation) Zone by the United Kingdom pursuant to Article 75, paragraph 2 of the Convention and against the exercise by the United Kingdom of Great Britain and Northern Ireland of any sovereignty, rights or jurisdiction within the territory of Mauritius.

The Government of the Republic of Mauritius would appreciate if the above declaration could be duly recorded, circulated and published in the Law of the Sea Bulletin No.54, the Law of the Sea Information Circular and any other 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.



Secretary-General
of the United Nations
New York

Copy to: (i) Mr Iqbal S. Riza
Chef de Cabinet
Under-Secretary-General
Executive Office of the Secretary-General

(II) The Legal Counsel
Office of Legal Affairs
United Nations

(III) Division for Ocean Affairs and the Law of the Sea
United Nations
(Attn. Mr Vladimir Jares)

ANNEX 127

Note Verbale dated 20 April 2004 from the Mauritius High Commission, London to the UK Foreign and Commonwealth Office, Ref. MHCL 886/1/03



MAURITIUS HIGH COMMISSION

32/33 ELVASTON PLACE
LONDON SW7 5NW
Tel. No. : 020 7581 0294/5
Fax No. : 020 7823 8437
020 7584 9859
email : LONDONMHC@btinternet.com

Our Ref : **MHCL 886/1/03**

Your Ref :

The Mauritius High Commission presents its compliments to the Foreign and Commonwealth Office and with respect to the recent deposit by the United Kingdom of Great Britain and Northern Ireland with the United Nations Secretariat of a list of geographical coordinates of points pursuant to article 75, paragraph 2, of the 1982 United Nations Convention on the Law of the Sea, as reported in Circular Note M.Z.N. 46. 2004. LOS (Maritime Zone Notification) dated 12 March 2004, has the honour to state as follows:

The Government of the Republic of Mauritius has issued a protest statement with the United Nations against the deposit by the UK Government on the establishment of an Environmental (Protection and Preservation) Zone around the Chagos Archipelago. Mauritius is of the view that the legal consequence of the proclamation and deposit of chart and coordinates of an Environment (Protection and Preservation) Zone made under Article 75, paragraph 2 of UNCLOS by the UK Government, implicitly amounts to the exercise by the UK of sovereign rights and jurisdiction within an Exclusive Economic Zone, which only Mauritius as coastal state, can exercise under Part V of the UNCLOS.

The Government of the Republic of Mauritius also notes with concern that the UK Government in its letter addressed to the Minister of Foreign Affairs of the Republic of Mauritius on 12 December 2003, in response to the latter's letter dated 7 November 2003, does not mention that the so-called BIOT has since 17 September 2003 proclaimed an area surrounding the Chagos Archipelago, to be an Environment (Protection and Preservation) Zone and merely contended that the purpose of the proposed zone was simply to help protect and preserve the environment of the Great Chagos Bank.

The Government of the Republic of Mauritius is very concerned at this unilateral decision of the UK pertaining to the Chagos Archipelago, which forms an integral part of the State of Mauritius. The Government of the Republic of Mauritius also believes that the UK Government has not upheld its undertaking made in a letter dated 1 July 1992 from the then British High Commissioner in Mauritius, Mr. M.E. Howell, where mention is made: *"The British Government also reaffirms its undertakings that there is no intention of permitting prospecting for minerals and oils while the islands remain British. There are no plans to establish an exclusive economic zone around the Chagos islands"*.

The Government of the Republic of Mauritius reiterates yet again in unequivocal terms that it does not recognise the so-called "British Indian Ocean Territory" which was established by the unlawful excision in 1965 of the Chagos Archipelago from the territory of Mauritius, in breach of the United Nations General Charter, as applied and interpreted in accordance with resolution 1514 (XV) of 14 December 1960, resolution 2066 (XX) of 16 December 1965, and resolution 2357 (XXII) of 19 December 1967.

The proclamation of the Environment (Protection and Preservation) Zone by the UK in no way alters the sovereignty of Mauritius over the Chagos Archipelago. The Government of the Republic of Mauritius has, over the years, consistently asserted, and hereby reasserts, its complete and full sovereignty over the Chagos Archipelago, including its maritime zones, which forms part of the national territory of Mauritius. The Government of the Republic of Mauritius reserves its right to resort to appropriate legal action for the full enjoyment of its sovereignty over the Chagos Archipelago, should the need be so felt.

The Mauritius High Commission avails itself of this opportunity to renew to the Foreign and Commonwealth Office the assurances of its highest consideration.

London, 20 April 2004

Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH



ANNEX 128

Note Verbale dated 13 May 2004 from UK Foreign and
Commonwealth Office to Mauritius High Commission, London,
No. OTD 016/05/04

ANNEX 128

11:09 FROM:

TO: 002302099097

P: 2/3

No. OTD 016/05/04

The Foreign and Commonwealth Office presents its compliments to the Mauritius High Commission and has the honour to acknowledge receipt of the High Commission's Note Verbale MHCL 886/1/03 of 20 April about the British Government's decision to proclaim an area of waters contiguous to the territorial sea of the British Indian Ocean Territory, including the Great Chagos Bank, as an Environmental (Protection and Preservation) Zone.

The Parliamentary Under Secretary of State, in his letter of 12 December 2003 to the Minister of Foreign Affairs of the Republic of Mauritius, explained that the Zone is not a full exclusive economic zone for all purposes and that its purpose is simply to help protect and preserve the environment of the Great Chagos Bank. The Foreign and Commonwealth Office repeats that there is no intention on the part of the British Government to undertake or to allow any economic exploitation or geological exploration in the area which the Zone covers.

The Foreign and Commonwealth Office reaffirms the British Government's position on the issue of sovereignty over the British Indian Ocean Territory, which is British and has been since 1814. The British Government does not recognise the sovereignty claim of the Mauritian Government. However, the British Government recognises Mauritius as the only state which will have a right to assert a claim of sovereignty when the United Kingdom relinquishes its own sovereignty. Successive British Governments have given undertakings to the Government of Mauritius that the Territory will be ceded when no longer required for defence purposes, subject to the requirements of international law.

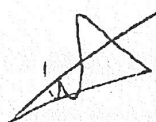
ANNEX 128

11:10 FROM:

TO:002302088087

P:3/3

The Foreign and Commonwealth Office avails itself of this opportunity to renew to the Mauritius High Commission the assurances of its highest consideration.



London, 13 May 2004



MAURITIUS HIGH COMMISSION
London

ANNEX 129

Letter dated 22 July 2004 from the Prime Minister of Mauritius to
the Prime Minister of the United Kingdom



*Prime Minister
Republic of Mauritius*

22 July 2004

Prime Minister,

I acknowledge receipt of your letter of 9 July by which you informed me that you were sorry your diary commitments have not allowed you so far to meet with me in London.

We have been following the debates in the House of Commons on the Diego Garcia base and the Chagos issue generally. We wish to remind you that whilst the existence of the base was challenged by many countries of the region during the Cold War, such is no longer the case now and we, in Mauritius, have made it clear on numerous occasions that we do not object to Diego Garcia's use as a military base in the larger interest of the security of the international community. I would wish to reiterate this to you.

I now take the liberty of raising a matter of crucial importance for Mauritius and the sixteen other ACP countries which are signatories to the ACP-EU Sugar Protocol.

We have noted with deep concern the Communication of the European Commission to the EU Council of Ministers of Agriculture & Fisheries on the proposed reform of the EU Sugar Regime. We have been given to understand that, whilst acknowledging the need for reform, a number of delegations on the Council have commented on the schedule of the reform envisaged, the level and the stages proposed for reducing the intervention price for sugar, considering them to be too drastic. The proposals, if implemented, would have a devastating effect on our vulnerable economies because they call for substantial price reductions implemented over a very short period. The severity of the proposals baffles us and we appeal for your support and intervention so that we can preserve a viable sugar industry in our countries.

Export earnings from sugar have underpinned our socio-economic development and have, through their stabilizing effect, enabled the upholding of the fundamental principles of democracy which your country and ours cherish.

... ..

Reform in our countries is a difficult process, yet we have over the years embarked on an ambitious reform programme to reduce costs of production and enhance competitiveness. We still have a long way to go. The suddenness of the change coupled with the unpredictability of the 2008 review proposed would be terribly damaging to our industry.

We therefore consider that the price reduction should be moderate and the time-frame for its application longer. Moreover, we believe that ACP countries should benefit from compensation through a dedicated budget line with sufficient funds enabling us to benefit from treatment similar to the one meted out to the outermost regions of the EU.

Our situation is very similar to that prevailing in these outermost regions of the EU, namely the Departments d'Outre Mer (DOM). And, it is no surprise that the Commission has all along recognized that the maintenance of a viable sugar sector in these regions is essential for socio-economic and environmental reasons. We understand that in view of the constraints of agriculture in the Departments d'Outre Mer, special treatment is envisaged which includes production-linked support.

We have ever since 1975 been a close ally of the EU and have been engaged in an exemplary North-South cooperation that has stood the test of time. We have always, through dialogue and understanding, been able to iron out our differences and moved ahead. Once again, we stand ready to embrace a meaningful dialogue with the Commission, the EU Member States and the European Parliament so as to safeguard this longstanding partnership. We are convinced that we can rely on your support and solidarity to ensure that our development programmes and our fight against poverty are not undermined.

Please accept, Prime Minister, the assurances of my highest consideration.



Paul Raymond Bérenger, GCSK, GONM
Prime Minister

HE Mr Tony Blair, MP
Prime Minister of the United Kingdom
Office of the Prime Minister
10, Downing Street
London
United Kingdom

ANNEX 130

Letter dated 22 October 2004 from Minister of Foreign Affairs,
International Trade and Regional Cooperation, Mauritius to the UK
Secretary of State for Foreign and Commonwealth Affairs



*Minister of Foreign Affairs, International Trade and Regional Co-operation
Republic of Mauritius*

22 October 2004

Rt Hon Jack Straw MP
Secretary of State for Foreign and
Commonwealth Affairs
Foreign & Commonwealth Office
LONDON

Jack
Dear Foreign Secretary,

I meant to write to you immediately upon my return following our meeting in London on 4th October but my heavy schedule did not allow that.

I hasten to say that it was indeed a pleasure to meet with you and discuss issues of mutual interest. I have reported to Prime Minister Bérenger that our talks were held in a very cordial and frank manner.

As a follow-up to these discussions I await confirmation from you as to the projected meeting between our two Prime Ministers in the very near future.

I also look forward to hearing from you on the outcome of your discussions with the US with respect to the outer islands. I should like to reiterate that, from our perspective, we see no real or perceptible threat to security, having made it clear repeatedly that we have no problem whatsoever with the military and naval base on Diego Garcia.

As regards your proposal that we could envisage entering into a Treaty regarding the Chagos Archipelago, I should be pleased to receive your proposals so that we could have them studied here.

Finally, let me again say that this is a matter of utmost importance to us and we look forward to registering progress on this *dossier*.

J. Cattaree
J. Cattaree

ANNEX 131

Mauritius Maritime Zones Act 2005

MARITIME ZONES ACT 2005

Act 2 of 2005 – 1 April 2005

P 10/05; cp GN 126/05

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY	16.	Exercise of jurisdiction by Mauritius in the EEZ
1. Short title	17.	Authority to explore and exploit the EEZ
2. Interpretation		PART VII - CONTINENTAL SHELF
PART II - UNCLOS TO HAVE FORCE OF LAW IN MAURITIUS	18.	Continental shelf
3. UNCLOS to have force of law in Mauritius	19.	Rights of Mauritius over the continental shelf
PART III - BASELINES	20.	Exercise of jurisdiction by Mauritius on the continental shelf
4. Baselines	21.	Authority to explore and exploit the continental shelf
5. Closing lines for internal waters		PART VIII - MARINE SCIENTIFIC RESEARCH
PART IV - TERRITORIAL SEA, INTERNAL WATERS, ARCHIPELAGIC WATERS AND HISTORIC WATERS	22.	Marine scientific research in the maritime zones
6. Legal status of territorial sea and internal, historic and archipelagic waters	23.	Regulation of marine scientific research in the maritime zones
7. Territorial sea		PART IX - UNDERWATER CULTURAL HERITAGE
8. Limits on exercise of sovereignty in internal waters	24.	Underwater cultural heritage in internal waters, archipelagic waters and territorial sea
9. Limits on exercise of sovereignty in archipelagic waters	25.	Maritime cultural zone
10. Limits on exercise of right of innocent passage	26.	Underwater cultural heritage in the EEZ and continental shelf
11. Historic waters		PART X - MISCELLANEOUS
PART V - CONTIGUOUS ZONE	27.	Regulations
12. Contiguous zone	28.	Offences
13. Controls in the contiguous zone	29.	Repeal
PART VI - EXCLUSIVE ECONOMIC ZONE	30.	Consequential amendments
14. Exclusive economic zone	31.	Transitional and savings provisions
15. Rights, jurisdiction and duties of Mauritius in the EEZ	32.	Commencement

PART I – PRELIMINARY**1. Short title**

This Act may be cited as the Maritime Zones Act 2005.

2. Interpretation

(1) In this Act, unless otherwise expressly provided-

"archipelagic baselines" means straight archipelagic baselines referred to in section 4(2)(a);

"archipelagic waters" means any waters, other than internal waters, enclosed by archipelagic baselines;

"baselines" means baselines prescribed in accordance with section 4;

"closing lines" means the lines prescribed in accordance with section 5(1);

"contiguous zone" means the area of sea specified in section 12;

"continental shelf" means the continental shelf of Mauritius, as defined in section 18(1);

ANNEX 131

"EEZ" means the exclusive economic zone of Mauritius, as defined in section 14;

"historic waters" means the historic waters of Mauritius prescribed under section 11;

"innocent passage" has the same meaning as in Article 19 of UNCLOS;

"internal waters" means -

- (a) in respect of archipelagic waters, all waters landward of the closing lines; and
- (b) in any other case, all waters landward of any baselines;

"low-water line" means the lowest astronomical tide level on the coast of Mauritius that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;

"maritime cultural zone" means the area of sea referred to in section 25;

"maritime zones" means the –

- (a) archipelagic waters;
- (b) contiguous zone;
- (c) continental shelf;
- (d) EEZ;
- (e) historic waters;
- (f) internal waters;
- (g) maritime cultural zone; and
- (h) territorial sea;

"nautical mile" means a distance of 1.85200 kilometres;

"outer limit", in relation to a maritime zone, means a geodesic line of the geodetic datum joining the geographical co-ordinates of points on the datum in a clockwise direction;

"territorial sea" means the territorial sea of Mauritius, as defined in section 7;

"UNCLOS" means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) Unless otherwise expressly provided, words and expressions defined in UNCLOS and used in this Act shall have the same meaning as in UNCLOS.

PART II - UNCLOS TO HAVE FORCE OF LAW IN MAURITIUS

3. UNCLOS to have force of law in Mauritius

Notwithstanding any other enactment, UNCLOS shall have force of law in Mauritius.

PART III - BASELINES

4. Baselines

(1) The Prime Minister may, by regulations, prescribe the baselines from which the maritime zones of Mauritius shall be determined.

[cp GN 126/05]

(2) The baselines may be -

- (a) straight archipelagic baselines determined in the manner referred to in Article 47 of UNCLOS;
- (b) normal baselines, being the low-water line as specified in Article 5 of UNCLOS;

ANNEX 131

- (c) the seaward low-water line of reefs as specified in Article 6 of UNCLOS; or
- (d) straight baselines determined in the manner referred to in Article 7 of UNCLOS; or
- (e) a combination of the methods for determining baselines specified in paragraphs (a), (b), (c) and (d).

5. Closing lines for internal waters

(1) The Prime Minister may, by regulations, prescribe closing lines to delimit internal waters.

(2) The closing lines may be determined by using all or any of the methods specified in Articles 9, 10 and 11 of UNCLOS.

PART IV - TERRITORIAL SEA, INTERNAL WATERS, ARCHIPELAGIC WATERS AND HISTORIC WATERS

6. Legal status of territorial sea and internal, historic and archipelagic waters

- (1) The sovereignty of Mauritius -
 - (a) extends and has always extended to –
 - (i) the territorial sea;
 - (ii) its internal waters;
 - (iii) its archipelagic waters;
 - (iv) its historic waters;
 - (b) also extends to the air space over the archipelagic waters, the historic waters, the internal waters and the territorial sea as well as to their beds and subsoil, and the resources contained in them.

(2) Unless otherwise expressly provided, any law in force in Mauritius shall extend to its maritime zones.

7. Territorial sea

The territorial sea of Mauritius is and has always been the sea between the baselines and a line of which every point is at a distance of 12 nautical miles from the nearest point of the baselines.

8. Limits on exercise of sovereignty in internal waters

Any right of innocent passage existing in internal waters delimited by closing lines prescribed under section 5 shall continue to exist to the extent that it existed immediately before the closing lines were prescribed.

9. Limits on exercise of sovereignty in archipelagic waters

The exercise by Mauritius of its sovereignty in archipelagic waters shall be subject to

-

- (a) any rights set out in any agreement between Mauritius and any other State;
- (b) rights in respect of submarine cables existing at the time the archipelagic baselines are prescribed; and
- (c) the right of innocent passage.

10. Limits on exercise of right of innocent passage

- (1) The Prime Minister may make regulations -
 - (a) to designate the sea lanes and air routes to be used by foreign ships and aircraft in passage through or over any archipelagic waters, internal waters and territorial sea; and

ANNEX 131

- (b) to prescribe traffic separation schemes to be observed by ships in passage through narrow channels in the sea lanes.

(2) Subject to subsection (3), the Prime Minister may make regulations to regulate the passage of ships carrying hazardous waste, nuclear materials or radioactive materials through all or any part of the archipelagic waters, internal waters and territorial sea.

(3) No ship carrying radioactive materials shall pass through any part of the archipelagic waters, internal waters or territorial sea unless prior notification of the intended passage of the ship through those waters or sea has been given, and prior authorisation and consent for the passage, specifying the route to be taken by the ship, has been given, in accordance with regulations made under this section.

(4) The Prime Minister may, by notice in the Gazette, suspend temporarily the innocent passage of foreign ships in a specified area of any archipelagic waters, internal waters or territorial sea where he is satisfied that the suspension is essential for the protection of the security of Mauritius.

(5) Regulations made under this section shall provide for such action as may be taken, including stopping and boarding of ships, to ensure compliance with the regulations.

(6) In this section, "radioactive materials" means waste that, as a result of being radioactive, is subject to an international control system, or international instrument, applying specifically to radioactive materials.

11. Historic waters

The Prime Minister may, by regulations, prescribe the limits of the historic waters of Mauritius.

PART V - CONTIGUOUS ZONE

12. Contiguous zone

The contiguous zone of Mauritius is and has always been the area of sea between the territorial sea and a line of which every point is at a distance of 24 nautical miles from the nearest point of the baselines.

13. Controls in the contiguous zone

The Prime Minister may make regulations for the exercise of controls necessary in the contiguous zone to prevent and punish infringement of the customs, fiscal, immigration or sanitary laws within Mauritius, its archipelagic waters, internal waters and territorial sea.

PART VI - EXCLUSIVE ECONOMIC ZONE

14. Exclusive economic zone

(1) The exclusive economic zone of Mauritius is the area beyond and adjacent to the territorial sea of Mauritius that extends to the EEZ outer limit line.

(2) The Prime Minister may, by regulations, prescribe the EEZ outer limit line.

(3) For the purposes of this Part, "EEZ outer limit line" means a line of which every point is at a distance of 200 nautical miles from the nearest point of the baselines.

15. Rights, jurisdiction and duties of Mauritius in the EEZ

(1) In accordance with international law and in particular Article 56 of UNCLOS, Mauritius has in the EEZ -

- (a) sovereign rights -
 - (i) to explore and exploit, conserve and manage the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil; and
 - (ii) with regard to other activities for the economic exploitation and exploration of the EEZ, such as the production of energy from the water, currents and winds;

ANNEX 131

- (b) jurisdiction as provided for by international law with regard to -
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the protection and preservation of the marine environment; and
- (c) such other rights and duties as may be provided for by international law.

(2) The rights specified in this section with respect to the seabed and subsoil shall be exercised in accordance with international law and, in particular, Part VI of UNCLOS.

16. Exercise of jurisdiction by Mauritius in the EEZ

(1) To enable Mauritius to exercise the sovereign rights and jurisdiction which it has in the EEZ, there is extended to that zone, to the extent recognised by international law, the law in force in Mauritius.

(2) In particular, the law of Mauritius shall apply to artificial islands, installations and structures in the EEZ as if they were in the territorial sea.

17. Authority to explore and exploit the EEZ

The Prime Minister may make regulations to –

- (a) provide for the authorisation of persons to explore for natural resources in the EEZ, or to recover or attempt to recover any such resources, in accordance with such terms and conditions as may be determined by the Prime Minister;
- (b) regulate the laying of pipelines or cables in the EEZ;
- (c) provide for the authorisation and regulation of any drilling in the EEZ; and
- (d) regulate the construction, operation and use of –
 - (i) artificial islands;
 - (ii) installations and structures for the purposes provided for in Article 56 of UNCLOS; and
 - (iii) installations and structures which may interfere with the exercise of the rights of Mauritius in its EEZ.

PART VII - CONTINENTAL SHELF

18. Continental shelf

(1) The continental shelf of Mauritius comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory -

- (a) subject to paragraph 2 of Article 76 of UNCLOS, to the outer edge of the continental margin; or
- (b) where the outer edge of the continental margin does not extend up to that distance, a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) Where, by virtue of paragraph 2 of Article 76 of UNCLOS, the outer limits of the continental shelf require to be determined in accordance with paragraphs 4 to 6 of UNCLOS, the Prime Minister may make regulations to provide for the outer limit to be determined by any method specified in paragraph 4 of Article 76 of UNCLOS.

19. Rights of Mauritius over the continental shelf

ANNEX 131

(1) In accordance with international law and in particular Article 77 of UNCLOS, Mauritius shall exercise sovereign rights over the continental shelf to explore it and exploit its natural resources.

(2) The rights referred to in subsection (1) shall be exclusive in that, if Mauritius does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of Mauritius.

(3) In accordance with Article 80 of UNCLOS, Mauritius has in the continental shelf the exclusive right to construct and to authorize and regulate the construction, operation and use of –

- (a) artificial islands;
- (b) installations and structures for the purposes provided for in Article 56 of UNCLOS and other economic purposes; and
- (c) installations and structures which may interfere with the exercise of the rights of Mauritius in the continental shelf.

(4) Mauritius has exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

20. Exercise of jurisdiction by Mauritius on the continental shelf

(1) To enable Mauritius to exercise the sovereign rights and jurisdiction it has in the continental shelf, there is extended to the continental shelf, to the extent recognised by international law, the law in force in Mauritius.

(2) In particular, the law of Mauritius shall apply to artificial islands, installations and structures on the continental shelf as if they were in the territorial sea.

21. Authority to explore and exploit the continental shelf

(1) The Prime Minister may make regulations to-

- (a) provide for the authorisation of persons to explore for natural resources on the continental shelf, or to recover or attempt to recover any such resources, in accordance with such terms and conditions as may be determined by the Prime Minister;
- (b) regulate the laying of pipelines or cables in the continental shelf;
- (c) provide for the authorisation and regulation of any drilling in the continental shelf; and
- (d) regulate the construction, operation and use of –
 - (i) artificial islands;
 - (ii) installations and structures for the purposes provided for in Article 77 of UNCLOS; and
 - (iii) installations and structures which may interfere with the exercise of the rights of Mauritius in the continental shelf.

(2) For the purposes of this Part –

"natural resources" means -

- (a) the mineral and other non-living resources of the seabed and subsoil; and
- (b) the living organisms belonging to sedentary species;
"sedentary species" means organisms which, at their harvestable stage -
 - (i) are immobile on or under the seabed; or

ANNEX 131

- (ii) are unable to move except in constant physical contact with the seabed or the subsoil.

PART VIII - MARINE SCIENTIFIC RESEARCH

22. Marine scientific research in the maritime zones

(1) As provided by international law and in particular Article 245 of UNCLOS, Mauritius, in the exercise of its sovereignty, has the exclusive right to regulate, authorise and conduct marine scientific research in its territorial sea.

(2) As provided by international law and in particular Article 246 of UNCLOS, Mauritius, in the exercise of its jurisdiction, has the right to regulate, authorise and conduct marine scientific research in its EEZ and on its continental shelf.

23. Regulation of marine scientific research in the maritime zones

(1) Marine scientific research shall not be conducted in any maritime zone except with the express consent of the Prime Minister and in accordance with such regulations as may be made by the Prime Minister.

(2) Regulations made under subsection (1) shall-

- (a) establish procedures to ensure that consent for marine scientific research is not delayed or denied unreasonably;
- (b) ensure that any person who is given consent for marine scientific research under this section makes the results of his work available to the Government of Mauritius; and
- (c) ensure that, in appropriate cases, intellectual property rights that Mauritius has in the use of any living or non-living resource, are recognised and vested in Mauritius.

PART IX - UNDERWATER CULTURAL HERITAGE

24. Underwater cultural heritage in internal waters, archipelagic waters and territorial sea

(1) Mauritius, in the exercise of its sovereignty, has the exclusive right to regulate and authorise activities directed at underwater cultural heritage in its archipelagic waters, internal waters and territorial sea.

(2) The Prime Minister may, notwithstanding any other enactment, make regulations for the purpose of regulating activities specified in subsection (1).

25. Maritime cultural zone

(1) The maritime cultural zone of Mauritius is an area of sea coincident with the contiguous zone.

(2) The Prime Minister may make regulations to regulate and authorise activities directed at underwater cultural heritage within the maritime cultural zone.

26. Underwater cultural heritage in the EEZ and continental shelf

The Prime Minister may, notwithstanding any other enactment, make regulations to prohibit or authorise any activity directed at underwater cultural heritage in the EEZ or the continental shelf to prevent interference with the sovereign rights and jurisdiction of Mauritius.

PART X - MISCELLANEOUS

27. Regulations

(1) The Prime Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under this Act may provide for baselines and lines delineating maritime zones to be prescribed -

ANNEX 131

- (a) as lists of geographical coordinates of points, specifying the geodetic datum;
 - (b) by reference to charts of a scale or scales adequate for ascertaining the position of the baselines and other limits; or
 - (c) where it is appropriate or necessary to do so, by using both the methods specified in paragraphs (a) and (b).
- (3) Without prejudice to the generality of subsection (1), regulations made by the Prime Minister under this section may, in particular -
- (a) provide that any enactment that extends to a maritime zone shall extend to that zone with such amendment as may be prescribed by the regulations;
 - (b) prescribe fees, forms and procedures;
 - (c) provide for the payment of royalties and other charges, and the manner in which they shall be calculated;
 - (d) provide for the confiscation of property in respect of an offence committed in a maritime zone;
 - (e) provide for the appointment of officers necessary for the administration of the regulations and prescribe their powers and duties.

28. Offences

(1) Any person who contravenes this Act or any regulations made under this Act shall commit an offence and shall be liable -

- (a) in the case of an individual, to a fine not exceeding 30,000,000 rupees or to imprisonment for a term not exceeding 5 years;
- (b) in the case of a body corporate, to a fine not exceeding 150,000,000 rupees.

(2) Where an offence committed by a body corporate under this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) a director, manager, secretary or other similar officer of the body corporate; or
- (b) person who was purporting to act in any such capacity,

that person specified in paragraph (a) or (b) as well as the body corporate, shall commit an offence and be punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, subsection (2) shall apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

29. Repeal

The following enactments are repealed –

- (a) the Maritime Zones Act;
- (b) the Continental Shelf Act; and
- (c) the Territorial Sea Act.

30. Consequential amendments

(1) The Environment Protection Act 2002 is amended -

- (a) in section 49, by deleting the definition of "maritime zone" and replacing it by the following definition-

ANNEX 131

- "maritime zone" has the same meaning as in the Maritime Zones Act 2005;
- (b) in section 51 (2), by adding immediately after paragraph (f), the following new paragraph -
 - (g) the control and prevention of pollution from or through the atmosphere, applicable to the air space under its sovereignty and to vessels flying its flag or vessels or aircraft of its registry .
- (2) The Fisheries and Marine Resources Act is amended -
- (a) in section 2 -
 - (i) by deleting the definition of "Mauritius waters" and by inserting the following new definition in its appropriate alphabetical place -

"maritime zone" has the same meaning as in the Maritime Zones Act 2005;
 - (ii) by deleting the definition of "territorial waters" and by inserting the following new definition in its appropriate alphabetical place -

"territorial sea" has the same meaning as in the Maritime Zones Act 2005;
 - (b) in section 7(1), by deleting paragraph (a) and replacing it by the following paragraph -
 - (a) a maritime zone including, where appropriate, the seabed underlying the maritime zone;
 - (c) by deleting the words "Mauritius waters" and "territorial waters" wherever they appear and replacing them by the words "any maritime zone" and "territorial sea" respectively.
- (3) The Interpretation and General Clauses Act is amended in section 2 -
- (a) by adding immediately after paragraph (b) the following new paragraph -
 - (c) "archipelagic waters", "continental shelf", "EEZ", "historic waters", "internal waters", "maritime zone" and "territorial sea" have the same meaning as in the Maritime Zones Act 2005;
 - (b) by deleting the definition of "continental shelf",
 - (c) by inserting the following definition in its appropriate alphabetical place -

"Mauritius waters" means the territorial sea, internal waters, archipelagic waters, historic waters, the EEZ of Mauritius, and the water superjacent to its continental shelf;
- (4) The Merchant Shipping Act is amended in section 2, by inserting immediately after the definition of "Superintendent", the following definition -

"territorial waters of Mauritius" includes archipelagic waters;
- (5) The National Coast Guard Act is amended in section 2, by deleting the definition of "Maritime Zones" and replacing it by the following new definition -

"maritime zone" has the same meaning as in the Maritime Zones Act 2005;
- (6) The Petroleum Act is amended in section 2, by deleting the definition of "territorial sea".

31. Transitional and savings provisions

(1) Pending the determination of baselines in accordance with this Act, the baselines, territorial sea, EEZ and continental shelf shall, for the purposes of this Act, be deemed to be those that existed under the enactments repealed under section 29 immediately before their repeal.

(2) Any area of sea designated by the Prime Minister as historic waters under the Maritime Zones Act repealed by section 29 shall, on the coming into operation of this Act, be deemed to have been designated to be, and always to have been, historic waters of Mauritius in accordance with this Act.

(3) Any agreement made for the purposes of the enactments repealed under section 29 and in force immediately before the coming into operation of this Act -

(a) shall remain in force to the extent that it is not inconsistent with this Act; and

(b) shall be deemed to have been made under this Act.

(4) The Prime Minister may make regulations making such further transitional, saving, consequential, incidental or supplementary provisions as may be necessary or expedient to bring this Act into effect.

32. Commencement

This Act shall come into operation on a day to be fixed by Proclamation.

ANNEX 132

Letter dated 1 December 2005 from the Prime Minister of Mauritius
to the Prime Minister of the United Kingdom



*Prime Minister
Republic of Mauritius*

1 December, 2005

Dear *Prime Minister,*

At our bilateral meeting in the margins of Malta CHOGM on 26 November 2005, I had the opportunity to talk to you regarding the EU proposal under consideration to cut the price of sugar, including ACP sugar, by as much as 36 percent over a four year period and the disastrous impact such a reduction would have on Mauritius.

I did further mention that the amount of Euros 40 million being proposed for the ACP countries affected by the drastic cut was totally unrealistic and largely inadequate. In this regard, I felt relieved to note your positive response and I do hope that under your Presidency of the EU, you would use your personal influence to have this figure revised substantially upward.

For over three centuries, our sugar industry has been the lifeline of the economy of Mauritius. The Commonwealth Sugar Agreement, first and its successor, the Sugar Protocol, have been instrumental in promoting socio-economic development in Mauritius by ensuring stable and predictable export earnings year after year from our sugar. Without such guaranteed revenue, not only our sugar industry but also the economy of our country will face an uncertain future. We wish to underline the fact that proceeds from the export of sugar enables Mauritius, a Net Food Importing Developing Country (NFIDC), to meet a very high proportion of our food import bill. We consider the Sugar Protocol both as a model trade and development instrument has a high political and international dimension.

Sugar cane, which is our core agricultural activity, is cultivated on 40% of the island's area, representing 90% of its arable land. Some 60,000 persons in the rural areas are concerned directly or indirectly with the sugar industry. Indeed, some 28,000 small planters and their families depend on the industry for their livelihood. They have no alternative source of income, nor other alternative crop, suitable to agro-climatic conditions, can be grown.

.../2

(2)

Our sugar industry employs 60,000 persons, an important section of whom would inevitably become redundant as a result of the proposed drastic cut. Our environmentally-friendly and bagasse-based energy projects and the production of ethanol would also be jeopardised.

In terms of export earnings, it is estimated that Mauritius will face over the period 2006-2010 a cumulative loss of 175 million Euros and thereafter a loss of 103 million Euros annually arising from the 36% price cut. But the actual loss will be much higher because of the social, economic and environmental multiplier effect of earnings from sugar. This is a direct consequence of the multifunctional role of sugar, spanning the economic, social, energy and environmental domains.

Mauritius does not have as yet the economic resilience to withstand such a dramatic loss of revenue nor can it tap alternative sources of investments for new sectors.

Mauritius is already implementing an accelerated reform plan, based on a well defined roadmap, to enable the sugar industry to restructure, modernise and be competitive. We are adopting a holistic approach by diversifying within the sugar sector by increasing the co-generation of environmentally-friendly electricity and production of ethanol through sugar by-products, thereby reducing our dependence on oil imports, particularly in view of escalating oil prices.

All these projects require funding which cannot be generated or mobilised from within. According to our estimates, Mauritius will require Euros 680 million within the next 4 to 5 years if we are to successfully undergo the transition. We have to rely on the generous support of the EU for mobilising such financial requirements.

Our situation is further compounded by severe crisis in other vital sectors of the economy. Indeed, our textiles and clothing sector is also under threat. It has been a key sector in our industrialization process within our limited diversification possibilities. However, the dismantlement of the Multi Fibre Agreement at the beginning of this year has led to a number of factory closures and loss of employment. If this negative trend is maintained, it will further exacerbate our vulnerable situation.

(3)

As I stated at the CHOGM, Mauritius relies on the support of the Commonwealth in ensuring that the sensitivities of small and vulnerable economies are duly taken into account in the context of negotiations on industrial products at the forthcoming WTO Ministerial Conference in Hong Kong.

As you would recall at our meeting we also discussed the issue of Chagos Archipelago. While there is need for us both to pursue the discussion further, I am glad that you consented to our proposal for an official of the Government of Mauritius to be on board of the vessel that will take the Chagossians on a visit to Diego Garcia. I look forward to discussing with you in the near future the important issue of fishing rights of Mauritius in the Chagos waters. This has become particularly important in view of the plans of my Government to turn Mauritius into a seafood hub.

Please accept, Dear Prime Minister, the assurances of my highest consideration.

A handwritten signature in black ink, reading "Dr N. Ramgoolam". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dr the Hon Navinchandra RAMGOOLAM
Prime Minister

The Rt Hon. Anthony Charles Lynton Blair, MP, PC
Prime Minister
10 Downing Street
London SW1A 2AA
United Kingdom

ANNEX 133

Letter dated 4 January 2006 from the Prime Minister of the United
Kingdom to the Prime Minister of Mauritius



10 DOWNING STREET
LONDON SW1A 2AA

4 January 2006

THE PRIME MINISTER

Dear Prime Minister,

Thank you for your letter of 1 December regarding the reform of the EU sugar regime, and the potential impact of that reform on Mauritius.

As I said when we met at the Commonwealth Heads of Government Meeting in Malta in November, I fully recognise the negative effect that reform of the EU sugar regime could have on the ACP Sugar Protocol countries. Although the overall effect of the reform for developing countries will be positive, if appropriate measures are not put in place, there will be losses for countries such as your own. The UK Government therefore attaches great importance to securing adequate and timely transitional assistance to help ACP Sugar Protocol countries adjust to reform.

In your letter, you refer to the levels of funding being provided for the EC's transitional assistance programme. The €40m proposed by the Commission for assistance in 2006 has been agreed by Member States and the European Parliament. The UK Government did try through various routes to increase the level of funding, but unfortunately this was not possible: there was not majority support in the Council of Ministers or in the European Parliament for an increase.

However, funding for transitional assistance for the 2007 to 2013 period is yet to be negotiated. We envisage that the levels of funding for this period will be significantly higher than for 2006. The funds for 2007 to 2013 will be determined following the conclusion of negotiations on the next EU Financial Perspectives. In

- 2 -

those later discussions, the UK will be pressing strongly for adequate funding for transitional assistance for ACPs and we have to date been arguing for a figure of at least €250m a year. I would encourage you to lobby other Member States, the Commission and the European Parliament as these negotiations proceed.

Key to securing the necessary funding is making the case for why such funding is necessary, and explaining the uses to which such assistance will be put. You note in your letter that Mauritius is already implementing an accelerated reform plan, and has estimated the levels of funding necessary. This is most helpful. I would encourage you and all the ACP Sugar Protocol countries to develop your country plans as robustly and as rapidly as possible in consultation with the Commission, to provide this evidence of need and to help the rapid disbursement of funds.

While sovereignty over the Chagos Archipelago remains an important point of difference between our Governments, you are right that we should discuss issues related to the islands in a constructive spirit. I was particularly struck by your statement in the National Assembly on 9 December in which you underlined the importance of the military base on Diego Garcia in helping to maintain peace and combat international terrorism.

The question of fishing rights in the Archipelago and its implications needs to be talked through. I am pleased that good progress is being made in arranging the planned humanitarian visit by the Chagossians to the islands.

Yours sincerely,
Tony Blair

Dr Navinchandra Ramgoolam

ANNEX 134

Note Verbale dated 26 July 2006 from the Permanent Mission of the Republic of Mauritius to the United Nations, New York, to the UN Secretary General, No. 4678/06

ANNEX 134

Jan-11-07 06:07pm From MAURITIUS MISSION TO THE UN USA

1-212-953-1233

T-119 P.017/017 F-675



PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS
MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES

Note No: 4678/06

26 July 2006

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the Secretary-General of the United Nations and in accordance with article 16 of the United Nations Convention on the Law of the Sea, has the honour to deposit with the Secretary-General the list of geographical coordinates of points establishing the baselines consisting of the list of the base points of the maritime zones of Mauritius.

A copy of the regulations made under sections 4, 5 and 27 of the Maritime Zones Act 2005 is also attached.

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.

Secretary-General
of the United Nations
New York



Hand delivered 26/7

211 East 43rd Street • New York, N.Y. 10017 • Tel: (212) 949-0190 • Fax: (212) 697-3829

ANNEX 135

Letter dated 13 December 2007 from the Prime Minister of
Mauritius to the Prime Minister of the United Kingdom



*Prime Minister
Republic of Mauritius*

13 December 2007

Dear Prime Minister,

It was a pleasure meeting you in Kampala.

Our discussions left me with a distinct impression that we could now move forward on two issues that have unfortunately vexed the otherwise excellent relations between our two countries.

You will recall that on the issue of the Chagos Archipelago, I stressed our wish to see meaningful discussions engaged on the question of sovereignty well in advance of the expiration in 2016 of the lease agreement between the United Kingdom and the United States of America on the use of the atoll of Diego Garcia.

I propose that, as a first step to such discussions, we reach an agreement through diplomatic channel on the content and modalities of the substantive negotiations.

During our meeting I also raised with you the question of our fishing rights in the waters of Chagos Archipelago excluding of course the immediate vicinity of Diego Garcia for obvious security reasons. Mauritius had historically exercised such rights over the waters of the Chagos Archipelago.

.../2

I look forward to pursuing our discussions at a future meeting and hope that in the meantime our respective Governments can engage in the exchanges I have proposed.

W. R. Ragsdale

The Rt Honorable Gordon Brown, MP
Prime Minister
10 Downing Street
London
SW1A 2AA
United Kingdom