



413-04-02-01/2019/8409 – GEN 1/20

Notification aux Gouvernements des Etats parties aux Conventions de Genève du 12 août 1949 pour la protection des victimes de la guerre

CONVENTIONS ET PROTOCOLES ADDITIONNELS

I. Traductions par la République de Slovénie

Le 13 décembre 2019, la République de Slovénie a déposé auprès du Conseil fédéral suisse des traductions officielles en langue slovène des quatre Conventions de Genève du 12 août 1949 pour la protection des victimes de la guerre ainsi que de leurs trois Protocoles additionnels de 1977 et 2005. Une copie électronique de ces traductions est à disposition des Etats parties auprès du dépositaire.

PROTOCOLES ADDITIONNELS

II. Communication de la République de Maurice

Par note du 10 janvier 2020, reçue le 13 janvier 2020, la République de Maurice a prié le dépositaire suisse des Conventions de Genève de porter à l'attention des Etats parties le document ci-joint (original anglais) affirmant son objection à l'encontre de l'application des trois Protocoles additionnels au «Territoire britannique de l'Océan indien» par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (déclarations du 2 juillet 2002 pour les Protocoles I et II, respectivement du 15 juin 2011 pour le Protocole III).

PROTOCOLE ADDITIONNEL III

III. Adhésion par le Royaume du Lesotho

Le 6 janvier 2020, le Royaume du Lesotho a déposé auprès du Conseil fédéral suisse son instrument d'adhésion au Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à l'adoption d'un signe distinctif additionnel, fait à Genève le 8 décembre 2005 (Protocole III).

Conformément à son article 11, paragraphe 2, le Protocole III entrera en vigueur pour le Royaume du Lesotho six mois après le dépôt de l'instrument, soit le 6 juillet 2020.

La présente notification est faite par le Conseil fédéral suisse en sa qualité de dépositaire (www.dfae.admin.ch/depositaire) des Conventions de Genève et des Protocoles additionnels.

Annexe mentionnée

Berne, le 31 janvier 2020





REPUBLIC OF MAURITIUS

MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION
AND INTERNATIONAL TRADE

No. 1197/28

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Federal Department of Foreign Affairs of Switzerland and has the honour to register its strong objection against the extension by the United Kingdom of Great Britain and Northern Ireland to the so-called "British Indian Ocean Territory", of the Agreements listed at Annex and in respect of which the Government of Switzerland is the depositary.

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

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

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

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

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

Moreover, the General Assembly in its resolution called upon Member States to "cooperate with the United Nations to ensure the completion of the decolonization of Mauritius as rapidly as possible" and to refrain from conduct that might impede or delay the completion of decolonization. It further called upon the United Nations and all its specialized agencies to recognize that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, to support the decolonization of the Republic of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing the so-called "British Indian Ocean Territory". Lastly, the resolution also called upon "all other international, regional and intergovernmental organizations, *including those established by treaty,*" to recognize that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, to support its speedy decolonization, and to "refrain from impeding that process" by recognizing the so-called "British Indian Ocean Territory".

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

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

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius kindly requests that the present objection be duly recorded, circulated and registered with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations.

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

Port-Louis, 10 January 2020

***Federal Department of Foreign Affairs of Switzerland
Berne***

