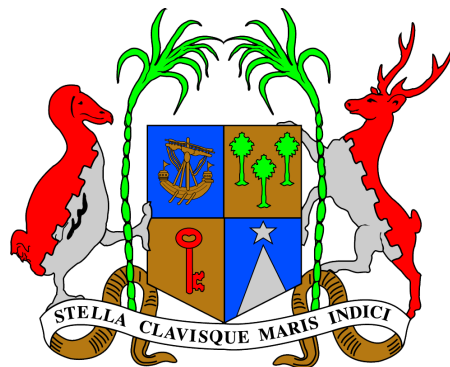


ARBITRATION UNDER ANNEX VII OF THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA

REPUBLIC OF MAURITIUS

v.

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



MEMORIAL OF THE REPUBLIC OF MAURITIUS

VOLUME II

ANNEXES 1 – 80

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 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

CONFIDENTIAL

Mr du Belay
B. M. Demich
- 1/2 *Plus 2/2*

(15119/3/66)

2 February, 1966.

*C. Ser.**3/2*

Thank you for your letter IRD/140/458/01 of 7 January about the Indian Ocean Territory and Article 73 of the Charter.

2. On future action by the Committee of 24 (your paragraph 1) we must certainly expect that the Committee will want a discussion on the issue. We do not know when it will come nor in what form and much will depend on the rest of the Committee's programme and on any further petitions. Although there is no sign at present of this becoming a really major issue at any rate compared with such questions as Rhodesia and Aden, there is every possibility as Lord Caradon told your Secretary of State at the meeting on 20 January, that we shall be faced with serious trouble, and much will depend on how we can present the matter.

3. It is worth noting what has happened in the Fourth Committee so far. Both the Committee discussions and Assembly resolution 2066(XX) dealt with the matter as part of the question of Mauritius. Officially no cognizance was taken of the existence of B.I.O.T. as a separate entity and indeed the resolution simply noted with deep concern that any step to detach the islands "would be" a contravention of resolution 1514 and invited us to take no action which "would" dismember the territory and violate its territorial integrity. Many delegations may not have tumbled to the fait accompli of separation. The question of adding B.I.O.T. to the list of non self-governing territories may not therefore arise immediately so directly as you suggest, and the point at issue may come up initially under either Mauritius or the Seychelles as it has in the past.

4. Secondly the point of attack, or rather warning, has so far been restricted, apart from the general "bases" issue, to the point concerning the territorial integrity of Mauritius and the Seychelles in the context of resolution 1514 and is not yet on the more serious charge of violating Chapter XI of the Charter itself, although this would come and be much more serious if it became apparent that we were doing so. Eventually we shall have to face the issue of whether we regard Chapter XI as applicable, if only when the Committee of 24 comes to report on the transmission of information under Article 73(e) for 1965. If we have not transmitted any information, this will be almost certain to attract comment and we shall be obliged to justify our position. This brings me directly to the point in paragraph 3 of your letter that

/the new

C.G. Eastwood Esq., C.M.G.,
 Colonial Office.

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the new territory should not be considered as a non-self-governing territory.

5. It is extremely difficult to comment on this point on the basis of the information available - especially that in Jerrom's letter IRD 140/52/01 of 28 July last year, F.O. telegram No. 4361 to which you refer, and your letter under reply - and in particular in the absence of any firm plans about the future of the present inhabitants, the timetable for establishing the defence facilities, and the extent to which some inhabitants may remain after each island has been "militarized". It seems clear however that to begin with a considerable number, and even at the end some, of the present inhabitants will remain, and this of course causes the main difficulty from the point of view of presenting our case here.

6. On the basis of the information available it seems to us difficult to avoid the conclusion that the new territory is a non-self-governing territory under Chapter XI of the Charter, particularly since it has and will or may have a more or less settled population, however small. We cannot disclaim Charter obligations to the inhabitants because they are not indigenous, since this would destroy our case on the Falklands and Gibraltar; nor apparently would the facts substantiate a plea that the inhabitants are not permanent - even if (which is not necessarily the case) Chapter XI of the Charter were confined to permanent populations. Therefore we here feel that, however we may present the issue, the United Nations will consider that it does fall under Chapter XI; it is not in their view so much a question of our deciding whether or not to accept a Charter obligation as of our actually having one whether we like it or not. Openly to refuse to accept our obligations would of course also be in contradiction of the colonial policy which we have not only followed of our own free will, but announced time and time again here, that we proceed by consultation and consent on the basis of the paramountcy of the interests of the people concerned and in accordance with the principle of self-determination. Moreover if I understand it right we have in fact gone as far as we possibly can to safeguard the interests of the people and intend to continue to do so: given that defence facilities were required, we have looked for as unpopulated a set of atolls as we could find, consistent with military requirements, so that the minimum hardship would be caused; in order not to complicate the decolonisation of Mauritius and later the Seychelles, we have created the new territory; and we are now going to pay large compensation to Mauritius and the Seychelles and do the best we can for the inhabitants. We therefore wonder whether, in the light of the point in paragraph 4 above, it is really right to conclude that we cannot so act as to be able to present a fairly reasonable case for the thesis that our actions are consistent with our Charter obligations in respect of the new territory, and more important its people, and really right that we should ourselves deliberately give the Committee just cause for criticising us for a complete breach of the Charter, if that can possibly be avoided.

/7. It may

CONFIDENTIAL

CONFIDENTIAL

- 3 -

7. It may therefore be worth looking again at what would have to be done if we were to accept and try to discharge our Charter obligations. In theory we should have to accept the paramountcy of the interests of the people, develop self-government and free political institutions, and take into account their political aspirations; we should have to act in a manner which could be reconciled with the principle of self-determination (in view not of Chapter XI but rather of our own repeated and unqualified commitments to do so in all our territories); and we should also have to report on the territory. In practice this might not necessarily amount to more than devising some means of associating the present population pending their evacuation, and the final remaining labour force after militarization, with the administration of the islands. We would also have to devise evacuation schemes, as and when the time comes for each individual island, with suitable individual financial inducements to ensure that those who are to stay can be shown to have done so voluntarily. Would not these measures to some extent at least be necessary for the orderly administration of the islands and of the evacuation, quite apart from our Charter obligations, even though they would be difficult? As regards reporting we shall be faced anyhow with having to explain in the Committee of 24 and the Fourth Committee what we are doing in order to answer petitioners and criticisms. Would reporting under Article 73(e) necessarily inflict any further burden or have any wider long-term implication which we could not accept?

8. We fully realise that this course may be either impossible to carry out because of the geographical separation of the islands, or be incompatible with Anglo/American military requirements, and that the acceptance of Article 73 obligations may eventually land us in trouble, and that therefore the conclusion reached in your paragraph 3 may still turn out to be the only one practicable. You may however think in view of the arguments above that it is worth looking at again. It would incidentally to some extent mitigate the difficulty of our attitude in these islands conflicting with our position over the Falkland Islands and Gibraltar - a conflict to which attention has already been drawn in the Fourth Committee.

9. Should this not be possible we entirely agree that it is worth considering what measures might be taken to reduce our vulnerability to criticism. The measures foreshadowed in your paragraph 5(1) and (2) would certainly help us to some extent, by enabling us to show that there was no local ownership of land and that all the inhabitants of the islands were legally either Mauritians or Seychellois. But to give this substance we should have to demonstrate that all these people had the full political and other rights of other Mauritians and Seychellois - including, most important, the right to vote

/and to

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- 4 -

and to be represented in their parent legislatures, and to enjoy Mauritius or Seychelles citizenship - in fulfilment (until independence) of our Charter obligations in respect of those two territories. If some special arrangement could be made to enable those on the islands to exercise their votes (by post or proxy) at elections in Mauritius and the Seychelles, this would make the point more obviously valid. Again, if there are any of the inhabitants who are not accepted by Mauritius or the Seychelles as "belongers", would it be possible to consider making them full United Kingdom citizens with voting rights in the United Kingdom? In this way, we could properly claim that although we could not accept any obligations in respect of the Indian Ocean Territory as a territory, we fully accepted our obligations, including Chapter XI obligations, to the people living in the Territory and were actively discharging those obligations. Then - a point already brought out above - it would be highly desirable to avoid any action relating to the evacuation of these people, as and when this becomes necessary, which might smack of compulsion. Our position would be much better here if we could show that the people concerned had voluntarily accepted evacuation and that this was because their interests had been properly looked after in the process.

10. I should add that we are also inclined to think that the measures in your paragraph 5(1) and (2) would be worth taking even if you were able to decide that we should accept our Charter obligations as suggested earlier in this letter. They might help us to justify the eventual evacuation measures and possibly also to dodge demands under Resolution 1514 for progress towards independence. In that case the provisions made for the inhabitants to have some say in the administration of the islands would be a bonus, over and above their rights as Mauritians or Seychellois.

11. Finally the reaction here. Whatever we do we are liable to be faced with serious trouble and, whether we try to show that our actions are consistent with our Charter obligations under Article 73 or not, there will always be those who will accuse us of being in breach of them. Indeed it would not be difficult for our critics to develop the arguable thesis that detachment by itself was a breach of Article 73. Nevertheless we are inclined to think that if we were to accept our Charter obligations in respect of the new territory, or at least not say we were not doing so, the effect of the reaction would probably be mitigated, and that conversely, if we deliberately say we will not do so, it will be increased. In either event what seems to us important from our angle here is that we should have as good a case as we can to explain and that in that explanation it should be clear that we are doing our best for the, admittedly very few, inhabitants concerned.

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CONFIDENTIAL

- 5 -

12. I am sorry that this is a bleak reply. Whatever you decide we shall of course do our best to defend it here and, such are the vagaries of the people with whom we are dealing, we cannot be certain that our predictions are right.

13. Copies of this letter are being sent to Sam Falle in the Foreign Office and Digginis in the C.R.O.

(F.D.W. Brown)

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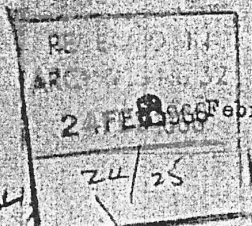
ANNEX 41

Letter dated 8 February 1966 from K.W.S. MacKenzie, Colonial Office to A. Brooke-Turner, UK Foreign Office, FO 371/190790



COLONIAL OFFICE
GREAT SMITH STREET, LONDON S.W.1
Telephone: ABBey 1266, ext.

Our reference: PAC.95/892/016
Your reference: Z4/185/G



24 FEB 1966 February 1966

Dear Brooke-Turner,

In his letter of the 28th October 1965 Arthur asked amongst other things for details of present fishing rights and practice in the Chagos Archipelago as a basis for discussions with the Americans on maintaining the access of Mauritian fishermen to the islands.

We have made inquiries and the evidence so far received is both obscure and conflicting. We are, however, anxious to avoid anything in the nature of blanket restrictions on activities by Mauritian fishermen; and in order to get at the facts and ensure that the best possible case is made Fairclough proposes to write to the Governor on the lines of the attached draft, setting out in paragraph 3 the lines on which we might seek a satisfactory solution.

I shall be grateful if you and the other addressees of this letter will let me know whether you agree with the terms of the enclosed draft.

Yours sincerely,

Kenneth MacKenzie.

(K.W.S. MacKenzie)

A. BROOKE-TURNER ESQ.
FOREIGN OFFICE
LONDON S.W.1.

* - Moberly, Dunsford, Nicholls,
Lamagne and Harrison

ANNEX 42

UK Mission to the United Nations, New York, Telegram No. 1872
to the UK Foreign Office, 9 September 1966, CO 936/972

17

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FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair

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Lord Caradon
No. 1872
9 September 1966

D. 0330 10 September 1966
R. 0342 10 September 1966

BUILD

Addressed to Foreign Office telegram No. 1872 of 9 September.
Repeated for information to: Governor Mauritius
Governor Seychelles
Governor St. Helena
and Saving to: Washington

(15) Commonwealth Office telegram No. Brief 55: Committee of 24,
Sub-Committee I - Mauritius, Seychelles and St. Helena.

At today's Sub-Committee meeting, Jouejati (Syria) accused the Administering Power of ambiguity in stating its intentions regarding independence for the three territories. Such progress as took place was forced on the United Kingdom Government by the local inhabitants. United Kingdom tardiness in promoting progress was designed to assure the permanence of the settler minorities and to secure the use of the islands for British strategic purposes contrary to the inhabitants' wishes. The Committee should investigate the grave matter of United States/United Kingdom military plans and the creation of a new colony. The extensive powers of the Governors were indefensible and obsolete. The Committee could not accept that the territories were in any way unready for immediate self-government and independence.

2. Thiam (Mali) said internal constitutional problems were for the local people to settle, not the United Kingdom Government. To make independence conditional upon full agreement by the political parties was a manoeuvre to prolong British exploitation of its colonies. British companies plundered the resources of the territories for profits while their economies slumped. These economies should be diversified. The size of the public debt indicated the extent of their impoverishment while profits continued to flow to the United Kingdom. He quoted the United Kingdom Prime Minister's statements on defence policy East of Suez from paragraph 17 of A/AC 109/L 279/Add.1 and denounced these remarks since all foreign military bases were for aggressive purposes and were contrary to the colonial peoples' right to self-determination and independence. Britain's illegal bases in the area should be dismantled and replaced by schools and hospitals.

3. Brown (United Kingdom) spoke next (text by bag). On Biot, he recalled United Kingdom statement in the Fourth Committee that the new administrative arrangements for certain small islands represented an administrative re-adjustment worked out with the local governments and elected representatives. No decision had yet been reached by the United Kingdom or United States Governments about construction of any facilities anywhere in Biot. He then described at length constitutional and economic developments in the

/three territories,

UKMIS New York telegram No. 1872 to Foreign Office

- 2 -

three territories, interjecting replies to main points made by Syrian, Mali and (at last meeting) Soviet representatives.

4. Shakhov (U.S.S.R.) in a long tirade, demanded immediate self-determination and independence for all. Whatever the United Kingdom delegation might say, newspaper reports had made it clear that there was an Anglo-American agreement to establish bases in the Indian Ocean. If this was not so, the United Kingdom should let representatives of the Committee investigate on the spot. He recalled the use of Ascension Island for the Stanleyville operation.
5. Malecela (Tanzania, Chairman), recalled discussion of the question of bases in the O.A.U. and at the non-aligned conference, Fourth Committee and General Assembly. The Sub-Committee and the Afro-Asians did not want bases set up in the Indian Ocean and African views on this should be respected. They did not wish to be involved in the nuclear struggle. He asked for an assurance by the United Kingdom and United States Governments that they would not establish any such bases. This assurance would remove much of the disagreement between the Afro-Asians and the Americans and British. It would be a service to the United Nations if such assurance could be given before the matter was taken up in the Fourth Committee. They could not respect the validity of negotiations between a colony and the colonial Power since these could not be on an equal basis. Failing assurances of the kind required, they would continue to press this point, since the reported Anglo/United States plans were a threat to the security of East Africa. On constitutional questions, he regretted that political reform, which was anyway belated, was always initiated by the United Kingdom and not by the people of the territories. The resolution of the Seychelles Legislative Council about continued association with Britain should not carry undue weight since the council was merely advisory.
6. In answer to further Syrian and Tunisian questions about Mauritius electoral system, Brown explained that the 8 special seats were designed to ensure some representation for small communities. The system, which sounded more complicated than it was, had secured general agreement from all the parties concerned.
7. The Syrian representative also asked for more information about United States/United Kingdom negotiations on bases, the nature of the facilities and the names of those in Mauritius and the Seychelles said to be participating in the negotiations.

Foreign Office please pass to Governor Mauritius No.6,
Governor Seychelles No.2 and Governor St. Helena No.1.

[Repeated as requested]

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ANNEX 43

UK Mission to the United Nations, New York, Telegram No. 1877
to the UK Foreign Office, 12 September 1966, CO 936/972

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FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair

TRUSTEESHIP DISTRIBUTION

Sir R. Jackling

No. 1877

D. 2112 12 September, 1966

12 September, 1966

R. 2112 12 September, 1966

BUILD

Addressed to Foreign Office telegram No. 1877 of 12 September.
Repeated for information to Governor, Mauritius
Governor, Seychelles
Governor, St. Helena
and Saving to Washington

(17) My telegram No. 1872: Committee of 24, Sub-Committee 1 -
Mauritius, Seychelles and St. Helena.

At today's sub-committee meeting Sahli (Tunisia) deplored the United Kingdom's use of armed force to break the Seychelles strike and energetically condemned establishment of military bases in colonies. The United Kingdom Government should be called upon to implement Resolution 1514(XV) immediately, bring the three territories immediately to independence, renounce the dismemberment of Mauritius and Seychelles and the establishment of bases, and authorize the United Nations to send visiting missions to render any necessary assistance.

2. Mtingwa (Tanzania) called for evidence to support the United Kingdom contention that the territories had been uninhabited when first discovered. In any case their present inhabitants were entitled to independence. It was significant that dismemberment of Mauritius and Seychelles had been carried out by United Kingdom a few days before General Assembly Resolution 2066(XX). The United Kingdom had produced complex innovations for the Mauritius electoral system, but the Mauritians refused to be treated as guinea pigs for unprecedented experiments. There was no independent evidence that the people really accepted the variations on Banwell negotiated by Mr. Stonehouse. He was convinced Biot would be used for bases. The United Kingdom might assert that it was uninhabited but it belonged to Mauritius and Seychelles. It would be a first target in any nuclear attack and thus endangered the area. Ascension had been used for an attack on the Congolese liberation movement. He demanded guarantees that the territories' integrity would be respected and no troops stationed in the area. He contrasted United Kingdom refusal to use force against Rhodesia with its audacity in sending destroyers to the Seychelles to quell workers who were merely demanding bread.

ANNEX 43

UKMIS New York telegram No. 1877 to Foreign Office

- 2 -

3. Janevski (Yugoslavia) said events had proved the non-aligned conference to be right in declaring that foreign bases impeded decolonisation. PMSD Ministers resigned and the Mauritius people had demonstrated in protest against British bases in Indian Ocean. The United Kingdom was not entitled to dismember the territories or to use them for military purposes.

4. Kofod (Denmark) said it was encouraging that all in Mauritius had now agreed on an electoral system and most on the need for early independence. Denmark's similar electoral system had long worked well. The sub-committee's recommendations should welcome Mauritius's progress towards independence and should not ignore the special circumstances of Seychelles and St. Helena nor the wishes of their peoples.

5. The Chairman said sub-committee aimed to approve conclusions and recommendations on the three territories by 20 September.

Foreign Office pass Governor Mauritius 7, Governor Seychelles 3, Governor St. Helena 2.

[Repeated as requested.]

XXXXXX

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



25
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UNITED KINGDOM MISSION TO THE UNITED NATIONS

845 THIRD AVENUE, NEW YORK, N.Y.

HOLD AGAINST DELIVERY

CHECK AGAINST DELIVERY

Statement by Mr. Francis Brown in the Committee
of 24: Mauritius, the Seychelles and
St. Helena
(Report of Sub-Committee I)
6 October, 1966

No. 38.

My delegation has a number of comments on the conclusions and recommendations contained in this report. I wish to emphasise, firstly that my comments are essentially factual: I am not seeking to argue or defend a case, but rather to establish what the facts are, and to compare them with the draft report which is before us; and secondly that all these facts were contained in my delegation's statements to the Sub-Committee, were available to the Sub-Committee when it adopted its report, but they are not in the report.

The conclusions and recommendations fall into three main categories. First, the constitutional and political progress of the three territories. Secondly the detachment from Mauritius and the Seychelles of the British Indian Ocean Territory. And thirdly, the economic situation in the territories. I will take each in turn.

On the constitutional questions, my delegation informed the Sub-Committee of major steps taken in each of the three territories. In Mauritius it was decided after the Constitutional Conference last November that if the newly elected Legislative Assembly requested independence, the United Kingdom Government would accept that request and independence would take place after a six month period of full internal self-government following the new elections. There would be a revised electoral system. Following the recommendations of an independent electoral commissioner and a subsequent visit to Mauritius by a British Minister to discuss the commissioner's recommendations, full agreement among all political parties in Mauritius was reached on the new system. Registration in the elections has begun, with a team of Commonwealth observers present in the territory, and the elections will take place early next year. If the party favouring independence wins the elections and asks for independence, independence can thus come about by the middle of 1967.

In the Seychelles, the elected Legislative Council asked the British Government to express a view on its desire that there should be no change in the relationship between Britain and the Seychelles. The British Colonial Secretary replied acknowledging this desire and suggesting that the time had now come for further constitutional advance including a move to abolish the minor property and literacy qualifications for the franchise and thus move to universal suffrage. A constitutional Commissioner has visited the territory for extensive consultations with all shades of opinion and his recommendations on the various paths of

/constitutional

constitutional evolution open to the Seychelles are now being examined.

In St. Helena the Governor has undertaken extensive consultations with all sections of the small community in the territory and has reached almost unanimous agreement on a set of constitutional proposals which would represent a considerable transfer of powers and responsibility to local hands. The United Kingdom Government is now studying them.

But none of this progress, as I have outlined it, finds a place in the Sub-Committee's conclusions and recommendations. There is no mention of the prospect of independence for Mauritius within a few months. There is no mention of the consultative processes leading to fresh constitutional proposals for the Seychelles and St. Helena. There is not even apparently any recognition that the legislatures of Mauritius and St. Helena are already elected by universal adult suffrage, and that the British Government itself has proposed a move to universal suffrage for the Seychelles - indeed, the report asserts that the Seychelles people are "deprived" of universal suffrage. Instead the report characterises the political development in the territories as "slow", and blindly recommends that elections under universal suffrage should be held - as soon as possible - thus completely ignoring the facts and the decisions that have been taken.

Secondly, the conclusions and recommendations relating to the detachment of certain small atolls in the Indian Ocean from Mauritius and the Seychelles. My delegation explained what was involved in this in our statement in the Fourth Committee on 16 November last year. We made it clear that the new arrangements represented an administrative readjustment which was fully agreed after consultations by the elected governments of Mauritius and the Seychelles. These atolls do not form natural or immutable unions with Mauritius or the Seychelles in any geographical, political, ethnic or indeed any other sense. They were previously administered as part of Mauritius and the Seychelles purely as a matter of convenience for the United Kingdom Government. Their few inhabitants are almost all migrant labourers from Mauritius and the Seychelles; their interests are being fully protected under the new arrangements. No decisions have yet been reached about the construction of any facilities anywhere in the British Indian Ocean Territory. The suggestion in the Working Paper, A/AC.109/L.279, that the three Ministers who resigned from the Mauritius Government were resigning in protest at the principle or objectives involved in the detachment of these atolls, is quite inaccurate, as public statements issued at the time by the three Ministers concerned have shown. The two elected governments were consulted about the detachment and both governments agreed. Against this background, my delegation certainly cannot accept the suggestions in the Sub-Committee's report to the effect that the new arrangements violate the territorial integrity of Mauritius or the Seychelles. Then in regard to Mauritius and the Seychelles, my delegation knows of no supporting evidence for the assertions in paragraph 56 of the conclusions alleging anxiety about reports that military bases are envisaged since there are no such bases in either territory and, to the best of my delegation's knowledge, no plans for any such bases. There are certain quite minor

/existing

existing rights and facilities. They are not of course in any sense of the word bases. They are simply the naval wireless station in Mauritius manned and operated by a small mixed naval and civilian staff, and the occasional use of Plaisance airfield by the Royal Air Force. The R.A.F. has no permanent installations or personnel of its own at the airfield, which is normally used by the Mauritius Government for purely civilian purposes. My delegation knows of no evidence that these have caused anxiety to anyone in Mauritius or indeed anywhere else. Paragraph 64 of the recommendations calls for a declaration that there should be no validity in agreements between an administering power and another country affecting the sovereignty and fundamental rights of a territory. Now, the clear legal position is, has been, and remains, that until independence the administering power alone has the authority to enter into international commitments or agreements affecting its dependent territories. Therefore my delegation could not accept this recommendation, at least as at present drafted. But, having said that, I must of course point out - and this is the practical point in question - that in recent times the United Kingdom Government has certainly not concluded any agreements with other countries affecting the basic interests of British colonial territories without the fullest consultation beforehand with the representatives of the territory concerned, and indeed in many cases representatives from the territory have participated in the negotiation of such agreements.

Finally, my delegation regrets that paragraph 58 of the conclusions and paragraph 65 of the recommendations pay no regard to the information supplied by my delegation to the Sub-Committee about the economies of the territories and about development plans and British Government aid to the territories. We have made it clear that 1963 was an exceptional year for sugar prices and that this had a marked effect on the Mauritius economy; secondly, in interpreting the annual statistics one cannot deduce from a comparison of the 1963 and 1964 figures that there is a significant economic decline. In order to assess meaningful trends a longer period of time, with a base line other than 1963, must be considered. This applies in particular to the interpretation of some of the economic and financial information contained in the Secretariat Working Papers. There is no evidence that I know of to support the allegation in paragraph 58 of the conclusions that foreign companies exploit or damage the interests of the territories; and it is difficult to attach any meaning to the reference in paragraph 65 of the recommendations to the "indigenous inhabitants", since as I have pointed out many times the islands were uninhabited when first discovered and there is no section or group among the present inhabitants having any more claim to be indigenous than any other.

On all three counts therefore the conclusions and recommendations of this report seem to my delegation either to ignore or to misinterpret the basic and significant facts of the situation in the three territories with which they deal. My delegation is aware of the pressure of time under which the Sub-Committee was working; but this hardly justifies or even explains the defects of this report and its many points of incompatibility with the facts provided by the United Kingdom delegation as the representative of the administering power. In consequence my delegation cannot accept the recommendations or conclusions of this report and I must reserve the position of the United Kingdom Government on them. I shall be grateful if that reservation may be incorporated in our records and in the report of the Sub-Committee to the General Assembly.

* * * * *

ANNEX 45

United Nations General Assembly Resolution 2232 (XXI),
20 December 1966

ing of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV);

3. *Expresses its appreciation* to the Government of Spain for having invited the Special Committee to visit the Territory and for the co-operation rendered to the Sub-Committee on Equatorial Guinea of the Special Committee during its visit to the Territory;

4. *Invites* the administering Power to implement as soon as possible the following measures:

(a) Removal of all restrictions on political activities and establishment of full democratic freedoms;

(b) Institution of an electoral system based on universal adult suffrage and the holding, before independence, of a general election for the whole Territory on the basis of a unified electoral roll;

(c) Transfer of effective power to the government resulting from this election;

5. *Requests* the administering Power to ensure that the Territory accedes to independence as a single political and territorial unit and that no step is taken which would jeopardize the territorial integrity of Equatorial Guinea;

6. *Requests* the administering Power, in accordance with the wishes of the people of Equatorial Guinea, to set a date for independence as recommended by the Special Committee and, for this purpose, to convene a conference in which the various political parties and all sections of the population would be fully represented;

7. *Further requests* the administering Power to establish in law and in practice full equality of political, economic and social rights;

8. *Urges* the administering Power to take effective measures, including increased assistance, to ensure the rapid economic development of the Territory and to promote the educational and social advancement of the people, and requests the specialized agencies to render all possible assistance towards this end;

9. *Requests* the Secretary-General to take appropriate action, in consultation with the administering Power and the Special Committee, to ensure the presence of the United Nations in the Territory for the supervision of the preparation for, and the holding of, the election envisaged in paragraph 4 (b) above, and to participate in any other measures leading towards the independence of the Territory;

10. *Further requests* the Secretary-General to transmit the present resolution to the administering Power and to report to the Special Committee on its implementation;

11. *Decides* to maintain the question of Equatorial Guinea on its agenda.

*1500th plenary meeting,
20 December 1966.*

2231 (XXI). Question of Gibraltar

The General Assembly,

Having examined the question of Gibraltar,

Having heard the statements of the administering Power and the representative of Spain,

Having heard the statements of the petitioners,

Recalling its resolution 2070 (XX) of 16 December 1965, and the consensus adopted by the Special Committee on the Situation with regard to the Implementa-

tion of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 16 October 1964,²⁹

Recalling further its resolution 1514 (XV) of 14 December 1960,

Taking into account the noted willingness of the administering Power and of the Government of Spain to continue the present negotiations,

Regretting the occurrence of certain acts which had prejudiced the smooth progress of these negotiations,

1. *Regrets* the delay in the process of decolonization and in the implementation of General Assembly resolution 1514 (XV) with regard to Gibraltar;

2. *Calls upon* the two parties to continue their negotiations, taking into account the interests of the people of the Territory, and asks the administering Power to expedite, without any hindrance and in consultation with the Government of Spain, the decolonization of Gibraltar, and to report to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples as soon as possible, and in any case before the twenty-second session of the General Assembly;

3. *Requests* the Secretary-General to assist in the implementation of the present resolution.

*1500th plenary meeting,
20 December 1966.*

2232 (XXI). Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands

The General Assembly,

Having considered the question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands,

Having examined the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to these Territories,³⁰

Recalling its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962, 1956 (XVIII) of 11 December 1963, 2066 (XX) of 16 December 1965, 2069 (XX) of 16 December 1965 and 2189 (XXI) of 13 December 1966,

Deeply concerned at the information contained in the report of the Special Committee on the continuation of policies which aim, among other things, at the disruption of the territorial integrity of some of these Terri-

²⁹ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter X, para. 209.

³⁰ *Ibid.*, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapters XIV-XIX and XXII.

tories and at the creation by the administering Powers of military bases and installations in contravention of the relevant resolutions of the General Assembly,

Deplores the refusal of some administering Powers to allow visiting missions of the United Nations to visit these Territories,

Conscious that these situations require the continued attention and the assistance of the United Nations in the achievement by the peoples of these Territories of their objectives, as embodied in the Charter of the United Nations and in the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Aware of the special circumstances of geographical location and economic conditions concerning some of these Territories,

1. *Approves* the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to these Territories;

2. *Reaffirms* the inalienable right of the peoples of these Territories to self-determination and independence;

3. *Calls upon* the administering Powers to implement without delay the relevant resolutions of the General Assembly;

4. *Reiterates* its declaration that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of colonial Territories and the establishment of military bases and installations in these Territories is incompatible with the purposes and principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV);

5. *Urges* the administering Powers to allow United Nations visiting missions to visit the Territories, and to extend to them full co-operation and assistance;

6. *Decides* that the United Nations should render all help to the peoples of these Territories in their efforts freely to decide their future status;

7. *Requests* the Special Committee to continue to pay special attention to these Territories and to report on the implementation of the present resolution to the General Assembly at its twenty-second session;

8. *Requests* the Secretary-General to continue to provide all possible assistance in the implementation of the present resolution.

*1500th plenary meeting,
20 December 1966.*

2233 (XXI). Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations

The General Assembly,

Recalling its resolution 1970 (XVIII) of 16 December 1963, in which it requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to study the information transmitted to the Secretary-General in accordance with Article 73 e of the Charter of the United Nations and to take it fully into account in examining the situation with regard to the implementation of the Declaration,

Recalling also its resolution 2109 (XX) of 21 December 1965, in which it approved the procedures adopted by the Special Committee for the discharge of the func-

tions entrusted to it under resolution 1970 (XVIII)⁸¹ and requested the Committee to continue to discharge those functions in accordance with the said procedures,

Having studied the chapter of the report of the Special Committee dealing with the transmittal of information under Article 73 e of the Charter and the action taken by it in respect of that information,⁸²

Having also examined the report of the Secretary-General on this information,⁸³

1. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations;

2. *Expresses its profound regret* that, despite the repeated recommendations of the General Assembly, including the most recent recommendation contained in resolution 2109 (XX), some Member States having responsibilities for the administration of Non-Self-Governing Territories have not seen fit to transmit information under Article 73 e of the Charter or have done so insufficiently or too late;

3. *Once again urges* all Member States which have or which assume responsibilities for the administration of Territories whose peoples have not yet attained a full measure of self-government to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional development;

4. *Requests* the Special Committee to continue to discharge the functions entrusted to it under General Assembly resolution 1970 (XVIII) in accordance with the procedures referred to above.

*1500th plenary meeting,
20 December 1966.*

2234 (XXI). Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories

The General Assembly,

Recalling its resolution 2110 (XX) of 21 December 1965,

Having examined the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories under General Assembly resolution 845 (IX) of 22 November 1954,⁸⁴

1. *Takes note* of the report of the Secretary-General;

2. *Urges* Member States to continue to offer scholarships to the inhabitants of the Non-Self-Governing Territories;

3. *Requests* Member States to facilitate the travel of students from Non-Self-Governing Territories seeking to avail themselves of the educational opportunities which are offered to them;

4. *Requests* the Member States offering scholarships to take into account the necessity of furnishing com-

⁸¹ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter II, appendix I.

⁸² *Ibid.*, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapter XXIII.

⁸³ *Ibid.*, agenda items 64 and 71, document A/6455.

⁸⁴ *Ibid.*, document A/6503.