

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Case No. 28

**DISPUTE CONCERNING DELIMITATION OF THE MARITIME  
BOUNDARY BETWEEN MAURITIUS AND MALDIVES IN THE INDIAN  
OCEAN**

REPUBLIC OF MAURITIUS / REPUBLIC OF MALDIVES



WRITTEN OBSERVATIONS OF THE REPUBLIC OF MAURITIUS ON THE  
PRELIMINARY OBJECTIONS RAISED BY THE REPUBLIC OF MALDIVES

**VOLUME II**

ANNEXES

17 FEBRUARY 2020



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## **Annex 1**

Assembly of the African Union, 30<sup>th</sup> Ordinary Session of the Assembly,  
*Decision on Chagos Archipelago, Assembly/AU/Dec.684 (XXX)*  
(28-29 January 2018)





## DECISION ON CHAGOS ARCHIPELAGO

### The Assembly,

1. **REITERATES** its commitment to the fight against all forms of colonialism in Africa in accordance with the OAU/AU legal instruments and decisions, in particular, the 50<sup>th</sup> Anniversary Solemn Declaration adopted at the 21<sup>st</sup> Ordinary Session of the Assembly in May 2013, which reaffirmed the need to ensure the completion of the decolonisation process in Africa;
2. **RECALLS** the United Nations (UN) Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 in relation to the continued unlawful occupation by the United Kingdom of the Chagos Archipelago, which forms an integral part of the territory of the Republic of Mauritius and over which the Republic of Mauritius is unable to effectively exercise its sovereignty. **FURTHER RECALLS** UN Resolution 2232 (XXI) of 20 December 1966 and Resolution 2357 (XXII) of 19 December 1967 which reiterated that any disruption of the territorial integrity of colonial territories in the decolonization process would be contrary to the UN Charter;
3. **RENEWS** its commitment to UN Resolution 2066 (XX) of 16 December 1965 which reaffirms the inalienable right of the people of Mauritius to freedom and that the UK Government should implement UN Resolution 1514 (XV) fully and invited **"the administering Power to take no action which would dismember the Territory of Mauritius and violate its territorial integrity."**
4. **RECALLS** the previous OAU/AU resolutions and decisions on the Chagos Archipelago, in particular the Assembly Resolutions: Assembly/AU/Res.1 (XXV) adopted in June 2015 in Johannesburg as well as Assembly/AU/Res.1 (XXVIII) adopted in January 2017 in Addis Ababa;
5. **TAKES NOTE** of the resounding success at the vote taken at the UN General Assembly on 22 June 2017 for the adoption of Resolution 71/292 requesting the International Court of Justice (ICJ) to give an Advisory Opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, introduced by the Republic of the Congo on behalf of the Member States of the UN that are members of the Group of African States;
6. **ACKNOWLEDGES** the AU's request for an extension of the deadline of 30 January 2018 for the submission of a written statement by the AU to the ICJ in relation to the Advisory Opinion requested by the UN General Assembly Resolution 71/292 (2017) on the **"Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965"** as well as the ICJ Order granting the new deadline of 1<sup>st</sup> March 2018 and 15 May 2018 for written submissions in accordance with Article 66 of the ICJ Statute;

7. **DECIDES** to fully support the Republic of Mauritius by all means in order to ensure the completion of the decolonization of the Republic of Mauritius and enable the Republic of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago, including Diego Garcia;
8. **CALLS UPON** Member States, Regional Economic Communities, the League of Arab States, the Organization of Islamic Cooperation and all AU partners to make written submissions in support of the completion of the decolonization of the Republic of Mauritius to the ICJ within the deadline set by the ICJ Order;
9. **CALLS UPON** the United Kingdom to expeditiously put an end to its unlawful occupation of the Chagos Archipelago, in accordance with well-established principles of international law and the relevant decisions of OAU/AU and pertinent decisions of the UN;
10. **COMMENDS** the Chairperson of the Commission for the efforts exerted to make an AU submission and succeeding in bringing in the extension for the deadline and **REQUESTS** him to carry out the necessary campaign to bring more AU and UN States and other Organisations to support the call for the complete decolonization of the Republic of Mauritius as well as to make submissions in accordance with Article 66 of the ICJ Statute;
11. **DECIDES** to remain seized of the matter and **REQUESTS** the Commission to report on the progress and implementation of this decision to the Assembly in June/July 2018.



## **Annex 2**

Assembly of the African Union, 32<sup>th</sup> Ordinary Session of the Assembly,  
*Decision on Decolonisation of Chagos Archipelago,*  
Assembly/AU/Dec.747 (XXXII) (10-11 February 2019)



## DECISION ON DECOLONISATION OF CHAGOS ARCHIPELAGO

### The Assembly,

1. **TAKES NOTE** of the Introductory Note of the Chairperson of the Commission to the Annual Report on the activities of the African Union;
2. **RECALLS** Decision Assembly/AU/Dec.684(XXX), adopted at the 30<sup>th</sup> Ordinary Session held in Addis Ababa, Ethiopia, in January 2018, which requested the Commission to report on the progress and implementation of this Decision to the Assembly in June/July 2018;
3. **CONGRATULATES** and **COMMENDS** the AU Member States and other States Members of the international community which participated in the International Court of Justice (ICJ) legal proceedings on the Chagos Archipelago;
4. **COMMENDS** the Commission for the excellent work done on behalf of the African Union in the ICJ legal proceedings in both the written submissions and oral hearings;
5. **URGES** Member States of the AU to redouble their efforts to contribute to the complete decolonization of Mauritius as requested by previous Assembly decisions;
6. **DIRECTS** members of the African Group in New York to support all actions at the UN General Assembly (UNGA) that are necessary to contribute to the immediate and complete decolonization of Mauritius, including in accordance with any requirements pursuant to the advisory opinion once it is handed down by the ICJ and received by the UNGA;
7. **REQUESTS** the Chairperson of the Commission, through the Office of the Legal Counsel, to maintain the efforts to follow up on the ICJ Advisory Opinion on the 'Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965' and to report on the results of these efforts in the next Assembly Session in February 2020;
8. **DECIDES** to remain actively seized with the matter.



### **Annex 3**

Assembly of the African Union, 33<sup>rd</sup> Ordinary Session of the Assembly,  
*Draft Decision on Decolonisation of Mauritius,*  
Assembly/AU/Draft/Dec.43 (XXXIII) (8-9 February 2020)





**DRAFT**  
**DECISION ON DECOLONISATION OF MAURITIUS**

**The Assembly,**

1. **TAKES NOTE** of the Introductory Note of the Chairperson of the Commission to the Annual Report on the activities of the African Union, and **WELCOMES** his Statement issued on 22 November 2019 calling upon the United Kingdom to carry out their obligations under United Nations General Assembly Resolution 73/295 of 22 May 2019;
2. **RECALLS** Decision Assembly/AU/Dec.747(XXXII), adopted at the 32nd Ordinary Session held in Addis Ababa, Ethiopia, in February 2019, which requested the Commission to report on the progress and implementation of this Decision to the Assembly in February 2020;
3. **CONGRATULATES** and **COMMENDS** the AU Member States and other States Members of the international community which participated in the International Court of Justice (ICJ) legal proceedings on the Chagos Archipelago;
4. **COMMENDS** the Commission for the excellent work done on behalf of the African Union in the ICJ legal proceedings in both the written submissions and oral hearings;
5. **WELCOMES** the Advisory Opinion of the International Court of Justice of 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 and United Nations General Assembly Resolution 73/295, which affirms, in accordance with the Advisory Opinion of the Court, that:
  - a. Because the detachment of the Chagos Archipelago was not based on the free and genuine expression of the will of the people of Mauritius, the decolonization of Mauritius has not been lawfully completed;
  - b. The Chagos Archipelago forms an integral part of the territory of Mauritius;
  - c. Since the decolonization of Mauritius was not conducted in a manner consistent with the right of the people to self-determination, it follows that the continued administration of the Chagos Archipelago by the United Kingdom of Great Britain and Northern Ireland constitutes a wrongful act entailing the international responsibility of that State;
  - d. The United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as soon as possible;

- e. Since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right and all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius;
  - f. The resettlement of Mauritian nationals, including those of Chagossian origin, must be addressed as a matter of urgency during the completion of the decolonization process;
6. **EXPRESSES** its deep concern at the failure of the United Kingdom to respect UN General Assembly Resolution 73/295, which demands that the United Kingdom withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months from the adoption of the resolution, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible;
  7. **EXPRESSES** further concern that the UK continues to challenge both the International Court of Justice and the UN General Assembly Resolution;
  8. **DIRECTS** Member States of the African Union to support, at the UN General Assembly and at all international, regional and intergovernmental organizations, such as the Indian Ocean Tuna Commission, actions that are necessary to contribute to the complete decolonization of Mauritius in accordance with UN General Assembly Resolution 73/295;
  9. **REQUESTS** the Chairperson of the Commission, through the Office of the Legal Counsel, to maintain the efforts to follow up on the implementation of UN General Assembly Resolution 73/295, and consider participation in any proceedings that will contribute to the decolonization of Mauritius and the safeguard of the right of return of the former inhabitants of the Chagos Archipelago, and to report on the results of these efforts in the next Assembly Session in February 2021;
  10. **AUTHORIZES** the PRC to adopt the necessary budget for the implementation of this Decision, and **DECIDES** to remain actively seized with the matter.

## **Annex 4**

Non-Aligned Movement, *Extract from Final Document Adopted  
by 18<sup>th</sup> Mid-term Ministerial Meeting of the Non-Aligned Movement  
(5-6 April 2018)*



**EXTRACT FROM FINAL DOCUMENT ADOPTED BY 18<sup>TH</sup> MID-TERM MINISTERIAL  
MEETING OF THE NON-ALIGNED MOVEMENT,  
5-6 APRIL 2018, BAKU, AZERBAIJAN**

**Chagos Archipelago**

394. The Ministers *reaffirmed* that the Chagos Archipelago, including Diego Garcia, which was unlawfully excised by the former colonial power from the territory of Mauritius in violation of international law and UN Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965, forms an integral part of the territory of the Republic of Mauritius.
395. The Ministers *noted* with grave concern that despite the strong opposition expressed by the Republic of Mauritius, the United Kingdom purported to establish a “marine protected area” (“MPA”) around the Chagos Archipelago, further infringing the territorial integrity of the Republic of Mauritius and impeding the exercise of its sovereignty over the Chagos Archipelago as well as the exercise of the right of return of Mauritian citizens who were forcibly removed from the Archipelago by the United Kingdom. In this regard, they *welcomed* the ruling of the Arbitral Tribunal in the case brought by the Republic of Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea that the “MPA” was unlawfully established under international law.
396. Cognizant that the Government of the Republic of Mauritius is committed to taking all appropriate measures to affirm the territorial integrity of the Republic of Mauritius and its sovereignty over the Chagos Archipelago under international law, the Ministers *resolved* to fully support such measures including any action that may be taken in this regard at the United Nations General Assembly.
397. The Ministers *further took note* of the adoption by the UN General Assembly on 22 June 2017 of resolution 71/292 requesting an advisory opinion of the International Court of Justice (ICJ) on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 and of the subsequent Order of 14 July 2017 of the ICJ inviting the United Nations and its Member States, which are likely to be able to furnish information on the question submitted to the Court for an advisory opinion, to make written submissions to the ICJ.
398. The Ministers *encouraged* Member States of the Movement to contribute to the ICJ advisory proceedings by making submissions in support of the decolonization of Mauritius and by participating in the oral hearings which will take place in 2018.
399. The Ministers also *took note* of the concern expressed by the Republic of Maldives regarding the legal and technical issues arising from the United Kingdom’s illegal decision in 2010 to declare a “MPA” in the Chagos Archipelago which overlaps the exclusive economic zone of the Republic of Maldives as declared in its Constitution without prejudice to future resolution of maritime delimitations.



## **Annex 5**

Non-Aligned Movement, Ministerial Meeting of the Coordinating Bureau  
of the Non-Aligned Movement, *Extracts from Final Document*  
(20-21 July 2019)





EXTRACT

NAM 2019/CoB/Doc.1



**Ministerial Meeting of the Coordinating Bureau  
of the Non-Aligned Movement (CoB-NAM)**

**Caracas, Bolivarian Republic of Venezuela**

**20 - 21 July 2019**

**FINAL DOCUMENT**

**Caracas, Venezuela  
18-21 July 2019**

and open a new chapter of cooperation and partnership, which will result in benefits for both peoples and for the region.

455.2. The Ministers welcomed the 5 September 2018 Tripartite Agreement the State of Eritrea, the Federal Republic of Ethiopia and the Federal Republic of Somalia to foster a comprehensive cooperation on political, economic, social, cultural and security issues, their coordination in the promotion of regional peace and security as well as the establishment of a Joint High-Level Committee to coordinate their efforts in the framework of the Declaration. The Ministers also welcomed the 4 March 2019 Joint Statement by the Presidents of the State of Eritrea, the Federal Republic of Ethiopia and the Republic of South Sudan on their commitment to work together for the consolidation of peace in the Republic of South Sudan and the advancement of the cause of regional integration.

### **Chagos Archipelago**

456. The Ministers *welcomed* the clear and unambiguous Advisory Opinion of the International Court of Justice delivered on 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, pursuant to the UN General Assembly resolution 71/292 of 22<sup>nd</sup> June 2017.

457. The Ministers took note of the Court's findings that the right to self-determination was a rule of customary international law in 1965 and that the excision of the Chagos Archipelago from the territory of Mauritius was an internationally wrongful act. In that regard, the Ministers fully *supported* the Court's ruling that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible.

458. The Ministers *reaffirmed*, in the light of the Court's Advisory Opinion, that the Chagos Archipelago is and has always been part of the territory of Mauritius and that Mauritius is the sole State lawfully entitled to exercise sovereignty over the Chagos Archipelago and sovereign rights over the appurtenant maritime spaces. They resolved to cooperate fully with the UN General Assembly in ensuring the prompt decolonization of Mauritius, as required by the Court, and take all necessary measures for the process of decolonization of Mauritius to be completed without hindrance and as rapidly as possible.

459. The Ministers expressed their satisfaction that the findings of the Advisory Opinion confirm that the "marine protected area" ("MPA") purportedly created by the UK around the Chagos Archipelago is illegal since under international law, the UK is not the 'coastal State' in relation to the Chagos Archipelago.

460. The Ministers also *took note* of the concern expressed by the Republic of Maldives regarding the legal and technical issues arising from the United Kingdom's illegal decision in 2010 to declare a "MPA" in the Chagos Archipelago which overlaps the exclusive economic zone of the Republic of Maldives as declared in its Constitution without prejudice to future resolution of maritime delimitations.

### **Libya**

461. The Ministers *reiterated* their commitment to the sovereignty, independence and territorial integrity of Libya and called on all states to refrain from interfering into the internal affairs of Libya, including by supplying arms to armed groups in violation of Security Council resolutions, using mass media to incite to violence and attempts to undermine the political process.

462. The Ministers called upon all parties involved in the conflict to undertake all the necessary measures to cease fire and the immediate halt of all military operations. They urged all parties to return to UN-mediated political talks led by the Special Envoy of the Secretary-General of the United Nations, Mr. Ghassan Salamé, in accordance with the UN Plan of Action adopted on 20

## **Annex 6**

Non-Aligned Movement, 18<sup>th</sup> Summit of Heads of State and Government  
of the Non-Aligned Movement, *Extracts from Final Document*  
(25-26 October 2019)



**EXTRACT**

Original: English

NAM 2019/CoB/Doc.1



**18<sup>th</sup> Summit of Heads of State and Government of the Non-Aligned Movement**

**Baku, the Republic of Azerbaijan**

**25 - 26 October 2019**

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**FINAL DOCUMENT**

**Baku, Azerbaijan  
25-26 October 2019**

Original: English

NAM 2019/CoB/Doc.1

State and Government also welcomed the 4 March 2019 Joint Statement by the Presidents of the State of Eritrea, the Federal Democratic Republic of Ethiopia and the Republic of South Sudan on their commitment to work together for the consolidation of peace in the Republic of South Sudan and the advancement of the cause of regional integration.

### **Chagos Archipelago**

457. The Heads of State and Government *welcomed* the clear and unambiguous Advisory Opinion of the International Court of Justice delivered on 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, pursuant to the UN General Assembly resolution 71/292 of 22<sup>nd</sup> June 2017.

458. The Heads of State and Government took note of the Court's findings that the right to self-determination was a rule of customary international law in 1965 and that the excision of the Chagos Archipelago from the territory of Mauritius was an internationally wrongful act. In that regard, the Heads of State and Government fully *supported* the Court's ruling that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible.

459. The Heads of State and Government *reaffirmed*, in the light of the Court's Advisory Opinion, that the Chagos Archipelago is and has always been part of the territory of Mauritius and that Mauritius is the sole State lawfully entitled to exercise sovereignty over the Chagos Archipelago and sovereign rights over the appurtenant maritime spaces. They resolved to cooperate fully with the UN General Assembly in ensuring the prompt decolonization of Mauritius, as required by the Court, and take all necessary measures for the process of decolonization of Mauritius to be completed without hindrance and as rapidly as possible.

460. The Heads of State and Government expressed their satisfaction that the findings of the Advisory Opinion confirm that the "marine protected area" ("MPA") purportedly created by the UK around the Chagos Archipelago is illegal since under international law, the UK is not the 'coastal State' in relation to the Chagos Archipelago.

461. The Heads of State and Government also *took note* of the concern expressed by the Republic of Maldives regarding the legal and technical issues arising from the United Kingdom's illegal decision in 2010 to declare a "MPA" in the Chagos Archipelago which overlaps the exclusive economic zone of the Republic of Maldives as declared in its Constitution without prejudice to future resolution of maritime delimitations.

### **Libya**

462. The Heads of State and Government *reiterated* their commitment to the sovereignty, independence and territorial integrity of Libya and called on all states to refrain from interfering into the internal affairs of Libya, including by supplying arms to armed groups in violation of Security Council resolutions, using mass media to incite to violence and attempts to undermine the political process.

463. The Heads of State and Government called upon all parties involved in the conflict to undertake all the necessary measures to cease fire and the immediate halt of all military operations. They urged all parties to return to UN-mediated political talks led by the Special Envoy of the Secretary-General of the United Nations, Mr. Ghassan Salamé, in accordance with the UN Plan of Action adopted on 20 September 2017, and to engage in a serious dialogue to reach a peaceful solution that will end the hostilities and redeem the country from further killing and destruction.

464. The Heads of State and Government *commended* the efforts exerted by the Libyan side to combat terrorism in Benghazi, Sirte and other parts of Libya, and *called on* the Parliament and

## **Annex 7**

Group of 77 and China, 42<sup>nd</sup> Annual Meeting of Ministers of Foreign Affairs,  
*Ministerial Declaration* (27 September 2018)





**EXTRACT****FORTY-SECOND ANNUAL MEETING  
OF MINISTERS FOR FOREIGN AFFAIRS  
OF THE GROUP OF 77 AND CHINA  
New York, 27 September 2018****MINISTERIAL DECLARATION**

199. The Ministers recalled that the Chagos Archipelago, including Diego Garcia, was unlawfully excised by the United Kingdom from the territory of Mauritius, prior to independence, in violation of international law and UN General Assembly resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 and that all inhabitants of the Chagos Archipelago were forcibly evicted. In this regard, the Ministers took note of the adoption by the UN General Assembly on 22 June 2017 of resolution 71/292 requesting an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The Ministers noted that 19 and 6 Members from the Group participated respectively in the first and second rounds of written submissions to the ICJ, while 15 Members took part in the public hearings which were held by the ICJ between 3 and 6 September 2018 in The Hague. The Ministers resolved to continue supporting the completion of the decolonization of Mauritius so that it can affirm its territorial integrity and sovereignty over the Chagos Archipelago and to remain seized of the matter.



## **Annex 8**

Group of 77 and China, 43<sup>rd</sup> Annual Meeting of Ministers of Foreign Affairs,  
*Ministerial Declaration* (27 September 2019)



**EXTRACT****FORTY-THIRD ANNUAL MEETING  
OF MINISTERS FOR FOREIGN AFFAIRS  
OF THE GROUP OF 77 AND CHINA  
New York, 27 September 2019****MINISTERIAL DECLARATION**

224. The Ministers recalled that the Chagos Archipelago, including Diego Garcia, was unlawfully excised by the United Kingdom from the territory of Mauritius, prior to independence, in violation of international law and UN General Assembly resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 and that all inhabitants of the Chagos Archipelago were forcibly evicted. In this regard, the Ministers took note of the adoption by the UN General Assembly on 22 May 2019 of resolution 73/295 welcoming the advisory opinion of the International Court of Justice of 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The Ministers took note of the Court's findings that the right to self-determination was a rule of customary international law in 1965 and that the excision of the Chagos Archipelago from the territory of Mauritius was an internationally wrongful act. In that regard, the Ministers fully supported the Court's ruling that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible. The Ministers reaffirmed, in the light of the Court's advisory opinion, that the Chagos Archipelago is and has always been part of the territory of Mauritius and that Mauritius is the sole State lawfully entitled to exercise sovereignty over the Chagos Archipelago and sovereign rights over the appurtenant maritime spaces. They resolved to cooperate fully with the UN General Assembly in ensuring the prompt decolonization of Mauritius, as required by the Court, and take all necessary measures for the process of decolonization of Mauritius to be completed without hindrance and as rapidly as possible.

225. The Ministers also took note of the concern expressed by the Republic of Maldives regarding the legal and technical issues arising from the United Kingdom's illegal decision in 2010 to declare a "marine protected area" in the Chagos Archipelago which overlaps the exclusive economic zone of the Republic of Maldives as declared in its Constitution without prejudice to future resolution of maritime delimitations.



## **Annex 9**

African, Caribbean and Pacific Group of States, 109<sup>th</sup> Session of the  
ACP Council of Ministers, *The Decolonisation of Mauritius*,  
Resolution ACP/25/007/19 (21-22 May 2019)





**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**THE DECOLONISATION OF MAURITIUS**

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**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
- A. **HAVING REGARD** to the Port Moresby Declaration adopted by the 8th ACP Summit on 31 May and 1 June 2016;
  - B. **HAVING REGARD** to Decision No.7/CIV/16 on Chagos Archipelago adopted by ACP Council of Ministers at its 104<sup>th</sup> Session held on 29 to 30 November 2016; and
  - C. **HAVING REGARD** to other Declarations and positions adopted by the ACP Group of States to support the effective exercise by Mauritius of its sovereignty over the Chagos Archipelago, which is an integral part of the territory of Mauritius, including.
    1. **Commends** the ACP Member States which participated in the various stages of the International Court of Justice legal proceedings on the Chagos Archipelago;
    2. **Welcomes** the advisory opinion of the International Court of Justice rendered on 25 February 2019, in which the Court found, *inter alia*, that:
      - i) Having regard to international law, the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago,
      - ii) The United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible, and
      - iii) All Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius

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ACP/25/007/19

[Final version]

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3. **Urges** Member States of the ACP Group to redouble their efforts to contribute to the complete decolonization of Mauritius;
4. **Requests** Members of the ACP Group in New York to fully support all actions at the United Nations General Assembly (UNGA) that are necessary to contribute to the immediate and complete decolonization of Mauritius, including the implementation of the conclusions of the Advisory Opinion International Court of Justice; and
5. **Decides** to remain actively seized of the matter. *EOA*

Brussels, 22 May 2019

*EOA*

ACP/25/007/19

[Final version]

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## **Annex 10**

*African, Caribbean and Pacific Group of States, Declaration of the  
9th Summit of Heads of State and Government of the ACP Group of States:  
Nairobi Nguvu Ya Pamoja Declaration (9-10 December 2019)*



**EXTRACT**

**NAIROBI NGUVU YA PAMOJA DECLARATION ADOPTED BY THE  
9TH SUMMIT OF ACP HEADS OF STATE AND GOVERNMENT,  
9-10 DECEMBER 2019, NAIROBI, KENYA**

11. **WE urge** the United Kingdom to comply with the Advisory Opinion of the International Court of Justice of 25 February 2019, which found that the decolonisation process of Mauritius was not lawfully completed upon its accession to independence in 1968, following the separation of the Chagos Archipelago from Mauritius, and the UN General Assembly Resolution 73/295, which demands that the United Kingdom put an end to its unlawful occupation of the Chagos Archipelago.



## **Annex 11**

Letter from Dr. the Hon. Arvin Boolell (Minister of Foreign Affairs,  
Regional Integration and International Trade, Republic of Mauritius),  
to H.E. Dr. A. Shaheed (Minister of Foreign Affairs, Republic of Maldives)  
(2 March 2010)







REPUBLIC OF MAURITIUS

*Minister of Foreign Affairs, Regional Integration and International Trade*

**Ref: 1311**

**2 March 2010**

Excellency,

I wish to refer to our recent phone conversation concerning the proposal of the United Kingdom for the establishment of a marine protected area around the Chagos Archipelago.

As you are aware, the Chagos Archipelago was illegally excised by the United Kingdom from the territory of Mauritius prior to its independence in violation of United Nations General Assembly resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965.

Following this illegal excision, the British Government leased the Chagos Archipelago which is an integral part of the territory of Mauritius under both international law and Mauritian law to the US for the establishment of a military base.

Since our independence, we have consistently protested against the illegal excision of the Chagos Archipelago from the territory of Mauritius and unequivocally pressed for the early and unconditional return of the Archipelago to Mauritius.

We have been assured by successive British Governments that the Chagos Archipelago will be returned to Mauritius when it will be no longer needed for defence purposes. However, no definite date for the return has been mentioned.

The British Government has now launched global consultations with the objective of establishing a marine protected area around the Chagos Archipelago. Interestingly, Diego Garcia is excluded from the proposal, which implies that its full use as a military base will continue as it will remain outside the purview of the proposed marine protected area.

Mauritius holds the view that the establishment of a marine protected area would run counter to the assurances given by the British Government that the Chagos Archipelago will be returned to Mauritius. We further believe that with the creation of a marine protected area, the British authorities will maintain their hold indefinitely on the Chagos Archipelago. It is unacceptable that Mauritius will thus continue to be deprived of the possibility to use the fisheries and marine resources falling under the proposed marine protected area.

Another issue of serious concern to Mauritius is that the creation of a marine protected area would prevent the resettlement of the Chagossians who were forcibly evicted from the Chagos Archipelago several decades ago and sent to Mauritius to make way for the establishment of military facilities in the Archipelago.

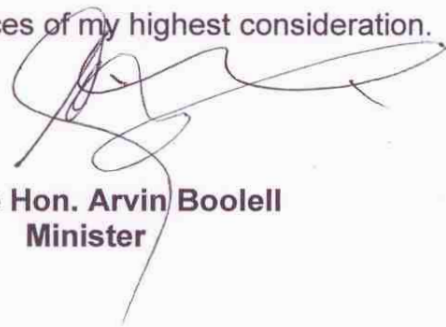
We value very highly that Maldives views unfavourably the establishment of a marine protected area around the Chagos Archipelago on account of Maldives having overlapping marine interests.

The Government of Mauritius has clearly made known its opposition to the proposal of the British Government and also to the global consultations it has launched with the aim of attracting the support of targeted groups in favour of the proposal.

In this regard, I wish to assure you that the Government of Mauritius is determined to continue to oppose the UK proposal and to seek the support of the international community in order to foil the British plans.

I appreciate your proposal that Mauritius and Maldives hold discussions for the delimitation of the exclusive economic zones of our two countries. Your proposal is under active consideration by the relevant Mauritian authorities and I look forward to reverting to you soon on this matter.

Please accept, Excellency, the assurances of my highest consideration.



**Dr the Hon. Arvin Boolell**  
**Minister**

**H.E. Dr. Ahmed Shaheed**  
**Minister of Foreign Affairs**  
**Male**  
**Republic of Maldives**

## **Annex 12**

Diplomatic Note from Ministry of Foreign Affairs, Regional Integration and International Trade, Republic of Mauritius, to Ministry of Foreign Affairs, Republic of Maldives (21 September 2010)





REPUBLIC OF MAURITIUS

**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION  
AND INTERNATIONAL TRADE**

No. 1311

21 September 2010

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Ministry of Foreign Affairs of the Republic of Maldives and further to the letter dated 2 March 2010 addressed to H.E. Dr. Ahmed Shaheed, Minister of Foreign Affairs of the Republic of Maldives, by Dr. the Hon. Arvin Boolell, Minister of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius, has the honour to inform that the Government of the Republic of Mauritius is agreeable to holding formal talks with the Government of the Republic of Maldives for the delimitation of the exclusive economic zones (EEZs) of Mauritius and Maldives.

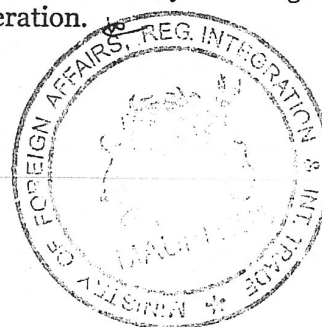
The Government of Mauritius has taken note of the submission made by the Government of Maldives to the Commission on the Limits of the Continental Shelf pursuant to Article 76, paragraph 8 of the United Nations Convention on the Law of the Sea and considers that the holding of EEZ delimitation boundary talks are all the more relevant in the light of this submission.

A delegation from Mauritius would be willing to travel to Maldives for the talks. However, the Government of Mauritius would be pleased to receive a delegation from the Maldives in case it wishes to come to Mauritius.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius would appreciate it if the Ministry of Foreign Affairs of the Republic of Maldives could propose dates for the holding of the talks.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Maldives the assurances of its highest consideration.

**Ministry of Foreign Affairs  
Male  
Republic of Maldives**





## **Annex 13**

First Meeting on Maritime Boundary Delimitation and Submission Regarding  
the Extended Continental Shelf Between the Republic of Maldives and  
Republic of Mauritius (21 October 2010)





<b>CONFIDENTIAL</b>
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**FIRST MEETING ON MARITIME DELIMITATION AND SUBMISSION REGARDING  
THE EXTENDED CONTINENTAL SHELF  
BETWEEN THE REPUBLIC OF MALDIVES AND REPUBLIC OF MAURITIUS**

**Date: 21 OCTOBER 2010**

**Time: 10:00 – 12:00 hrs**

**Venue: Ministry of Foreign Affairs, Male', Republic of Maldives**

Following the submission by the Republic of Maldives of its claim for an extended continental shelf, Representatives from the Republic of Maldives and the Republic of Mauritius met in Male' on 20<sup>th</sup> of October 2010 to discuss a potential overlap of the extended continental shelf and to exchange views on maritime boundary delimitation between the two respective States.

**Opening remarks**

The Minister of Foreign Affairs of Maldives, H.E. Dr. Ahmed Shaheed welcomed the Mauritius delegation and hoped that they had a pleasant trip and expressed hope that this first round of talks would prove to be fruitful. He introduced the members of his delegation (Annex - I).

The Secretary to Cabinet and Head of Civil Service, Mr S.C. Seeballuck, GOSK, expressed his appreciation for the warm welcome received from the Maldives government and stated that Mauritius and Maldives were both small island States that share a lot in common. He expressed the wish that this first round of talks would pave the way for a new era of relations between the two countries. He introduced the members of his delegation (Annex - II).

**Discussions on the delimitation of maritime boundaries and extended continental shelf**

Minister Shaheed stated that the Government of Maldives has not formally signed an agreement on the maritime boundary delimitation with the Government of Great Britain and Northern Ireland. He added that the Maldives Maritime Zones Act provides for the principle of a 200M EEZ in areas where there is no overlap and in areas where there is an overlap, with another State can be resolved through negotiations on the basis of international law.

Regarding the submission of the Republic of Maldives on the extended continental shelf to the Commission on the Limits of the Continental Shelf (CLCS), Minister Shaheed said that the Expert working on the submission of Maldives has acknowledged that in the submission to the CLCS the exclusive economic zone (EEZ) coordinates of the Republic of Mauritius in the Chagos region were not taken into consideration. He assured the Mauritius side that this would be rectified by an addendum to the submission of the Republic of Maldives which would be prepared by the Expert in consultation with the Government of the Republic of Mauritius.

Mr Seeballuck gave the background of the circumstances in which Chagos Archipelago was detached from Mauritius before independence in violation of relevant United Nations resolutions. He stated that since then the Government of Mauritius has been consistently seeking the right to exercise its

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sovereignty over the Chagos Archipelago. He added that the Government of Great Britain and Northern Ireland has indeed tacitly recognized the claim of Mauritius during talks between the two Governments and that the Government of Great Britain and Northern Ireland will return the Chagos islands to the Government of the Republic of Mauritius when the same are no longer required for defense purposes by the West.

Mr Seeballuck stated that it would therefore be quite appropriate for Mauritius and Maldives to discuss boundary delimitation.

Mr Seeballuck also informed the Maldives side that a Preliminary Information Note has been lodged with the CLCS in respect of the Extended Continental Shelf of Mauritius in the Chagos region.

Ambassador Koonjul stated that the Mauritius side also noted that to the north of the Chagos archipelago there is an area of potential overlap of the extended continental shelf of the Republic of Maldives and the Republic of Mauritius and suggested that the two States can make a joint submission with regard to that area.

Minister Shaheed stated that the Republic of Maldives was sympathetic to the claim of Mauritius over the Chagos archipelago and took note of the UK's position that Chagos will eventually be returned to Mauritius.

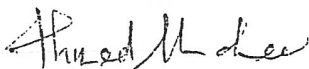
Minister Shaheed stated that the Government of Maldives was not at present holding talks with the Government of Great Britain and Ireland regarding the Chagos. He assured the Mauritius side that he would keep the Mauritius side informed of any such discussions if and when such talks take place. He also agreed that both sides will work jointly on the area of overlap.

Both side also agreed to exchange coordinates of their respective base points as soon as possible in order to facilitate the eventual discussions on the maritime boundary.

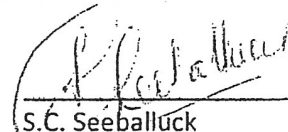
Minister Shaheed expressed his thanks for the fruitful discussions and stated that this is only the beginning of an era of cordial relationship between the two sides and that further meetings will have to be held to finalise the pending issues. Mr Seeballuck thanked the Maldives side once again for their warm hospitality and expressed the wish that more talks should be held between the two sides to resolve all issues to their mutual benefit.

The meeting took place in a cordial atmosphere.

The Minutes of Meeting has been approved by:



Ahmed Shaheed  
Minister of Foreign Affairs  
Republic of Maldives



S.C. Seeballuck  
Secretary to Cabinet &  
Head of Civil Service  
Republic of Mauritius

**CONFIDENTIAL****Annex – I**

1. H.E. Dr. Ahmed Shaheed  
Minister of Foreign Affairs  
Republic of Maldives
2. Ms. Hawla Ahmed Didi  
Deputy Minister of Foreign Affairs  
Republic of Maldives
3. Major Mohamed Ibrahim  
Maldives National Defence Force  
Republic of Maldives
4. Ms. Aminath Shabeena  
Deputy Director  
Ministry of Foreign Affairs  
Republic of Maldives
5. Ms. Shiuneen Rasheed  
Senior Desk Officer  
Ministry of Foreign Affairs  
Republic of Maldives

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Annex – II

1. H.E. Mr. S.C. Seeballuck  
Cabinet Secretary and Head of Civil Service  
Republic of Mauritius
2. Ambassador J. Koonjul  
Ministry of Foreign Affairs, Regional Integration and International Trade  
Republic of Mauritius
3. Mrs. G. Topsy-Sonoo  
Principal State Counsel  
Attorney General Office  
Republic of Mauritius
4. Mr. N. Luchoo  
Principal Surveyor  
Ministry of Housing and Lands  
Republic of Mauritius

## **Annex 14**

Joint Communiqué (12 March 2011)



### **Joint Communiqué**

At the invitation of Dr the Honourable Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister of the Republic of Mauritius, His Excellency, Mr Mohamed Nasheed, President of the Republic of Maldives, paid a State Visit to Mauritius from 11 to 13 March 2011 on the occasion of the 43<sup>rd</sup> Anniversary of the Independence and the 19<sup>th</sup> Anniversary of the Republic of Mauritius.

During his visit, the President of Maldives and his delegation had extensive meetings with several dignitaries as well as a working session with the Hon Prime Minister.

Ministers and officials from both sides were in attendance.

The two leaders exchanged views on possible areas of cooperation and collaboration between the countries, bearing in mind their commonalities and the challenges which both countries have to face.

Both leaders agreed that they should study the possibility of setting up a union of Indian Ocean Island States, which would promote trade and business cooperation in various sectors such as health, education, tourism, culture and air and maritime links. They agreed that further consultations including consultations with the members of the Indian Ocean Commission, will be undertaken in this regard.

Both leaders agreed that such a union would increase their countries' leverage on the international front, the more so since the islands enjoy high credibility in terms of democracy, governance and respect for human rights.

Both leaders also agreed to work towards the recognition of Small Island States as a distinct category within the UN System so as to benefit from special and differential treatment in view of their special vulnerabilities.

They also expressed their strong opposition to the purported establishment of the Marine Protected Area by the United Kingdom around the Chagos Archipelago and agreed to take a collective stand vis a vis the UK Government on the Marine Protected Area. This would take into account the interests of the two island nations in respect of their extended continental shelf and their respective Exclusive Economic Zones.

Both leaders agreed to make bilateral arrangements on the overlapping area of extended continental shelf of the two States around the Chagos Archipelago.

Both leaders reviewed their countries' respective facilities in maritime surveillance and agreed to look into the possibility of collaborating with other Indian Ocean Island States with a view to enhancing their capacity to fight illegal and unregulated fishing in their respective Exclusive Economic Zones and piracy.



The two leaders also agreed to set up a joint Commission to work out details of collaboration between the two countries in all the areas identified.

The President of Maldives extended an invitation to the Prime Minister of Mauritius to visit Maldives at his earliest convenience.

Finally, both leaders expressed their grief over the loss of lives and severe damage caused by the earthquake and tsunami which struck Japan yesterday.

Both leaders expressed satisfaction at the success of the State Visit which will further consolidate bilateral relations between the Republic of Maldives and the Republic of Mauritius.

Clarisse House  
Mauritius  
12 March 2011



## **Annex 15**

Mauritius' Maritime Zone Act No. 2 (2005)



# LAW OF THE SEA BULLETIN

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No. 62

2006

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DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
OFFICE OF LEGAL AFFAIRS

NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

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2. MauritiusMaritime Zone Act 2005<sup>1</sup>Act No. 2 of 2005

I assent

SIR ANEROOD JUGNAUTH

President of the Republic

28th February 2005

## ARRANGEMENT OF SECTIONS

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## PART I - PRELIMINARY

1. Short title
2. Interpretation

## PART II- UNCLOS TO HAVE FORCE OF LAW IN MAURITIUS

3. UNCLOS to have force of law in Mauritius

## PART III-BASELINES

4. Baselines
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## PART IV- TERRITORIAL SEA, INTERNAL WATERS, ARCHIPELAGIC WATERS AND HISTORIC WATERS

6. Legal status of territorial sea and internal, historic and archipelagic waters
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## PART V - CONTIGUOUS ZONE

12. Contiguous zone
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18. Continental shelf
19. Rights of Mauritius over the continental shelf
20. Exercise of jurisdiction by Mauritius on the continental shelf
21. Authority to explore and exploit the continental shelf

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<sup>1</sup> Transmitted through note verbale dated 26 July 2006 from the Permanent Mission of Mauritius to the United Nations addressed to the Secretary-General of the United Nations.

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- 22. Marine scientific research in the maritime zones
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## AN ACT

To provide for the United Nations Convention on the Law of the Sea to have force of law in Mauritius  
ENACTED by the Parliament of Mauritius, as follows -

## 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);

"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.
- (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;
  - (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
  - (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;
  - (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

- (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
- (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 -
  - (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-
- "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.

Passed by the National Assembly on the fifteenth day of February two thousand and five.

Ram Ramjit Dowlutta

Clerk of the National Assembly



## **Annex 16**

Maritime Zones of Maldives Act No. 6/96



**Maritime Zones of Maldives Act No. 6/96***[Unofficial translation]***Introduction**

1. This Act makes provision in respect of the internal waters, territorial sea and contiguous zone and the exclusive economic zone of Maldives. This Act shall be cited as “Maritime Zones of Maldives Act”.

**Internal waters**

2. The inland waters of every atoll of Maldives, lagoons and reefs of islands shall be the internal waters of Maldives. In addition to these waters, the Government of Maldives has the right to designate, in accordance with the rule of international law, other maritime areas as internal waters of Maldives.

**Archipelagic waters**

3. Save the internal waters of Maldives as determined under section 2 of this Act, the maritime area contained within the archipelagic baselines established in accordance with Schedule 1 to this Act shall be the archipelagic waters of Maldives.

**Territorial sea**

4. The maritime area contained within 12 nautical miles measured from the archipelagic baselines established in accordance with Schedule 1 to this Act shall be the territorial sea of Maldives.

**Contiguous zone**

5. The maritime area contained within 12 nautical miles measured from the outer limits of the territorial sea as determined under section 4 of this Act shall be the contiguous zone of Maldives.

**Exclusive economic zone**

6. The maritime area adjacent to and beyond the territorial sea as determined under section 4 of this Act together with the seabed thereof up to 200 nautical miles measured from the archipelagic baselines as established in accordance with Schedule 1 to this Act shall be the exclusive economic zone of Maldives.

**Overlap between the exclusive zone of Maldives  
and the exclusive economic zone of another State**

7. In the event that the exclusive economic zone of Maldives as determined under section 6 of this Act overlaps with the exclusive economic zone of another State, this Act does not prohibit the Government of Maldives from entering into an agreement with that State as regards the area of overlapping and delimiting the exclusive economic zone of Maldives for the said area of overlapping.

**Sovereignty**

8. In addition to the land territory of Maldives and the airspace thereabove, the sovereignty of Maldives

shall extend to the internal waters, archipelagic waters and territorial sea, together with the seabed and subsoil and airspace thereof.

**Sovereign rights**

9. Within its exclusive economic zone, Maldives shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources contained therein, whether living or non-living, and with regard to other activities for purposes of the economic exploitation of the zone. Economic exploitation of the natural resources found in the zone by persons other than nationals of Maldives or the conduct of scientific research within the zone as well as the construction, operation and use of any artificial island installation or structure within the zone for any of the foregoing purposes shall be subject to authorization from the Government of Maldives.

**Jurisdiction over contiguous zone**

10. Maldives may exercise within the contiguous zone the control necessary to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within the territory of Maldives and its territorial sea and to punish the infringement of the above laws and regulations committed within the territory and the territorial sea of Maldives.

**Entry of foreign vessel into Maldives internal waters**

11. No foreign vessel shall enter the internal waters of Maldives except with prior authorization from the Government of Maldives in accordance with the laws and regulations of Maldives.

**Entry into archipelagic waters**

12. Foreign vessels shall have the right of continuous and expeditious archipelagic passage in the sea lanes designated by the Government of Maldives from among international navigation channels. Such passage shall be in accordance with the regulations made under this Act.

**Entry into the territorial sea**

13. (a) Save such vessels engaged in innocent passage compatible with international laws, no vessel shall enter the territorial sea of Maldives except in accordance with the laws and regulations of Maldives.

(a) No foreign warship or foreign nuclear-powered ship or ship carrying nuclear or other inherently dangerous or noxious substances shall enter the territorial sea of Maldives for any purpose except with prior authorization of the Government of Maldives and in accordance with the laws and regulations of Maldives.

**Entry into the exclusive economic zone**

14. No foreign vessel shall enter the exclusive economic zone of Maldives except with prior authorization from the Government of Maldives in accordance with the laws of Maldives.

**Entry into and passage through the airspace**

15. (a) Except in accordance with international standards and applicable regulations in force in Maldives, no foreign aircraft shall engage in any overflight across the airspace or via air routes above the land territory, internal waters, archipelagic waters and territorial sea of Maldives. Except as provided above, no aircraft shall enter the foregoing airspace or air routes.

(b) No foreign military aircraft shall engage in overflight across the airspace or air routes specified in subsection (a) of this section except with the authorization of the Government of Maldives. Except as provided above, no military aircraft shall enter the foregoing airspace or air routes.

#### Rights under international law

16. In addition to matters provided in this Act, Maldives shall enjoy in relation to its maritime zones all other rights and jurisdiction States enjoy under international law as regards maritime zones.

#### Regulations

17. The Government of Maldives has the jurisdiction to adopt regulations in respect of the maritime zones of Maldives and airspace thereabove.

#### Definitions

18. In this Act:

(a) *Archipelagic baseline* shall mean the lines established in accordance with the coordinates specified in Schedule 1 to this Act;

(b) *Nautical mile* shall mean the international nautical mile consisting of 1852 metres;

(c) *Warships* shall mean naval vessels and vessels of such description that could be engaged in warfare due to the weapons on board such vessels;

(d) *Military aircraft* shall mean air force aeroplanes of such description that could be engaged in warfare due to the weapons on board such planes.

#### Repeal

19. Law No. 30/76 (Law relating to the exclusive economic zone of Maldives) and Law No. 32/76 (Law relating to the navigation and passage by foreign ships and aircraft through the airspace, territorial waters and the exclusive economic zone of the Republic of Maldives) shall be repealed upon this Act taking effect.

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**SCHEDULE 1**  
**Archipelagic base points of Maldives**

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Serial No.	Point code	Latitude	Longitude
1.	B1	07° 03' 54" N	72° 47' 45" E
2.	B2	07° 04' 35" N	72° 48' 07" E
3.	B3	07° 04' 47" N	72° 48' 21" E
4.	B4	07° 05' 44" N	72° 50' 34" E
5.	B5	07° 06' 35" N	72° 53' 50" E
6.	B6	07° 06' 35" N	72° 54' 13" E
7.	B7	06° 58' 07" N	73° 12' 46" E
8.	B8	06° 57' 37" N	73° 13' 14" E
9.	B9	06° 55' 31" N	73° 13' 53" E
10.	B10	05° 23' 20" N	73° 38' 20" E
11.	B11	05° 22' 05" N	73° 39' 31" E
12.	B12	04° 27' 28" N	73° 43' 21" E
13.	B13	03° 27' 27" N	73° 46' 13" E
14.	B14	02° 08' 04" N	73° 35' 10" E
15.	B15	00° 25' 51" N	73° 35' 18" E
16.	B16	00° 18' 25" N	73° 26' 37" E
17.	B17	00° 39' 45" S	73° 13' 07" E
18.	B18	00° 41' 30" S	73° 11' 12" E
19.	B19	00° 42' 22" S	73° 10' 02" E
20.	B20	00° 42' 24" S	73° 09' 08" E
21.	B21	00° 42' 11" S	73° 08' 40" E
22.	B22	00° 41' 13" S	73° 07' 30" E

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23.	B23	00° 40' 23" S	73° 06' 52" E
24.	B24	00° 39' 18" S	73° 06' 23" E
25.	B25	00° 35' 33" S	73° 04' 33" E
26.	B26	00° 23' 55" N	73° 00' 08" E
27.	B27	00° 29' 21" N	73° 59' 09" E
28.	B28	00° 32' 22" N	72° 59' 38" E
29.	B29	02° 25' 09" N	72° 53' 05" E
30.	B30	02° 47' 50" N	72° 49' 14" E
31.	B31	03° 37' 38" N	72° 41' 49" E
32.	B32	03° 47' 09" N	72° 41' 49" E
33.	B33	03° 52' 15" N	72° 42' 03" E
34.	B34	04° 01' 50" N	72° 42' 11" E
35.	B35	04° 05' 13" N	72° 42' 36" E
36.	B36	04° 13' 46" N	72° 44' 14" E
37.	B37	06° 14' 12" N	72° 33' 19" E

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## Annex 2

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### United Nations Convention on the Law of the Sea

#### Article 47 Archipelagic baselines

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number

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of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.

3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.

4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.

5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.

6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.

7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.

8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.

9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

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### Annex 3

#### Maldives Archipelagic Straight Baselines

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Segment	Segment distance (n. miles)	Segment	Segment distance (n. miles)
1-2	0.8	19-20	0.9
2-3	0.3	20-21	0.5
3-4	2.3	21-22	1.5
4-5	3.6	22-23	1.0
5-6	0.2	23-24	1.2
6-7	20.3	24-25	4.2

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7-8	0.7	25-26	59.3
8-9	1.1	26-27	5.5
9-10	98.1	27-28	3.0
10-11	1.3	28-29	112.4
11-12	54.5	29-30	22.9
12-13	59.8	30-31	50.1
13-14	79.8	31-32	9.5
14-15	101.7	32-33	5.1
15-16	11.4	33-34	9.5
16-17	59.4	34-35	3.4
17-18	2.6	35-36	8.7
18-19	1.4	36-37	120.3
		37-1	51.5