

PERMANENT COURT OF ARBITRATION

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

In the Matter of Arbitration Between:

THE REPUBLIC OF MAURITIUS,

and

THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND

PCA Reference MU-UK

Volume 5

HEARING ON JURISDICTION AND THE MERITS

Monday, April 30, 2014

Pera Palace Hotel
Mesrutiyet Cad. No:52 Tepebasi, Beyoglu
Conference Room Galata II & III
34430, Istanbul-Turkey

The hearing in the above-entitled matter convened at 9:30 a.m. before:

PROFESSOR IVAN SHEARER, Presiding Arbitrator

SIR CHRISTOPHER GREENWOOD, CMG, QC, Arbitrator

JUDGE ALBERT J. HOFFMANN, Arbitrator

JUDGE JAMES KATEKA, Arbitrator

JUDGE RÜDIGER WOLFRUM, Arbitrator

Permanent Court of Arbitration:

MR. BROOKS W. DALY
Registrar
MR. GARTH L. SCHOFIELD
PCA Legal Counsel
MS. FIONA POON
PCA Legal Counsel

Court Reporter:

MR. DAVID A. KASDAN, RDR-CRR
Certified Realtime Reporter (CRR)
Registered Diplomat Reporter (RDR)
Worldwide Reporting, LLP
529 14th Street, S.E.
Washington, D.C. 20003
+001 202 544 1903
info@wwreporting.com

APPEARANCES:

On behalf of the Republic of Mauritius:

MR. DHEERENDRA KUMAR DABEE, GOSK, SC
Solicitor-General, Attorney General's Office
Agent of the Republic of Mauritius

MS. ARUNA DEVI NARAIN
Parliamentary Counsel, Attorney-General's Office
Deputy Agent of the Republic of Mauritius

Counsel:

PROFESSOR JAMES CRAWFORD, AC, SC
University of Cambridge

MR. PAUL S. REICHLER
Foley Hoag LLP

PROFESSOR PHILIPPE SANDS, QC
Matrix Chambers, London

MR. ANDREW LOEWENSTEIN
Foley Hoag LLP

MS. ALISON MACDONALD
Matrix Chambers, London

Advisers:

MR. SURESH CHUNDRE SEEBALLUCK, GOSK
Secretary to Cabinet and Head of the Civil Service, Republic of Mauritius

H.E. DR. JAYA NYAMRAJSINGH MEETARBHAN, GOSK
Ambassador and Permanent Representative of the
Republic of Mauritius to the United Nations, New York

MS. SHIU CHING YOUNG KIM FAT
Ministry of Foreign Affairs, Regional Integration and International Trade,
Republic of Mauritius

DR. DOUGLAS GUILFOYLE
University College London

MS. ELIZABETH WILMSHURST
Doughty Street Chambers (academic panel), London

MR. YURI PARKHOMENKO

Legal Researchers:

MR. REMI REICHHOLD
Legal Assistant, Matrix Chambers, London

MR. FERNANDO L. BORDIN

Assistants:

MR. RODRIGO TRANAMIL
MS. NANCY LOPEZ
Foley Hoag, LLP

On behalf of the United Kingdom:

MR. CHRISTOPHER WHOMERSLEY,
Deputy Legal Adviser, Foreign and Commonwealth Office
Agent for the United Kingdom

MS. MARGARET PURDASY
Assistant Legal Adviser, Foreign and Commonwealth Office
Deputy Agent for the United Kingdom

Counsel:

THE RIGHT HONOURABLE DOMINIC GRIEVE, QC MP
Her Majesty's Attorney General

SIR MICHAEL WOOD
20 Essex Street Chambers, London

PROFESSOR ALAN BOYLE
University of Edinburgh and Essex Court Chambers

MR. SAMUEL WORDSWORTH, QC
Essex Court Chambers, London

MS. PENELOPE NEVILL
20 Essex Street Chambers, London

MS. AMY SANDER
Essex Court Chambers, London

Legal Researcher:

MR. ERAN STHOEGER

Advisers:

MS. JO BOWYER

Foreign and Commonwealth Office, London

MS. MINA PATEL

Foreign and Commonwealth Office, London

MS. NEELAM RATTAN

Foreign and Commonwealth Office, London

MS. REBECCA RAYNSFORD

Attorney General's Office, London

MR. DOUGLAS WILSON

Attorney General's Office, London

CONTENTS

	PAGE
PRELIMINARY MATTERS.....	498
UNITED KINGDOM ARGUMENT ROUND 1:	
STATEMENT ON BEHALF OF UNITED KINGDOM:	
By Mr. Whomersley.....	498
By Sir Michael Wood.....	505
By Ms. Nevill.....	544
By Ms. Sander.....	595

1 PROCEEDINGS

2 PRESIDENT SHEARER: Well, good morning, ladies and gentlemen, and I hope
3 that the break has been productive for you all and that you're returning now to the oral
4 submissions of the United Kingdom with vigor.

5 But before I call upon the Agent for the United Kingdom, I want to note that the
6 Tribunal has received a communication from the United Kingdom regarding the publication of
7 the annexes to its Counter-Memorial and Rejoinder. I note the response of Mauritius requesting
8 time to consider this, but in the meantime I've been advised informally that the Parties will get
9 together at some time in the near future and see if they can arrive at an agreement as to the
10 contents of the annexes, and so the Tribunal will await the outcome of those informal
11 consultations.

12 And I think that's all that I wanted to say by way of announcement or introduction
13 to the resumption of these proceedings, and I call upon Mr. Whomersley, Agent for the United
14 Kingdom.

15 Thank you, Mr. Whomersley.

16 MR. WHOMERSLEY: Thank you, Mr. President, and good morning, everyone.

17 **1. Introductory observations**

18 **Christopher Whomersley: Agent for the United Kingdom**

19 1. Mr. President, Members of the Tribunal, it is obviously a great privilege for me to be
20 appearing before you as Agent for the United Kingdom in this case. The Attorney General
21 of the United Kingdom has already introduced our case, last Tuesday, and we have since
22 listened with great attention to the first round of oral pleadings of Mauritius. I will be
23 making a few brief opening observations, before outlining the structure of our oral
24 presentation this week.

1 2. Mr. President, as an introductory point, we have submitted responses to questions 1 to 8 which
2 were posed by Judge Wolfrum. These responses are from the Administrator of the British
3 Indian Ocean Territory and are at Tab 1 to the folder. At Tab 2 you will find the text of the
4 latest Fisheries Ordinance enacted in BIOT. Obviously if there are any other questions or
5 requests for clarification we will endeavour to obtain responses to them.

6 3. Mr. President, we see this as an appropriate time to take stock, given that we have now
7 seen how Mauritius puts its case, and indeed have now seen some of that case for the first
8 time.

9 4. As we see it, Mr. President, Mauritius has chosen to put a case of extremes in extreme
10 terms:

11 a. Professor Sands last week opened by saying that we have used extreme language in
12 our written pleadings - adjectives like 'spurious' and so forth - which we find
13 perplexing.

14 b. It is not just that Mauritius, for what it is worth, tends towards rather more extreme
15 language; more seriously it alleges abuse of rights on the basis of minimal evidence;
16 it takes pot shots at the scientific basis for the MPA, without any evidence at all to
17 back those up; and it says in plain terms in its written pleadings that we have
18 suppressed evidence on a wafer-thin basis, and then pulls back from this without a
19 murmur.

20 c. To similar effect, Mauritius takes every opportunity to say that the UK internal
21 documentation was not disclosed in these proceedings, hints at lack of candour, but
22 then does not disclose its own internal documents or offer any explanation as to what
23 has become of these.

24 5. Now, Mr. President, there are issues around all of these points that we will develop where
25 appropriate over the next few days. But I have to say that in truth we see all of this as so

1 much background noise. We are quite confident that this Tribunal, like any international
2 court or tribunal, will focus on the real issues in the case.

3 6. Mr. President, it is the jurisdictional issues, and in particular the issue as to your
4 jurisdiction to determine sovereignty over BIOT, which we continue to see as the central,
5 indeed the real, issue in this case.

6 a. And the first, the most obvious, and the most serious, respect in which Mauritius has
7 adopted an extreme, and uniquely extreme, position is this. It has been unable to find any
8 support for the proposition that the territorial sovereignty of a coastal State can be put in
9 issue and determined wherever the coastal State exercises rights under the 1982
10 Convention – there is no support in State practice or, despite its professed admiration for
11 certain members of the UK team, in the views of commentators.

12 b. Now, Mr. President, of course, Mauritius says you are only deciding the case before
13 you, and that its case is *sui generis* – so you needn't trouble yourself with the
14 ramifications of what you are asked to decide in this brave new world that Mauritius
15 invites you to inhabit. But, Mr. President, which claimant State could not say that its
16 case is unique and, more important still, what difference does the assertion of uniqueness
17 make to Mauritius' analysis of the Convention? The whole Mauritian thesis is based on
18 what it characterises as the ordinary meaning of Article 288(1), as well as the argument
19 that if it is not expressly excluded by Articles 297 and 298, then a given matter of
20 interpretation or application is within Part XV jurisdiction. That is a position on
21 interpretation which, if correct, is of entirely general application. The simple point is that
22 Mauritius is not putting forward a reading of Article 288(1) that ties into its protestations
23 on *sui generis*. Mauritius cannot identify any particular element of Article 288(1) that
24 applies only where there has allegedly been an internationally unlawful detachment of
25 territory from a former colony.

1 c. Mauritius also says the claim is not all about its case on sovereignty. We disagree, and
2 we note that the answer given by Mauritius to Judge Wolfrum's question on how the
3 different elements to its claim fit together demonstrated this in helpfully clear terms. And
4 this is because Mauritius explained that, if the sovereignty issue is decided in its favour,
5 there is nothing left; there is no residual, let alone any substantial, UNCLOS claim. And
6 that is one illustration of how its case on jurisdiction is truly radical, is quite different
7 from a maritime delimitation case where, for example, an issue of identifying the precise
8 terminus of a land boundary may arise in truly incidental fashion.

9 7. Mr. President, let me then say something on the way the claim has been put on the merits,
10 although of course we say that you will never get there.

11 8. We will be showing how the various contentions on the merits do not fit the documents,
12 which the Tribunal is evidently reading with great care. But there are five elements to the
13 merits that we are either now hearing for the first time, or that have been developed with a
14 wholly new focus, and I want to say a word on each of these.

15 9. First, Mr. President, there has been an emphasis on the Chagossians that did not feature in
16 the written pleadings. The Attorney General fully explained the British Government's
17 position during his opening speech, and I would refer the Tribunal back to that. But the
18 point I want to note here is that, although this appeared to be taken as a given last week, the
19 interests of Mauritius are not the same as those of the Chagossians.

20 10. Secondly, we have seen the alternative case on sovereignty, the 'a coastal State' case, being
21 developed for the first time. It was developed with much attention to alleged rights of
22 Mauritius arising from the understandings of 1965, but with no close analysis of how the
23 1982 Convention might establish the possibility of there being more than one coastal State
24 in respect of the same land territory. And we noted how difficult it is, as the Respondent, to
25 pin down the argument, as the way it was put appeared to straddle the issues of sovereignty

1 and rights to fish or to oil and minerals. But, so far as concerns jurisdiction, there is just no
2 concept of a straddling case. Either this is a case that requires a determination on
3 sovereignty, albeit some form of reversionary sovereignty, in which case it faces exactly
4 the same difficulties as Mauritius' claim 'we are the coastal State'; or it is a claim that
5 turns on interference with fishing rights and the like, through the declaration of the MPA,
6 which falls at the jurisdictional hurdle of Article 297.

7 11. Mr. President, third, there is the extraordinary emphasis on what former Prime Minister
8 Gordon Brown is alleged to have said at a private meeting in November 2009 – the
9 so-called 'put it on hold' point. Now, if this had been a central plank to the Mauritian
10 claim, a perceived undertaking that for example meant that it was futile to proceed with
11 any exchange of views, then we might have expected to have heard something about this in
12 Mauritius' Notification of Claim and certainly an extended exposition in the Memorial. But
13 no. Well, Gordon Brown did not say what the Mauritian Prime Minister understood him
14 to have said. Whatever counsel for Mauritius may say, there must have been a
15 misunderstanding. But once the British Government became aware of it, the Foreign
16 Secretary wrote to his Mauritian opposite number - and less than three weeks later - to set the
17 record straight. And, of course, to suggest that we should have called Mr. Ramgoolam as a
18 witness is quite fanciful.

19 12. Fourth, Mr. President, Mauritius made great play, last week, of the statement in our
20 Rejoinder that "Mauritius is not the coastal State in respect of BIOT and as such it has no
21 standing before the CLCS with respect to BIOT."¹ Michael Wood will deal with this more
22 fully tomorrow. I should just like to make clear that this statement did not represent any
23 'new position'. It was included in the Rejoinder as part of our legal argument in response to
24 Mauritius' repeated argument that "[t]he absence of protest on the part of the UK appears to

¹ UKR, para. 8.39.

1 be a clear recognition that Mauritius has sovereign rights in relation to the continental
2 shelf.”²

3 13. Mr. President, the United Kingdom offered to make a joint submission with Mauritius to the
4 Commission on the Limits of the Continental Shelf. But Mauritius declined to pursue this.
5 We understand that Mauritius may be in a position to make a full submission later this year.
6 If so, we look forward to discussing with Mauritius how this might be taken forward,
7 although I should make clear here that the United Kingdom has absolutely no plans to
8 explore for mineral resources in the seabed off BIOT.

9 14. In these circumstances, we can see no basis for Mauritius to seek to introduce a new dispute
10 into the present proceedings, and certainly there is no basis for the Tribunal to make the kind
11 of prospective order that we are told Mauritius that will be seeking.

12 15. Finally, Mr. President, our opponents have made much of the alleged absence of legislation
13 to enforce the MPA. This is incorrect. As is made clear by the Administrator of BIOT in his
14 answers to Judge Wolfrum’s questions at Tab 1, the existing BIOT legislation is sufficient to
15 implement the ban on commercial fishing. At Tab 2 is the recent legislation in BIOT to
16 strengthen the enforcement powers by providing for on-the-spot fines for fishermen caught
17 fishing illegally. And work is continuing to consolidate and improve the various pieces of
18 relevant BIOT legislation. But this does not affect the fact that BIOT legislation does exist
19 which enables the ban on commercial fishing to be implemented.

20 16. Mr. President, in conclusion, let me say just a few words about our first round of oral
21 pleadings. The aim will be, so far as possible, to respond to what our friends opposite said
22 last week, and of course to the questions addressed to us by Members of the Tribunal.
23 Unlike Mauritius, we shall deal with jurisdiction before the merits. Our objections to

² UKR, para. 7.51.

1 jurisdiction are serious and, in our view, decisive. That is so both as regards Mauritius'
2 sovereignty claims and as regards its non-sovereignty claims.

3 17. You will find the outline structure of our submissions at the front of your folders. And, as
4 you will see, we have divided our presentation into four parts.

5 18. In the first Part we shall addresses the facts. Michael Wood will begin with the
6 geographical, historical and constitutional background. Penelope Nevill will then take you
7 through the facts relating to the establishment of BIOT MPA, showing what actually
8 happened as opposed to the picture drawn by Mauritius. Amy Sander will then explain the
9 position on Mauritius' claims to fishing rights over the years, taking you through the
10 evidence. That part of our presentation will take up this first day.

11 19. On the second day, Part II of our presentation will deal with the subject which actually lies at
12 the heart of this case, namely Mauritius' 'sovereignty' claim. Michael Wood and Sam
13 Wordsworth will repeat our firm conviction that a court or tribunal under Part XV does not
14 have jurisdiction over questions of territorial sovereignty such as raised by Mauritius.

15 20. Michael Wood will then address points made by Mauritius last week in connection with its
16 sovereignty claim, particularly the arguments based on self-determination, and what one
17 might call its 'attributes of a coastal State' argument. He will do so, not because you will
18 need to decide these matters – in our firm view you will not; nor to show that Mauritius'
19 arguments are baseless, though they are; but in order to reinforce the point that these are
20 issues that do not concern the interpretation or application of the Convention.

21 21. Mr. President, in the third part, we will explain that the Tribunal, on separate bases, does not
22 have jurisdiction over any of the claims. This is for two reasons. Michael Wood and Sam
23 Wordsworth will explain that Mauritius has not established that the preconditions in Article
24 283 of the Convention has been met. And Alan Boyle will show that the claims are
25 excluded by the automatic limitations in Article 297.

1 22. Finally, in Part IV, we show that Mauritius' arguments both on fishing rights and on the
2 substantive provisions of the Convention fail, as well as the extraordinary claim based on
3 Article 300. Sam Wordsworth will cover the 1965 understandings with a particular
4 emphasis on fishing rights, and Alan Boyle will deal with the other matters.

5 23. Mr. President, Members of the Tribunal, that concludes my introductory remarks, and, if you
6 would, I'd be grateful if you could call Michael Wood to the podium.

7 Thank you very much.

8 PRESIDENT SHEARER: Thank you very much, Mr. Whomersley.

9 And I give the floor now to Sir Michael Wood.

10 **2. Geographical, historical and constitutional background**

11 **Sir Michael Wood**

12 Mr. President, Members of the Tribunal,

13 **Introduction**

14 1. It is an honour to appear before you, yet again, and to do so on behalf of the United
15 Kingdom.

16 2. What I propose to do in this speech is to recall some of the geographical, historical and
17 constitutional background to the case. It is important, in our submission, for the Tribunal to
18 have a clear picture of this background, since it is fundamental to a proper appreciation of the
19 issues which Mauritius seeks to raise in these proceedings under annex VII of the Law of the
20 Sea Convention.

21 3. I shall cover four main points:

22 *First*, that the British Indian Ocean Territory, which I shall refer to as the 'BIOT', the
23 Chagos Archipelago, is one of the most remote island groups in the world.

24 *Second*, that until the establishment of the BIOT in 1965 the islands of the Chagos
25 Archipelago were administered as a Dependency of Mauritius.

1 *Third*, that in 1965 Mauritian Ministers gave their agreement to the ‘detachment’ of the
2 Chagos Archipelago. In giving their agreement, they were not - as is now asserted by
3 Mauritius - acting under duress. Their consent was not questioned for many years.

4 And, *fourth*, that Mauritius itself only purported to include the Chagos islands within the
5 territory of Mauritius, under its own law in 1982; that is more than 14 years after
6 Independence, and it amended its Constitution only in 1992.

7 **I. The British Indian Ocean Territory is one of the most remote island groups in the**
8 **world³**

9 4. Mr. President, on the screen you will see a sketch-map of the Indian Ocean⁴. It is also in the
10 folders at Tab 3.

11 5. The Indian Ocean is, together with the Atlantic and the Pacific, one of the three great oceans
12 of the world. It has a total area of approximately 74 million square kilometres. You will
13 see the Island of Mauritius in the southwest of the Ocean, near the island of Réunion, which
14 is an overseas Island of Mauritius in the southwest of the Ocean, near the island of Réunion,
15 which is an overseas *département* of France. These islands, Mauritius and Réunion, lie
16 directly east of Madagascar. Then, far to the north east, in the northern part of the Indian
17 Ocean, approximately half way between the coasts of Africa and Indonesia, lies the BIOT,
18 also known as the Chagos Archipelago. The BIOT lies due south of the Maldives and about
19 1,000 nautical miles south of the Indian subcontinent. The distance between the island of
20 Mauritius and the BIOT is approximately 1,200 nautical miles; that is over 2,200 kilometres.
21 The Republic of Mauritius itself includes a number of scattered islands. The distance
22 between the BIOT and the nearest Mauritian island, Agalega, is some 962 nautical miles.
23 Agalega itself is about 580 nautical miles from the island of Mauritius.

³ UKCM, paras. 2.2-2.15.

⁴ UKCM, Figure 2.1.

1 6. Going due west from BIOT there is approximately 1,900 nautical miles of ocean before one
2 reaches land near the island of Zanzibar in the Republic of Tanzania. And going east it is
3 some 1,500 nautical miles until one reaches the coast of Sumatra. It is only to the north that
4 the 200 mile zone around the BIOT overlaps with that of another country, the Republic of
5 Maldives. Between the BIOT and the southernmost islands of Maldives the distance is 280
6 nautical miles. By contrast, the 200 mile zones of BIOT and of Mauritius lie far apart, as
7 can be seen from the sketch-map which has now appeared on the screen⁵ and which you also
8 have at Tab 4. At their nearest point, the 200 mile zones of Mauritius and the BIOT are
9 about 500 nautical miles apart.

10 7. The British Indian Ocean Territory, as I have said, is one of the most remote island groups in
11 the world. At this point, I was going to show you a map that is to be found on page 282 of
12 the latest edition of *Brownlie's Principles of International Law*, but, unfortunately, the copy
13 in your folders at Tab 5 has not come out clearly enough. So I can only suggest that you
14 purchase the book. I have a copy available if anyone wishes to study it but it does show
15 quite clearly how isolated BIOT and its 200 mile zone is. I apologize for the copy.

16 8. Not only are the islands of the BIOT remote, they are all quite small and dispersed, as can be
17 seen from the extract from an Admiralty Chart now on the screen⁶ and at Tab 6. There are
18 about 58 coral islands altogether, some situated on the Great Chagos Bank, which is the
19 world's largest drying coral atoll; others on atolls to the north and the south. The largest
20 island, Diego Garcia, lies not on the Bank, but some 30 nautical miles to the south east, and it
21 has an area of about 30 square kilometres. The total land area of all the islands of the
22 Archipelago is less than 60 square kilometres.

23 9. Mr. President, this would be an appropriate point to respond to Judge Wolfrum's question no.
24 II.

⁵ UKCM, Figure 2.2.

⁶ UKCM, Figure 2.3.

1 Judge Wolfrum asked:

2 *“II: What is, in the view of both parties, the Law of the Sea status of Diego Garcia and*
3 *the other islands of the archipelago? I raise this question[, he said,] from the point of*
4 *view that Diego Garcia has no permanent population anymore and that – according to a*
5 *report of 2002 by Posford Haskoning Consultant (initiated by the FCO) – a resettlement*
6 *of the population would not be feasible.”*

7 10. Mr. President, we have noted the response given by Mauritius on Friday⁷, and think the
8 Parties are in basic agreement on the status of the islands for the purposes of Article 121 of
9 the Convention.

10 11. In the United Kingdom’s view, the status under the Law of the Sea Convention of Diego
11 Garcia and the other islands of the BIOT is that they are islands within the meaning of
12 paragraph 1 of Article 121 of the Convention, and they are not “[r]ocks which cannot sustain
13 human habitation or economic life of their own” within the meaning of paragraph 3. While
14 there may be individual features that fall within paragraph 3, in general, in the words of
15 paragraph 2, the exclusive economic zone and the continental shelf of the islands of the
16 archipelago are determined in accordance with the provisions of the Convention applicable to
17 other land territory. It is on this basis that zones out to 200 nautical miles have been
18 established around the BIOT, and that consideration has been given to the delineation of the
19 outer limits of the continental shelf beyond 200 miles.

20 12. The Attorney General recalled last Tuesday⁸ that, as part of a review of the United
21 Kingdom’s policy towards BIOT, the Government are looking again at the question of
22 resettlement and hope to be able to reach conclusions in the early part of next year.

23 13. Mr. Sands on Friday referred to Mauritius’ Maritime Zones Acts and Regulations, which he
24 distributed⁹. For the record, I must make it clear that the United Kingdom has protested

⁷ Transcript, Day 4, pp. 423-424 (Sands).

⁸ Transcript, Day 1, p. 43, lines 5-25 (Grieve).

1 Mauritius' purported action in respect to the Chagos Archipelago. You will find at Tab 7
2 our Note Verbale of 19 March 2009, which was published in the Law of the Sea Bulletin¹⁰.
3 I won't ask you to read it now, but it states the United Kingdom position very clearly and
4 very firmly.

5 14. I hope that answers Judge Wolfrum's question.

6 ARBITRATOR GREENWOOD: Sir Michael, might I ask a follow-up question,
7 but I don't know whether Judge Wolfrum was going to ask one first.

8 ARBITRATOR WOLFRUM: No, I leave it to you.

9 ARBITRATOR GREENWOOD: I have brought Brownlie's Principles of
10 International Law in its latest edition, thereby enriching one of the counsel for your adversary,
11 though not likely by very much. It strikes me that the line to the north, the northern boundary
12 of the EEZ and continental shelf around the Chagos Archipelago, looks as though it is a median
13 line with Maldives. Can you just clarify for me: Was that an agreed boundary with the
14 Government of the Maldives, or is that merely an approximation?

15 SIR MICHAEL WOOD: Subject to correction by those behind me, I think the
16 position is that there has not yet been an agreement with the Maldives. I assume that the author
17 of this map, Dr. Robin Cleverly, Head of the UKHO Law of the Sea, was just indicating on this
18 map where, roughly speaking, the line might be.

19 ARBITRATOR GREENWOOD: Thank you.

20 And the other follow-up question concerns both parties. Leaving aside for the
21 moment any question about who is entitled to do what in relation to these waters, is the maritime
22 boundary drawn by Mauritius around the islands and the one maritime boundary drawn by the

⁹ Transcript, Day 4, p. 423, paras. 7 and 8 (Sands).

¹⁰ United Kingdom of Great Britain and Northern Ireland: Note verbale dated 19 March 2009 concerning a deposit of charts and lists of geographical coordinates by the Republic of Mauritius LOS Bulletin No. 69, p. 110. http://www.un.org/depts/los/doalos_publications/LOSBulletins/bulletinpdf/bulletin69e.pdf

1 United Kingdom around the islands, are they roughly the same or is there any significant
2 difference between the two Parties over what maritime entitlement appertains to these islands,
3 irrespective of which State benefits from it?

4 SIR MICHAEL WOOD: I think we will get back to you on that, but as a quick
5 answer, my understanding is that they are roughly the same. I think there may be some
6 different features that have been taken into account, but we will get back on that question, if we
7 may.

8 ARBITRATOR GREENWOOD: Thank you very much.

9 ARBITRATOR WOLFRUM: One brief question, Sir Michael.

10 I read through the response of the BIOT Administrator, and at one point there is a
11 brief reference that there is a feasibility study, obviously been undertaken or is in preparation, for
12 the resettlement. When do we expect this study to be finalized? Before we end this case or
13 after?

14 SIR MICHAEL WOOD: We'll get back to you with more specific information,
15 but, as I've just said, I think it is expected next year. Whether that's before or after you finalize
16 the case, it's up to you.

17 **II. The islands of the BIOT were administered as a Dependency of Mauritius**

18 15. Mr. President, if I may, I now turn to the point that the islands of the BIOT were
19 administered as a Dependency of Mauritius. The geographical reality, which I just
20 described, which in fact our friends opposite described in very similar terms last week, goes a
21 long way to explaining the history of the islands that now form the BIOT, and the
22 arrangements made for their governance over the last two centuries. The main point I want
23 to stress is that, as explained in our written pleadings, the islands were previously
24 administered as a Dependency of Mauritius. Ms. Macdonald suggested that this argument

1 had been concocted for the purposes of these proceedings¹¹; that is not the case. The
2 position had, for example, been made clear by British representatives at the United Nations in
3 the debates in 1965¹². Despite now admitting that the argument is not new, Mauritius still
4 feigns surprise¹³.

5 16. Mr. President, I want to make it clear that we have not raised the ‘Dependency’ point because
6 we expect this Tribunal to enter into the finer points of British colonial constitutional law and
7 history, and we acknowledge that the terminology used was not always consistent; those
8 writing memorandums, et cetera were not necessarily well versed in the details of
9 constitutional practice. The point we are making is a broader one; it's part of the factual
10 background. The important point is that the Chagos Archipelago was attached to Mauritius
11 for reasons of administrative convenience, not because it was seen as part of a territorial unit.
12 Even if in some contexts the Archipelago is treated as if it were part of Mauritius, that does
13 not detract from this basic point.

14 17. The early history of the islands has been covered in the written pleadings¹⁴. They were
15 explored and indeed named by the Portuguese in the sixteenth century. France then
16 occupied them in the eighteenth century, and administered them as *Dépendences* of the *Île de*
17 *France*, as Mauritius was then known. France ceded the *Dépendences* to Great Britain by
18 the Treaty of Paris of 1814¹⁵. From that date on, under international law, it is the United
19 Kingdom that has territorial sovereignty over the islands, having replaced France as the
20 sovereign.

21 18. As a matter of British constitutional law, from 1814 to 1965, that is, for a period of a hundred
22 and fifty years, the Chagos Islands continued to be governed not as an integral part of

¹¹ Transcript, Day 2, p. 82, paras 12-13 (MacDonald).

¹² E.g., MM, Annex 36.

¹³ Transcript, Day 2, p. 83, para 14 (MacDonald).

¹⁴ UKCM, paras. 2.17-2.32.

¹⁵ UKCM, Annex 1.

1 Mauritius but as a Dependency. And we showed in our written pleadings the various laws
2 which indicate that they were extended to the Dependency, that the Dependency was
3 mentioned separately, that specific provisions made for visiting magistrates and the like, and
4 the constitutional concept of a ‘dependency’ was explained in the Counter-Memorial¹⁶.

5 19. As a general matter, and this was the case with the Chagos Archipelago, when one British
6 territorial unit is described as a ‘dependency’ of another, the two remain separate, at least for
7 internal purposes, whatever practical arrangements may be made for their governance. A
8 current example of the use of the term ‘Dependency’ in British constitutional usage are the
9 three ‘Crown Dependencies’: the Bailiwick of Guernsey, the Bailiwick of Jersey, and the Isle
10 of Man. As is explained in the *Max Planck Encyclopedia of Public International Law*,
11 these are “three insular territories under British sovereignty as Crown dependencies.
12 Constitutionally” – I’m quoting – “the three are neither part of the metropolitan territory of
13 the United Kingdom nor British overseas territories.”¹⁷ Coming closer to Mauritius, in the
14 appendix to Chapter II of our Counter-Memorial we referred to the case of the Esparses
15 Islands¹⁸. These were administered as Dependencies of Madagascar before the latter’s
16 independence from France in 1960. Again there is an illuminating article in the *Max Planck*
17 *Encyclopedia*¹⁹.

18 20. We set out the constitutional position of the Chagos Islands as Dependencies of Mauritius in
19 our written pleadings²⁰. In its Reply, Mauritius essentially limited itself to the bald assertion
20 that “the Chagos Archipelago has always been an integral part of Mauritius.”²¹ It gave no
21 authority for this assertion. In fact, Mauritius has said nothing in its written pleadings, or last

¹⁶ UKCM, paras. 2.19-2.32.

¹⁷ D.H. Anderson, “Channel Islands and Isle of Man”, in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law* (2012), Vol. II, pp. 78-81, at para. 1.

¹⁸ UKCM, A2.14.

¹⁹ A. von Ungarn-Sternbeg, 'Eparses Islands', in R. Wolfrum ed., *Max Planck Encyclopedia of Public International Law* (2012), vol. III, pp. 597-600 (UKM, Authority 106).

²⁰ UKCM, paras. 2.19-2.32; UKR, paras. 2.12-2.20.

²¹ MR, para. 2.7.

1 week, that in our view casts doubt on the constitutional position which we have described.
2 Nor could it. It is undisputed that the Chagos Archipelago was a Dependency. The one or two
3 references to an occasional inaccurate description of the constitutional status referred to by
4 Counsel for Mauritius²² last week cannot change or cast doubt on the constitutional position.
5 Such inaccuracies are not unknown in even the most polished of bureaucracies.

6 21. Mauritius seems now to be arguing that the constitutional position is irrelevant for the
7 purposes of the international law of self-determination.²³ But that cannot be right. In so
8 far as that law refers to a territorial unit it must take the units established under domestic law,
9 the units as they appear under domestic law. The position of the Chagos Archipelago
10 vis-à-vis the Colony of Mauritius was a matter of British constitutional law. The Select
11 Committee of the Mauritius Legislative Assembly, which reported in June 1983, referred to
12 the ‘long association’²⁴ of the Dependency with Mauritius; ‘association’ is not a bad
13 description. To refer to an ‘association’, a ‘close link’, a ‘close legal nexus’ is not to say
14 that one territory is an integral part of the territory of another. Another way that it's often
15 put is to say that the Chagos Archipelago was ‘attached’ to Mauritius for administrative
16 purposes. In their ordinary dictionary meaning, the words ‘attach’ and ‘detach’ do not, as
17 was suggested last week²⁵, indicate that one thing becomes part of another. Quite the
18 contrary. ‘Attach’ means ‘to fasten, secure, or join: *attached the wires to the post* is the
19 example given in the online dictionary that I looked at.²⁶

20 22. There is a basic distinction, overlooked by Mauritius, between the arrangements that are put
21 in place for the administration of a territory, the day-to-day administration of a territory, and
22 its territorial appurtenance. The arrangements for the day-to-day administration of a territory

²² Transcript, Day 1, p. 19, para. 8 (Sands).

²³ Transcript, Day 2, pp. 82-83, para. 13 (MacDonald).

²⁴ *Report of the Select Committee on the Excision of the Chagos Archipelago*, Legislative Assembly, 1 June 1983, UKCM, annex 46, para. 10.

²⁵ Transcript, Day 1, pp. 17-18, para. 6 (Sands).

²⁶ American Heritage Dictionary, online.

1 often change over time, without changing the territorial position. We can see the distinction
2 between administrative arrangements and territory also in international law. A territory
3 under mandate or a trust territory, while administered by the mandatory or the administering
4 authority, did not become part of its territory. A territory under UN administration does not
5 become United Nations territory. Germany in 1945 did not become part of the territory of
6 the four Powers.

7 23. Mauritius seeks to sustain its own peculiar view of United Kingdom constitutional law by
8 referring to “economic, cultural and social links”;²⁷ and also by claiming that the
9 “international community” has “recognised the Chagos Archipelago as part of the territory of
10 Mauritius”;²⁸ and also by asserting that the United Kingdom acted in some manner that
11 implied such recognition”²⁹. None of these arguments is persuasive. Just to summarize:

- 12 - Even if the “close economic, cultural and social ties” were as described by Mauritius, that
13 would not show that the islands were part of the territory of Mauritius. Many places have
14 close cultural and social ties, but this does not mean that they come under the same territorial
15 sovereignty.
- 16 - As for the claim that “the international community [has] recognised the Chagos Archipelago
17 as part of the territory of Mauritius”³⁰, it is clear that various political statements, many no
18 doubt Mauritius-inspired, cannot change, whether retrospectively or not, the territorial
19 sovereignty over the islands or their position under United Kingdom constitutional law.
20 Such political statements are without legal effect³¹.
- 21 - Mauritius’ assertion that the United Kingdom itself has acted in a manner that implies
22 recognition of the Chagos Archipelago as part of the territory of Mauritius is, quite frankly,

²⁷ Transcript, Day 2, p. 97, paras. 42-44 (MacDonald).

²⁸ *Ibid.*, pp. 91-92, paras. 31-34.

²⁹ MR, para. 1.33.

³⁰ *Ibid.*, Heading (d) above para. 2.29.

³¹ UKCM, paras. 7.59-7.60.

1 fanciful. Reliance upon implied recognition in a matter as serious as sovereignty only
2 reveals the weakness of Mauritius' case. None of the actions referred to by Mauritius, such as
3 the undertaking to cede the islands under certain circumstances, or the position on Mauritius'
4 *Preliminary Information* to the Commission on the Limits of the Continental Shelf, to which
5 I will return tomorrow, begins to amount to United Kingdom recognition of Mauritius
6 sovereignty. Quite the contrary. The United Kingdom has been scrupulous to protect its
7 legal position on sovereignty whenever that was called for. For example, I showed you just
8 now the 2009 Note Verbale, which was published in the *Law of the Sea Bulletin*.

9 Mr. President, the next factual point I shall deal with is Mauritius' contention that in
10 1965 the Mauritian Ministers agreed to the establishment of the BIOT under duress.

11 PRESIDENT SHEARER: Sorry, Sir Michael. Before you pass to that point, I
12 think Judge Wolfrum would like to ask you a question.

13 ARBITRATOR WOLFRUM: Sorry to interrupt you, Sir Michael.

14 You said you didn't invite the Tribunal to look into the fine points of British
15 colonial law – I don't intend to do that – but I'm still somewhat puzzled about the meaning of a
16 "dependency." You said, Sir Michael, that the Chagos Archipelago was not part of the
17 Territory of Mauritius. I believe I quoted that correctly. But my follow-up question is: To
18 which territory does it belong? To the one of the United Kingdom are do we have to consider it
19 as a territory of its own?

20 The first sentence I understand, the full follow-up sentences are somehow missing.

21 Thank you, Sir Michael.

22 SIR MICHAEL WOOD: Thank you very much. That's a very good question.

23 I think these questions of colonial law are often extremely subtle, and I hesitate to
24 give immediate answers to such questions. But the position, as I understand it, is that, in the
25 case of a dependency, it was regarded as separate from the territory from which it was

1 administered. If you take, for example, in the past, Saint Helena, Tristan da Cunha – sorry,
2 Ascension Island and Tristan da Cunha, which are very distant from Saint Helena, which were
3 Dependencies of Saint Helena, and were treated for some purposes together and for other
4 purposes not. Particularly the internal administration of the Territories was separate but,
5 nevertheless, one was below the other, as it were.

6 So, I'm not sure that my predecessors or those who were in the Colonial Office in
7 the nineteenth century and the twentieth century would have really asked themselves the kind of
8 question you've asked. I think the key thing is that it is separate, and separate from, the
9 Territory.

10 The sovereignty in international law, of course for all these Overseas Territories is
11 the same as that of the metropolitan territory. The United Kingdom is the sovereign. So,
12 sovereignty lies with the United Kingdom. The question of how the administrative divisions
13 are made up is another matter. And I think it varies very much from case to case. I think,
14 things were done on a pretty ad hoc basis in the past, as no doubt they are today.

15 PRESIDENT SHEARER: Sir Michael, I think Judge Greenwood has a follow-up
16 question.

17 ARBITRATOR GREENWOOD: Sir Michael, it may be that you are going to
18 come to this point when the UK answers the question the President asked last week about the
19 application of treaties to the Dependencies and to Mauritius itself. But I couldn't help noticing
20 when I read the European Court of Human Rights judgment in the Chagos Islands case, that the
21 summary there of the United Kingdom's argument, and I haven't of course seen the argument
22 itself, suggests that when the United Kingdom extended the European Convention to
23 "Mauritius," it took for granted that that included the Dependencies. And then when the
24 Dependencies were severed or excised or whatever one goes to call it and became the BIOT in
25 1965, the United Kingdom took it for granted without actually saying anything that, therefore,

1 they were then removed from the application of the European Convention.

2 Is that right? And, if so, does it not suggest that, at least in terms of the way the
3 United Kingdom portrayed these Territories to other States and other institutions, during the
4 1950s and early '60s it was portraying the Dependencies as part of Mauritius?

5 SIR MICHAEL WOOD: Thank you, Judge Greenwood, for that question. We
6 will indeed be replying to the President's question, I think, next week. We're checking certain
7 things with London still, and we'll particularly look at the position under the European
8 Convention on Human Rights as well. But I think there is a distinction between external action
9 and internal action in these matters. We will be looking into that, and we will reply in the
10 course of next week, if we may.

11 ARBITRATOR GREENWOOD: Mr. President, I can understand that the
12 question that you asked, sir, might involve quite a lot of research, but I hope that the United
13 Kingdom will reply to the question I've just put, Sir Michael, in time to allow Mauritius to
14 comment on your answer.

15 SIR MICHAEL WOOD: Yes.

16 ARBITRATOR GREENWOOD: I can't speak for my colleagues, but I, for one,
17 was hoping that we get all the answers during the hearings rather than matters being left to
18 post-hearing briefs of any kind, and I think it's only fair that Mauritius is given the opportunity to
19 respond to what the United Kingdom has to say.

20 SIR MICHAEL WOOD: Certainly, and we understand that, and I'm sure we're
21 not in favour of post-hearing briefs – I think we could agree with our colleagues on that – and we
22 will get back with an answer just as quickly as we can.

23 ARBITRATOR GREENWOOD: Thank you.

24 SIR MICHAEL WOOD: To answer your question, we shall need to look at the
25 pleadings in the case and it wasn't one I was involved in.

1 **III. In 1965 Mauritian Ministers gave their agreement to the detachment of the Chagos**
2 **Archipelago. They did not do so under duress as now alleged by Mauritius.**

3 24. Mr. President, as I was saying, I come on to the next point, which is Mauritius' contention
4 that, in 1965, Mauritian Ministers agreed to the establishment of the BIOT under duress. It
5 is our view that Mauritius has not produced a shred of evidence, a shred of solid evidence to
6 back up this very serious allegation. Their argument is entirely speculative based on
7 supposition and, to put it bluntly, on a rewriting of history.

8 25. But, Mr. President, before I turn to this matter, it may be helpful if I mention briefly the
9 changes that took place in London between 1966 and 1968 as regards the Department of
10 State responsible for the colonies. This was, successively, over that short period the
11 Colonial Office, the Commonwealth Office, and the Foreign and Commonwealth Office.
12 You will see in the documents you've been taken to, references to all three departments, to
13 the Colonial Secretary, the Commonwealth Secretary, and the Foreign and Commonwealth
14 Secretary, who, to add to the complexity, is often referred to simply as the Foreign Secretary.

15 26. We have given you, and I hope our colleagues opposite, a piece of paper, one side of paper,
16 listing relevant dates. But, in short:

17 - in 1966 the Commonwealth Office was formed by the merger of the Commonwealth
18 Relations Office, which dealt with relations with independent countries of the
19 Commonwealth and the Colonial Office; And then in 1968 the Foreign and Commonwealth
20 Office was formed by the merger of the Foreign Office and the Commonwealth Office. I
21 didn't think anything turns on this but just to understand the documents. I find it confusing
22 and it just happens at this critical period there were two changes: Colonial Office,
23 Commonwealth Office, Foreign and Commonwealth Office.

24 27. Mr. President, as I've just said, Mauritius, in its Reply, and again last week, repeats the
25 allegation that the consent of the Mauritius Council of Ministers to the detachment of the

1 BIOT was vitiated by duress³². This idea seems to have emerged some fifteen or more
2 years after the event, in the heated political atmosphere at the time of the change of
3 Government of Mauritius in 1982. Mauritius accepts that, and I quote, “[p]rior to the
4 detachment of the Chagos Archipelago, the UK consulted the Mauritian Premier and the
5 Council of Ministers,”³³ and indeed that consent was, in fact, granted.³⁴ But it then goes on
6 to deny that this consultation was adequate. It does not explain in what respects it was
7 inadequate. Mauritius does not explain in what respects it was inadequate. Mauritius is
8 unclear as to what legal standard applied and was not met, and, in our view, it distorts the
9 contemporaneous documentary evidence.

10 28. There are certain underlying themes evident throughout Mauritius’ argument on this issue.
11 Mauritius asserts that, at the time of convening the 1965 Constitutional Conference, the
12 question of independence was up in the air so to speak, and that Mauritius’ representatives in
13 London had no indication that independence would be granted.³⁵ In addition, they say that
14 they were required either to agree to the detachment of the Chagos Archipelago and get in
15 return some form of compensation, or see it detached unilaterally by the United Kingdom³⁶.
16 And lastly it was said that the ‘prize’ for such detachment was independence³⁷. These are
17 Mauritius’ general assumptions and these underlying assumptions, in our view, bear no
18 relationship to reality, and – to use Mauritius’ language – they appear to have been concocted
19 for this case and they reflect a belated attempt to reverse, years later, what had been mutually
20 agreed in 1965.

21 29. It is important, we suggest, that the Tribunal has in mind the general policy guiding the
22 United Kingdom at the time of the Constitutional Conference in 1965 with regard to its

³² MR, Part III of Chapter 2.

³³ MR, para. 2.26.

³⁴ Transcript, Day 3, p. 253, para 54, lines 10-11 (Crawford).

³⁵ Transcript, Day 2, pp. 101-104, paras. 58-66 (MacDonald).

³⁶ Transcript, Day 2, p. 108, para 1 (Crawford).

³⁷ Transcript, Day 2, p. 108, para 1 (Crawford).

1 remaining colonial territories. As stated in the United Kingdom’s explanation of vote on the
2 General Assembly on resolution 1514 of 1960, and I quote:

3 “The United Kingdom, of course, subscribes wholeheartedly to the principle of
4 self-determination set out in the Charter itself and we feel that we have done as much to
5 implement this principle during the past fifteen years as any delegation in this
6 Assembly... But we also share the views of those sponsors who urged that constructive
7 steps must be taken in the political, economic, social and educational fields, as a
8 preparation for independence, in order that independence, when it comes, can be effective
9 and have real meaning...

10 And the representative continued:

11 "The method and timing of progress towards independence must be a matter for the
12 people themselves to work out together with the administering Power”³⁸.

13 This, Mr. President, was the United Kingdom’s practice at the time. The premise was that
14 the terms of independence needed to be agreed with the government of the future independent
15 State³⁹. The broad lines of a constitution were normally agreed at a constitutional conference
16 with the territories’ representatives to be followed later with the drafting of the full
17 constitution⁴⁰, also with their participation. It is this gradual approach that became accepted as
18 consistent with customary law and that was included in the unanimously adopted Friendly
19 Relations Declaration in 1970. It is with this mind-set, and with the progressive achievement of
20 self-government in many new States as background, self-government and independence, that the
21 parties came to the table in September 1965. Annex 37 of the Reply, to which Ms. Macdonald
22 referred last week – and I haven't included most of the documents in the folders. We'll give full
23 references in the footnotes, but I'm only going to be quoting short passages from them – was a,

³⁸ United Nations General Assembly, Fifteenth Session, Official Records, 947th Plenary Meetings, Wednesday, 14 December 1960, 3 p.m., New York paras. 53-54.

³⁹ Ian Hendry and Susan Dickson, *British Overseas Territories Law* (2011), p. 283.

⁴⁰ *Ibid.*

1 Annex 37 of the Reply, 1965 letter from Mr. Terrell of the Colonial Office to the Ministry of
2 Defence, and it discusses just this: its focus was on the wishes of the Mauritians, their readiness
3 for independence, and internal and external defence considerations⁴¹. There were of course
4 uncertainties about the outcome of the Constitutional Conference. It depended upon the wishes
5 of the people of Mauritius who would themselves decide the matter. What was absolutely clear
6 was that the United Kingdom Government's wish was that Mauritius should move to
7 independence.

8 Mr. President, that would be a convenient moment if the Tribunal would like to
9 take a short break.

10 PRESIDENT SHEARER: Yes, Sir Michael. We will take a 15-minute break
11 now.

12 On, sorry, there is one.

13 ARBITRATOR GREENWOOD: I'm sorry. I have one further question, Sir
14 Michael, and it may be that Ms. Nevill is going to address this in her speech.

15 Can you help me with the question of was the Convention about the ultimate
16 decision to grant independence at the time we're talking about, 1965 to '68, because reading some
17 of the internal British papers, I have the impression that the Secretary of State for the Colonies
18 thought it was a matter for him to decide, obviously in the light of the views expressed by the
19 parties at the Constitutional Conference rather than being a matter for the decision of the Cabinet
20 as a whole. Can you clarify that for me? Was it as a matter of UK Constitutional Convention
21 ultimately a decision for the Cabinet or ultimately a decision for the Secretary of State acting
22 independently? I know that's often a very important issue in UK constitutional terms, and I
23 would like to make sure that we're properly guided on it.

24 SIR MICHAEL WOOD: Mr. President, we'll respond to that later. I think,

⁴¹ Transcript, Day 2, pp. 102-103, para. 61 (Macdonald).

1 ultimately, it was the decision of Parliament because, an Act of Parliament would be needed.
2 So I think it goes well beyond the Colonial Secretary, but we will get back to that.

3 And just to clarify, I think Ms. Nevill will be dealing with the establishment of
4 BIOT MPA, not the establishment of BIOT. I think that's sufficient.

5 So, with that, Mr. President, unless there are further questions at this point...

6 PRESIDENT SHEARER: No. Thank you, Sir Michael. We'll rise now for 15
7 minutes. Thank you.

8 (Brief recess.)

9 PRESIDENT SHEARER: Thank you, Sir Michael.

10 SIR MICHAEL WOOD: Thank you, Mr. President.

11 To begin, just to go back to two of the questions that were put to confirm what I
12 said about the median line with the Maldives is correct. In fact, if you look at the map on Tab
13 4, you will see that the United Kingdom, the 200 mile zone around BIOT does have a median
14 line with the Maldives. That is what the United Kingdom has included in its 200 mile zone
15 around BIOT. But that does not reflect a maritime boundary agreement with the Maldives.

16 And the second question was to confirm what I said about the timing of the
17 Feasibility Study, the resettlement study. A Foreign Office Minister stated very recently, and I
18 quote, "We should be able to complete this study and take decisions on the future of the Territory
19 before the General Election next year." And I believe the General Election next year will be in
20 May 2015.

21 Mr. President, before the break, I had just begun to deal with the duress point. I
22 had set out what we saw as some of the themes or underlying assumptions of Mauritius' case on
23 this matter, and I had also described the United Kingdom's basic approach to the independence
24 of its colonial territories in the 1960s, that basic approach being that it depended upon the will of
25 the people of the Territory. There was negotiation. And I will come back to Judge

1 Greenwood's question about the precise authority for granting independence in due course, but I
2 think essentially it must be the Government and the Parliament as a whole, whatever the Colonial
3 Secretary may have been saying but we will reply in due course.

4 So, what I would like to do quite briefly now is look at the events of 1965, although
5 you're very familiar with them. They are dealt with quite fully, I hope, in our written pleadings,
6 and you heard about them last week.

7 30. But in our submission, the documents show unambiguously that the agreement of the
8 Mauritius Council of Ministers, which was given on 5 November 1965, following
9 consultations extending over a five-month period, it appears unambiguous from this that
10 there were no conditions of independence; there was no duress applied, as Mauritius has
11 suggested. Notwithstanding the importance of the September meetings, in our view, the key
12 date – or a key date – was 5 November, which was when the elected representatives of
13 Mauritius agreed to the establishment of the BIOT. Both the United Kingdom and Premier
14 Ramgoolam's party wanted independence. There were some others in Mauritius who did
15 not, and providing them with sufficient guarantees was an important part of the independence
16 debate. Ms. Macdonald labelled those holding this view as representing the minority
17 among Mauritians⁴² indicating that the pro-independence bloc represented the majority. As
18 Mauritius accepts, they held the majority of the seats in the Council of Ministers during the
19 period in question.⁴³ As we have shown in the written pleadings, support for independence
20 was secured by, inter alia, the promise of an external defence agreement and assurances of
21 assistance with internal security after independence. As opposed to the picture painted by Mr.
22 Crawford, the defence interests of Mauritius were not a code for the American base on Diego
23 Garcia⁴⁴. In addition to ensuring internal security, the United Kingdom had interests in the

⁴² Transcript, Day 2, pp. 101-102, para. 59 (MacDonald).

⁴³ *Ibid.*

⁴⁴ Transcript, Day 2, pp. 113-115, paras. 14-15 (Crawford).

1 continuing use of H.M.S. Mauritius, a communications facility on Mauritius, and Plaisance
2 Airfield on Mauritius. Alongside guarantees for minorities and electoral provisions in the
3 outlined constitutional framework, these were necessary to allay the fears of the
4 representatives of the various political parties and the independent members over communal
5 tensions within Mauritius and to secure sufficient support for independence. And this all
6 comes out clearly, we say, from the contemporaneous record, that's in the written pleadings⁴⁵.

7 31. Mr. Sands, Ms. Macdonald and Mr. Crawford, ignoring the critical decision of the Council of
8 Ministers in Port Louis in November 1965 prefer to focus pretty much exclusively on the
9 September discussions in London. They claim that the records and written notes relating to
10 those discussions are evidence that the consent given was not true consent. That, on their
11 reading, the Mauritian representatives were forced to consent to a deal that was
12 predetermined. Detachment for independence. But this is not the case. This is evident from
13 the very documents that Mauritius itself chooses to focus on. And I will now address these
14 briefly within the time at my disposal. We have not included all the documents in the folders.
15 You were taken to them often enough last week, and they will be referenced in the footnotes
16 that will appear in the Transcript. I would say one other thing about the footnotes in the
17 Transcript, we've tried to give precise references to what our friends opposite said last week
18 by referring to the particular page and line, but that's in the version of the Transcripts that we
19 had available at the time, and that may, as I understand it, change, but I'd hope only by a little
20 bit. So the references should be able to take you to the precise point, even with a slight
21 adjustment, if I can put it that way.

22 32. So last week, Mr. Sands quoted from the brief prepared by the Colonial Office⁴⁶ for the
23 meeting of the Prime Minister and Premier on 23 September 1965, and he did so to show that
24 while the United Kingdom attached great importance to Mauritius' consent to detachment,

⁴⁵ UKR, paras. 2.33-2.49.

⁴⁶ MM, annex 17.

1 detachment could be carried out without consent as a last resort⁴⁷. Let me quote from this
2 brief, just to show where the real concerns were, and we haven't put this in your documents
3 but you can look it up. On page 6 of the brief it says – this is the brief for the Prime
4 Minister:

5 “The Premier has asked for independence but at the same time he has said he would like
6 a defence treaty, and possibly to be able to call on us in certain circumstances towards
7 maintaining internal security. If the Premier wants us to help him in this way, he must
8 help us over defence facilities, because these are in the long term interests of both Britain
9 and Mauritius. He must play his part as a Commonwealth statesman in helping to provide
10 them.”

11 The brief also says that the “Premier should not leave the interview with certainty as to
12 H.M.G.’s decision as regards independence, as during the remaining sessions of the
13 Conference it may be necessary to press him to the limit to accept maximum safeguards
14 for minorities”. This was the matter of real concern to be stressed to the – or one of the
15 matters of real concern to be stressed to the Premier.

16 33. Mr. Sands and Mr. Crawford made much ado about the short note attached by Harold
17 Wilson’s Private Secretary to this brief⁴⁸. ‘Frighten with hope’, they say. Mr. President,
18 Members of the Tribunal, I would invite you in due course to read this very short note in full
19 to understand its strictly limited significance in terms of the content of the actual discussion
20 that took place between the two leaders. As we explained in the Rejoinder, such Private
21 Secretary covering notes are rarely more than a few sentences. They're scribbled on top of
22 the considered brief in order to get the attention of the Minister or, in this case, the Prime
23 Minister. And, in any event, what matters much more is what is in the briefing, and what
24 matters of course above all is not the briefing itself but what in fact happens at the meeting.

⁴⁷ Transcript, Day 1, pp. 21-22, para. 11. (Sands).

⁴⁸ *Ibid.*; Transcript, Day 2, pp. 119-120, paras. 24-26 (Crawford).

1 34. I'd like also to quote from the Colonial Secretary's report to the Defence and Oversea Policy
2 Committee in London on the 16th of September 1965, that is during the Lancaster House
3 Conference. In that report, the Colonial Secretary said: "... [a] referendum may... be
4 necessary as the balance of opinion at the Conference may make it impossible for H.M.G. to
5 impose a solution in favour of either independence or association."

6 In other words, what mattered was the opinion at the Conference, the opinion of the
7 Mauritians.

8 "It may yet turn out that decision for independence could be made acceptable to an
9 adequate majority in Mauritius with adequate minority safeguards which might involve some
10 commitment by Britain to assist in the maintenance of internal security in some circumstances,
11 as well as looking after external defence."⁴⁹

12 Again, minority interests, internal security, external defence. These were the major
13 concerns, the major doubts, if you like, that there were when the Conference convened in
14 London in September.

15 35. I go back to the actual meeting between Prime Minister Wilson and Premier Ramgoolam.
16 Mr. Sands asserted that Wilson made the point that detachment could be achieved by Order
17 in Council or with the agreement of the Premier and his colleagues⁵⁰. That while he can't
18 commit the Colonial Secretary to this, the best result would be independence for Mauritius
19 and detachment. Mr. Sands concludes that to claim that there was no connection at all
20 between independence and detachment is, to use what's becoming his favourite word,
21 'hopeless'⁵¹.

22 36. We do not claim there was 'no connection at all', as Mr. Sands alleges. Counsel for
23 Mauritius pointed out last week that achieving consent for the creation of BIOT was a

⁴⁹ MR, Annex 46.

⁵⁰ Transcript, Day 1, p. 22, para. 11 (Sands). referring to MM, Annex 18.

⁵¹ Transcript, Day 1, p. 22, para. 11 (Sands).

1 political priority of the United Kingdom. At the same time, the United States did not want to
2 make its interests in the area public or lease Diego Garcia from Mauritius, and preferred to
3 stay behind the scenes while the United Kingdom addressed the issues with the Mauritian
4 leaders. The connection was one of timing. Upon independence the role of the United
5 Kingdom would become irrelevant. It is precisely because Mauritius was moving towards
6 independence that the issue had to be raised within a particular timeframe.

7 37. Nevertheless, in terms of substance, the two issues were completely distinct, as Prime
8 Minister Wilson made clear during his meeting with the Premier⁵². You can see from the
9 record of the meeting, that Premier Ramgoolam said Mauritius was ready to partake in the
10 defence of the Commonwealth; that he had hoped to receive compensation for the Chagos
11 Archipelago in form of instalments rather than a lump sum – that's the lease idea – and of
12 trade benefits from the United States. He said that the residents of the Chagos were not
13 represented in the Mauritian legislature; that reaching an agreement was matter of detail.
14 There's no mention in the record of sovereignty, no mention of territorial integrity, no
15 mention of any matters of principle for that matter.

16 38. Three days prior to the meeting with the Prime Minister, on the morning of the 20th of
17 September, Premier Ramgoolam and three other Mauritian Ministers had met the Colonial
18 Secretary and the Governor of Mauritius⁵³. Professor Crawford emphasized last Thursday
19 that Premier Ramgoolam's proposal for a 99-year lease of the islands was rejected by the
20 Colonial Secretary, who insisted on retaining British sovereignty over the Chagos
21 Archipelago⁵⁴. Mr. Crawford noted that "the rest of the meeting consisted of a heated
22 debate regarding the terms that Mauritius expected the US would agree to or could agree to
23 in return for such a lease"⁵⁵.

⁵² MM, Annex 18, pp. 1-2.

⁵³ MM, Annex 16.

⁵⁴ Transcript, Day 2, p. 116, para. 17 (Crawford).

⁵⁵ *ibid.*

1 39. This last statement by Mr. Crawford is key. It accepts that compensation was what this
2 meeting was about. The Mauritian preference for a 99-year lease was to gain steady income,
3 not to secure sovereignty. It was what concerned the Mauritian Ministers and that is why
4 what they themselves chose to focus on: compensation.

5 40. Premier Ramgoolam expressed his agreement with the following statement made by
6 Mauritian Minister, Mr. Mohamed. Mr. Mohamed had said:

7 “If only the U.K. were involved then they would be willing to hand back Diego Garcia to
8 the U.K. without any compensation; Mauritius was already under many obligations to the
9 U.K. But when the United States was involved as well they wanted something substantial
10 by way of continuing benefit. They were prepared to forego lump sum compensation but
11 continuity was essential and the most important thing was the U.S. sugar quota”⁵⁶

12 I repeat, “The most important thing.”

13 41. When Premier Ramgoolam said that “he would prefer to make the facilities available free of
14 charge than accept a lump sum of £1m” and that the United States should contribute the
15 annual fees he had in mind, two other Mauritian Ministers agreed⁵⁷. And I quote, “[A]
16 foreign government”, i.e., the United States, “was involved and they should pay up” he
17 said⁵⁸. And a fourth Minister, Mr. Koenig, took the same position⁵⁹.

18 42. Summing up the position taken by the Ministers, the Colonial Secretary concluded the
19 meeting as follows:

20 “The Secretary of State said that he would like to be clear on the attitude of Mauritian
21 ministers. As he understood it their attitude could be summed up as follows:

⁵⁶ MM, Annex 16, p. 8.

⁵⁷ *Ibid*, p. 4.

⁵⁸ *Ibid.*, p. 9.

⁵⁹ *Ibid.*, p. 4.

1 (i) If economic assistance from the United States on the scale that had been suggested could
2 be made available then the Mauritius Government would be willing to agree to the
3 detachment of the Chagos Archipelago without compensation.

4 By this the Secretary of State was referring to the sugar and other commodity quotas
5 sought by Mauritius from the United States.

6 (ii) If however economic assistance on the lines suggested was not forthcoming then they
7 would propose that Chagos should be made available on a 99-year lease at a rental of £7
8 million per annum for 20 years and £2 million thereafter.

9 (iii) That the Mauritius Government were not interested in lump sum compensation from
10 Britain of £2 million, part in capital at once and part spread over a period⁶⁰.

11 So the meeting was all about money, all about compensation and very understandably so.

12 43. It is evident that the Mauritian Ministers knew exactly what was at stake, and had a clear
13 vision of what monetary compensation they would require for it. If sovereignty over the
14 Chagos Archipelago was of concern to them, they signally failed to mention it during the
15 meeting. That the sum of compensation they ended up agreeing to – and that some of that
16 money came from the United States – was lower than they initially sought is hardly
17 surprising, and does not get us even remotely close to duress.

18 44. The third meeting at Lancaster House that Mr. Crawford took you to was the one that you're
19 very familiar with. It was held that same afternoon at 2:30 p.m. It was between the
20 Mauritian Ministers with the Colonial Secretary⁶¹. Mr. Crawford makes much of the fact that
21 the Colonial Secretary informed the participants that he was required to inform his colleagues
22 about the conclusions of the discussion at 4 p.m.⁶². That suggestion of time pressure is, we
23 say, a red herring. As you are aware, over the next week or more Premier Ramgoolam

⁶⁰ *Ibid.*, pp. 8-9.

⁶¹ MM, Annex 19.

⁶² Transcript, Day 2, pp. 122-124, paras. 31-35 (Crawford).

1 effectively negotiated the terms of the record. Then the Council of Ministers had six weeks
2 or so to come to a coordinated position, and eventually did so on 5 November 1965.

3 45. You are already very familiar with the final agreed record of this meeting. But we have
4 nevertheless included it at Tab 8 in your folders. As you will see at paragraph 2, towards
5 the bottom of the first page, the Secretary of State began by setting out the United Kingdom's
6 considered offer to the Mauritius. That's the first page, paragraph 2, towards the bottom.
7 This included, among other things, compensation totalling £3m, negotiations for a defence
8 agreement, the good offices of the United Kingdom with the United States to pursue
9 concessions over commodities, and the understanding of the two Governments – if Mauritius
10 became independent – the understanding that the two governments would consult together in
11 the event of a difficult internal situation arising in Mauritius⁶³. Yes, it was stated that
12 legally speaking the United Kingdom did not need the consent of the Ministers to create the
13 BIOT. That was indeed self-evidently the position under British law. But of course the
14 whole purpose of the meeting was to achieve a result agreeable to all. That said, the
15 conversation quickly turned to what was of real interest to Mauritius, compensation in
16 exchange for remote islands that were “accidentally” linked to Mauritius, as the Colonial
17 Secretary⁶⁴ put it in the same record, again in paragraph 2. Not only were these clear words
18 not met with any objection, but Mr. Mohamed went on to say that –

19 “his party was ready to leave the bases question to the discretion of H.M.G. and to accept
20 anything which was for the good of Mauritius. Mauritius needed a guarantee that defence
21 help would be available nearby in the case of need”⁶⁵

⁶³ MM, Annex 19, para. 2.

⁶⁴ *Ibid.*, para. 3.

⁶⁵ *Ibid.*, para. 10.

1 46. As you will see when you read through the document as a whole, the conversation then
2 continued to discuss various assurances and understandings, and eventually the understandings at
3 paragraph 22 of which you have heard so much in these proceedings⁶⁶.

4 47. At one point Mr. Paturau indicated his dissent, he protested, walked out, protested the sum
5 offered by the United Kingdom was too low to close the gap in the Mauritian development
6 budget, and he added, “that since the decision was not unanimous, he foresaw serious political
7 trouble over it in Mauritius”.⁶⁷

8 In short, there was dissent, and the dissent was on the amount of compensation. Mr.
9 Paturau clearly did not feel duress.

10 48. And in conclusion, Premier Ramgoolam said that he and the Ministers accepted the terms in
11 principle but would have to consult with their fellow Ministers⁶⁸. So the matter was not
12 finally decided in the course of one short meeting on the 23rd of September.

13 49. Just a few further words about this and the other meetings at Lancaster House. First, as we
14 have seen, Mr. Paturau was not willing to agree to the terms proposed by the Colonial
15 Secretary which were agreed by his fellow Ministers. He stated his position loud and clear⁶⁹.
16 He showed no signs of feeling under ‘duress’. In addition, other Ministers had refused to
17 attend the meeting, which explains Mr. Koenig’s absence⁷⁰. Clearly, if one Minister felt able
18 to reject the offer and others stayed away, others could have done the same. And the
19 Council of Ministers on the 5th of November in Port Louis, they were of course free to
20 accept or reject the package that had been outlined in September. They accepted it.

21 50. I would note that at the meeting on the 23rd of September, the afternoon meeting, as in all others,
22 not one of Mauritian participants, at any point, is recorded as referring to “sovereignty”, or

⁶⁶ *ibid.*

⁶⁷ *ibid.*, p. 4, para. 18.

⁶⁸ *ibid.*, para. 23.

⁶⁹ *ibid.*, p. 4, para. 18.

⁷⁰ MM, Annex 97, p. 14.

1 “self-determination” or “territorial integrity”. The well-recognized customary rule of
2 self-determination, with all its attributes, even claimed by Mr. Crawford to be a peremptory rule
3 at that time⁷¹ was apparently overlooked by the ministers, who did not seek to argue its
4 relevance.

5 51. At the key meeting of the Council of Ministers on 5 November 1965, six weeks after the
6 Lancaster House meeting – this was the meeting at which the Council of Ministers agreed to
7 the establishment of the BIOT – three of the Ministers placed on record that, and I quote:

8 “while they were agreeable to detachment of the Chagos Archipelago, they must
9 reconsider their position as members of the Government in light of the Council’s
10 decision, because they considered the amount of compensation inadequate, in particular
11 the absence of any additional sugar quota, and the assurance given by the Secretary of
12 State in regards to points (v) and (vi) unsatisfactory.”⁷²

13 52. A final note on the Lancaster House meetings before moving forward to the 1970s and 1980s.
14 That consent was sought, as a matter of policy, by the United Kingdom, is shown by the sentence
15 in the telegram read out to you by Ms. Macdonald: “our view that willing acceptance in the two
16 Colonies” – Seychelles and Mauritius – “is essential to our object”.⁷³ “Willing acceptance”,
17 nothing less. And that such acceptance was obtained is evident, first, by the fact that the majority
18 but not all of the Ministers agreed to the detachment at the time of the Constitutional Conference,
19 and subsequently, in Port Louis; and second, that the United Kingdom expressed serious concern
20 in between these meetings, these dates, that Mauritian elected officials would retract their
21 consent prior to independence, opening the door to political criticism against it. Mr. Crawford
22 quoted the Colonial Secretary’s Minute to the Prime Minister of 5 November 1965, that because
23 of possible pressure from the UN General Assembly, “the Mauritius Government will be under

⁷¹ Transcript, Day 3, p. 237, para. 14 (Crawford).

⁷² *Report of the Select Committee on the Excision of the Chagos Archipelago*, Legislative Assembly, 1 June 1983, UKCM, annex 46, p. 15.

⁷³ Transcript, Day 2, p. 86, para. 19 (MacDonald); UKR, Annex 2.

1 considerable pressure to withdraw their agreement to our proposals.”⁷⁴ A Foreign Office
2 telegram of 27 October 1965, referred to by Mr. Crawford, expressed similar fears⁷⁵.

3 53. If Mauritian Ministers were not given the opportunity to decline detachment in September
4 since they were under duress, how was it that that option become available a few weeks
5 later? If there was nothing they could do but sign up to the BIOT, what could the Colonial
6 Secretary and the Prime Minister possibly fear? The answer is that the consent given at the
7 time of the Constitutional Conference was genuine, that it was confirmed freely by the
8 Council of Ministers on 5 November.

9 54. This point is further demonstrated by the complete silence on the issue after independence
10 until the 1980s. Not only was Mauritius silent internationally, which is significant, but its
11 officials expressed their satisfaction with the state of affairs on the issue. For example, in the
12 Anglo-US talks held on 7 November 1975 in Washington, D.C., which you will find at Tab 9
13 in the bundle, on the third page in the middle of paragraph 50, the Head of the FCO's Indian
14 Ocean Department – this was in 1975, after independence – reported that, and I quote:

15 “it seemed clear that the retention of Chagos was not an issue for Sir S Ramgoolam, the
16 Mauritian Prime Minister: during his talks on 24 September” – in 1975 – “with Mr. Ennals, the
17 Minister of State at the Foreign and Commonwealth Office, he had been given every chance to
18 raise the Diego Garcia issue but had not done so. Moreover, at his press conference later the
19 same day, he had said that the British had paid for sovereignty over the Chagos Archipelago and
20 now could do what they liked with it”⁷⁶.

21 That is the Prime Minister of Mauritius in 1975. Those are hardly the words of a man who felt
22 that he had given away a territory under duress, that he had been cheated of a territory to which
23 he felt a strong attachment.

⁷⁴ Transcript, Day 2, p. 132, para. 61 (Crawford); MM, Annex 26.

⁷⁵ Transcript, Day 2, p. 131, para. 59 (Crawford).

⁷⁶ MM, Annex 76, para. 50.

1 55. It was at the beginning of the 1980s, that debate in Mauritius became heated and highly
2 political on this subject. Opposition leaders accused Ministers, and in particular the Prime
3 Minister, of a sell-out in 1965. Mr. Crawford criticized the United Kingdom's reliance on
4 this debate, and on the subsequent Report of the Select Committee of the Mauritius
5 Legislative Assembly, which he claims is selective, and stressed that Prime Minister
6 Ramgoolam had stated that he had no legal way to prohibit the United Kingdom from
7 exercising its powers⁷⁷. That when asked if he had a 'noose around his neck' he chose not to
8 reply to the question. That when Sir Harold Walker, a leading member of his party, admitted
9 that the BIOT was created by consent, this must be read in context. Mr. Crawford quotes him
10 as saying that his party had no choice since they alone were fighting for independence⁷⁸.

11 56. We would agree that comments in the Mauritius' Assembly should be read in context.
12 Accusation and counter-accusation led to a pretty distorted view of the historical facts, which
13 was not greatly clarified by the 1982/83 investigation by a Select Committee of the
14 Legislative Assembly, itself a highly political exercise. The Committee's Report does,
15 however, note that, and I quote, "[i]t would be wrong ... to pretend that the excision of the
16 Chagos Archipelago was a unilateral exercise on the part of Great Britain"⁷⁹. That is from
17 the Legislative Assembly's Committee's Report. Even allowing for its party political nature,
18 the summary of the evidence given to the Committee concerning the events of 1965 shows
19 that at the time Mauritian politicians accepted the establishment of the BIOT because, on
20 balance, they saw it in their political interest to do so. All in all, in my view, the Report is a
21 good read, although its conclusions would seem to be highly politicized.

22 57. Mr. Crawford quoted from the Report where Sir Seewoosagur Ramgoolam alluded to the
23 legal impossibility of avoiding detachment, but he did not refer you to the passage where he

⁷⁷ Transcript, Day 2, pp. 129-130, paras. 54-56 (Crawford).

⁷⁸ *Ibid.*, p. 128, para. 51.

⁷⁹ *Report of the Select Committee on the Excision of the Chagos Archipelago*, Legislative Assembly, 1 June 1983, UKCM, annex 46, para. 12.

1 “declared that he accepted the excision, in principle” *inter alia* “because he could not then
2 assess the strategic importance of the archipelago which consisted of islands very remote
3 from Mauritius and virtually unknown to most Mauritians.”⁸⁰ And, that it was not
4 communicated to him that the islands would be used for a military base.⁸¹ The latter point
5 we know not to have been the case; the former point is the real reason; as we have seen in
6 1965 Mauritian Ministers were concerned with what could be gained in return for
7 detachment. Ramgoolam, and I quote, “had the impression that, apart from the claim for
8 sovereignty, all the points were agreeable to the British Government including a proposition
9 that, in the event of excision, the islands would be returned to Mauritius when not needed by
10 the United Kingdom Government.”⁸² The evidence of the other politicians set out in the
11 Legislative Assembly's Report is similar. Their focus was on independence. This is well
12 exemplified by Sir Satcam Boolell, who is recorded as saying that “he was not much
13 concerned about [the question of the excision of the Chagos Archipelago] as he only had in
14 mind independence.”⁸³

15 58. When stating that they alone were ‘fighting for independence’, Sir Harold Walker was
16 criticizing his fellow Mauritians, on their position on independence. This is further clarified
17 by the Report, where Sir Seewoosagur is reported as saying that one reason for his consent
18 was the fear that the British would side with the PMSD and opt for a referendum on
19 independence.⁸⁴ For more on this point, I return to Mr. Crawford’s brief reference to the
20 debate in the Legislative Assembly, where Sir Seewoosagur referred to the noose that could
21 have tightened around his neck. But who was potentially tightening the noose? It was not the
22 United Kingdom. Let me refer you to the full quotation:

⁸⁰ *Ibid.*, para. 25 A

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ MM, Annex 97, p. 12.

1 59. Mr. Berenger had asked Sir Seewoosagur why he agreed to the BIOT if his agreement was
2 not necessary. Sir Seewoosagur replied that “[i]t was a matter that was negotiated, we got
3 some advantage out of this and we agreed”.⁸⁵ Mr. Berenger then asks Sir Seewoosagur to
4 confirm that he said in a magazine interview that he said that “There was noose around my
5 neck. I could not say no. I had to say yes, otherwise the noose could have tightened”. Then
6 Mr. Berenger asked the following:

7 “Could I ask him to confirm that, in fact, he is referring to the referendum which the
8 PMSD was then requesting against independence?”

9 Mr. Ramgoolam answered bluntly, “Since my hon. Friend has raised it, let him digest it”.

10 60. Mr. President, Members of the Tribunal, there seems little doubt from the record before you that
11 Premier Ramgoolam and his colleagues consented to the creation of the BIOT since they did not
12 regard the Chagos Archipelago to be of particular interest to Mauritius and since the United
13 Kingdom was willing to make offers in return for its detachment. Neither the contemporaneous
14 records, not the later evidence of the main Mauritian protagonists, indicates the slightest hint of
15 duress or blackmail during the five months or so, between July and November, that the matter
16 was under discussion between the British and Mauritian authorities. On the contrary, there was
17 hard bargaining on both sides, leading to agreement.

18 61. But matters did not end in November 1965. There followed a general election. As was
19 common practice, there was a pre-Independence election for the Legislative Assembly on 7
20 August 1967. This was seven months before Independence, and 21 months after the
21 establishment of the BIOT. Independence and the terms of independence would surely have
22 been the main issue in the minds of the electorate in this pre-Independence election. It
23 would not appear that the detachment of the BIOT played any role whatsoever. That in itself
24 is interesting. Detachment was of course a matter of public record: see, for example, the

⁸⁵ MM, Annex 96, column 4223.

1 1965 Order in Council and the references to it in the Legislative Assembly. Leading
2 Mauritian politicians would have been fully aware of the matter. What the general election
3 showed was the endorsement of a Government whose policy had been to accept detachment
4 of BIOT at the time of the independence negotiations.

5 ARBITRATOR WOLFRUM: With your permission, Mr. President, since you're
6 switching to a different subject now, may I ask a question about your Statement so far.

7 You said, Sir Michael, that the UK did not need the consent of the Mauritian
8 Ministers, including the Prime Minister, for the detachment of the Chagos Archipelago. I
9 believe those were your words. They were seeking it for more political reasons. The first part
10 of this sentence interests me: What is the reason for that statement? Has it something to do
11 with the fact, the alleged fact, that the Chagos Archipelago was a Dependency, it was not an
12 integral part of Mauritius in the view of the United Kingdom, or are there other grounds why the
13 UK believed it did not need the consent? That's my first question.

14 My second one, your Statement touched upon that a bit earlier, is you said there
15 was no evidence of duress. Now, would you perhaps qualify, Sir Michael, what you would
16 consider a situation of duress in international law. Well, there is quite some writing on that. I
17 remember the sentence – I don't know who said it – it was addressed to the Prime Minister of
18 Mauritius – you can leave this room with or without independence. Is that not putting pressure
19 upon somebody? These are my two questions.

20 Thank you, Sir Michael.

21 SIR MICHAEL WOOD: Thank you, Judge Wolfrum.

22 On the first question, the statement is one essentially of law. As a matter of pure law,
23 it was always possible for the United Kingdom under its legislation to divide territories, to adjust
24 boundaries, to do whatever it liked. Indeed, it did so frequently with regard to many territories on
25 many occasions. So, it was a statement of law. As a matter of law, we don't need agreement.

1 However, as I showed, I hope, as a matter of policy, and as a matter not of policy just
2 with regard to – the general agreement was – the agreement of the people was what was needed
3 before you moved to independence, and that meant the agreement of the people, the representatives
4 of the people to all the matter that were relevant to independence. So, I think in that context,
5 politically, as a political matter, it was regarded as very important. Indeed, I think the word
6 "essential" was used.

7 So, the distinction between the pure law, the position under law, and the political
8 requirements before such legal measures were taken. I don't think that this had anything to do
9 with the question or is related in any way to the question whether it's a Dependency or not. It
10 would have been possible as a matter of law to detach any part of any territory at any time. As
11 a matter of politics, that is quite a different matter.

12 Your second question –

13 ARBITRATOR WOLFRUM: Before you come to that, Sir Michael, I see your
14 point. If it is a matter of law, UK law, can you perhaps indicate to us other instances where
15 former colonies became independent before that, the boundaries were given a new shape or
16 Territories were separated? There were numerous cases of former colonies getting
17 independence. I would rather want to know whether this Chagos Archipelago business was
18 unique or one amongst others.

19 SIR MICHAEL WOOD: Certainly, and I will partly come back to that tomorrow, but
20 by way of examples, Cayman Islands separated from Jamaica. One example I will be giving
21 tomorrow relates to the Sovereign Base Areas in Cyprus, which were detached from the colony of
22 Cyprus before Cyprus became independent in 1960, which is actually quite analogous because the
23 reasons were quite similar in a way. But I will give you a fuller answer on that, if I may, tomorrow.

24 Turning to your second question, I'm going to say the same thing. I was
25 proposing tomorrow to look a little at the notion of duress under international law under the

1 Vienna Convention on the Law of Treaties, for example, so I will, if I may, park your question
2 and come back to it tomorrow.

3 ARBITRATOR WOLFRUM: Okay.

4 SIR MICHAEL WOOD: Thank you.

5 **IV. Mauritius has only belatedly purported to include the Chagos Islands within its**
6 **territory, in 1982/1992**

7 62. If I may then turn to the fourth and last point that I'm going to make this morning, and this is that
8 Mauritius only belatedly purported to include the Chagos Islands within its territory, in 1982 and
9 1992.

10 63. Following agreement at the Constitutional Conference in September 1965, and in accordance
11 with the wishes of its people expressed at a general election in 1967, Mauritius became
12 independent on 12 March 1968. This was done by the enactment, by the Westminster
13 Parliament, of the Mauritius Independence Act of 1968⁸⁶ and the adoption thereunder, by the
14 Queen in Council, of the Mauritius Independence Order⁸⁷. At the time, there was no doubt
15 in anyone's mind that the BIOT did not form part of the territory of the independent State of
16 Mauritius. To suggest otherwise is yet another attempt to rewrite history.

17 64. The 1968 Order contained in the Schedule the first Constitution of the 'sovereign democratic
18 State of Mauritius'⁸⁸. The Constitution was 'the supreme law of Mauritius'⁸⁹. Any
19 inconsistent law was, to the extent of the inconsistency, void⁹⁰.

20 65. Both the Independence Act⁹¹, and the Constitution⁹², defined 'Mauritius' as meaning "the
21 territories which immediately before the appointed day – its Independence Day – 12th March

⁸⁶ Mauritius Independence Act 1968 (1968 c. 8), s 1(1), UKCM, Annex 19.

⁸⁷ Mauritius Independence Order 1968, UKCM, Annex 20.

⁸⁸ Constitution, s. 1, UKCM, Annex 20.

⁸⁹ *Ibid.*, s. 2.

⁹⁰ *Ibid.*

⁹¹ Mauritius Independence Act, s. 5(1), UKCM, Annex 19.

⁹² Constitution, s. 111(1), UKCM, Annex 20.

1 1968 constitute[d] the colony of Mauritius". These territories did not include the Chagos
2 Archipelago, which had become part of the BIOT in 1965 and was after that date entirely
3 separate from Mauritius. The Chagos Islands therefore remained under United Kingdom
4 sovereignty, and did not become part of the Republic of Mauritius upon independence. That, we
5 say, was clearly understood in Mauritius.

6 66. And that remained the position under the Constitution of Mauritius until it was replaced in
7 1992 – until it was amended in 1992.

8 67. Eventually, years after 1968, as we have seen, the Chagos Islands became a highly contentious
9 issue in the party politics of the independent Mauritius. In 1980, an attempt was made by
10 opposition politicians in the Legislative Assembly to amend the law of Mauritius by adding the
11 Chagos Islands to the territory of Mauritius. That attempt failed. When the definition of
12 "Mauritius" in the Interpretation and General Clauses Act of 1974 was amended to include
13 Tromelin, of which you heard last week – it's a small island lying east of Madagascar, which is
14 also claimed by France – by passage of the Interpretation and General Clauses Amendment Act
15 1980, the inclusion of the Chagos Archipelago was proposed by the opposition. The proposal
16 was rejected both by the Government and by the Legislative Assembly⁹³. There was thus a
17 deliberate decision by the Mauritius Assembly in 1980 not to add the Chagos Archipelago to the
18 definition of Mauritius in the Interpretation and General Clauses Act at the time when Tromelin
19 was added to that definition⁹⁴.

20 The legal position on sovereignty was well understood at the time of the 1980 debate.
21 The Leader of the Opposition, Mr. Jugnauth, referred to, and I quote, "an Order in Council, by
22 which the Chagos Archipelago was taken away from the territories forming part of Mauritius"⁹⁵
23 – "taken away". Reading the committee debate, at least in some quarters the amendment hardly

⁹³ UKCM, para. 2.48.

⁹⁴ Debate in Mauritius' Legislative Assembly of 28 June 1980, UKCM, Annex 35.

⁹⁵ *Ibid*, MS Page No. 655.

1 seemed to have been taken seriously. It was, for example, proposed that Seychelles, then an
2 independent country, should also be added! In any event, the Government spokesman said:

3 “There is no doubt that everyone here would like this country [*Chagos*] to come back to
4 the State of Mauritius; but there is unfortunately - and I am appealing to the lawyers to
5 see the legal issue about it [...] at the moment, it is still with Great Britain.”⁹⁶

6 Sir Harold Walker spoke of ‘add[ing] to a Bill a territory over which you have no sovereignty’⁹⁷,
7 and referred in this connection to the OAU principle “that the frontiers inherited at the time of
8 independence will not be disputed”.⁹⁸ The Opposition, who moved the amendment, do not seem
9 to have taken a different position on the law.

10 68. It was only in July 1982, following elections and a change of Government in Mauritius, that
11 the Legislative Assembly enacted the Interpretation and General Clauses (Amendment)
12 Act⁹⁹, which purported to include the Chagos Archipelago within the territory of Mauritius.
13 It seems to have been recognised at the time by its proponents as essentially symbolic, a
14 ‘*geste légal*’ in the words of one Minister¹⁰⁰.

15 69. And it was only in 1992 that an amended Constitution included a definition, providing that
16 ‘Mauritius’ included “the Islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados
17 Carajos *and the Chagos Archipelago, including Diego Garcia* and any other island
18 comprised in the State of Mauritius”¹⁰¹.

19 70. Mr. President, Members of the Tribunal, that, subject to any further questions, concludes
20 what I have to say this morning. And I don't know if you would like to invite Ms. Penelope
21 Nevill to begin to address you now on the steps taken leading to the declaration of the Marine

⁹⁶ *Ibid*, MS Page No. 662.

⁹⁷ *Ibid*, MS Page No. 669.

⁹⁸ *Ibid*, MS Page No. 670.

⁹⁹ UKR, Annex 26, Interpretation and General Clauses (Amendment) Act 1982.

¹⁰⁰ UKCM, Annex 43, MS Page No. 735 (Mr. Bérenger).

¹⁰¹ The Constitution of Mauritius (Amendment No. 3) Act 1991 was passed on 17 December 1991 and came into force on 12 March 1992, UKCM, Annex 32, s. 111.

1 Protected Area or whether this would be a convenient moment for the second short break of
2 the morning.

3 PRESIDENT SHEARER: Thank you, Sir Michael. Yes, I guess it is 11:45.
4 So it would be convenient to take a break until 12 noon, and then we will hear from Ms. Nevill
5 afterwards.

6 Thank you very much.

7 Any further questions?

8 Sorry. There is a question from Judge Greenwood.

9 ARBITRATOR GREENWOOD: Thank you, Mr. President.

10 Sir Michael, I would just like to go back to what you said about the separate status
11 of the islands, those Dependencies of Mauritius.

12 You made the point in your speech, if memory serves me right, that too much
13 attention should not be paid to isolated comments in internal documents that didn't reflect a
14 considered legal view. But I just looked back at the document that appears as Annex 31 to the
15 Mauritius Reply, which is the note by the Secretary of State for the Colonies for the Defence and
16 Overseas Policy Committee of the Cabinet dated 27 April 1965. And that Note begins – and
17 this is on the basis of legal advice, which is, rather skeletal legal advice, I grant you, which is
18 attached to his note: They, the islands are all legally established as being parts of the colonies
19 of Mauritius or Seychelles. And that presumably paves the way for the reference in the Foreign
20 Office Telegram to the embassy in Washington a few weeks later, which says the colonies have
21 sovereignty over them. That was a rather strange term to use.

22 SIR MICHAEL WOOD: Yes.

23 ARBITRATOR GREENWOOD: Wasn't there, in fact, a considerable ambiguity
24 about the status of these Territories before the excision in the autumn of 1965? British

1 Government appears to have been, to put it mildly, in two minds about what their status really
2 was.

3 SIR MICHAEL WOOD: Judge Greenwood makes a good point. I think that
4 the papers he referred to were in connection with an approach to the United States to try and
5 persuade them to be generous, et cetera. They may have oversimplified the constitutional
6 position.

7 As I said at the outset, however, the point we're making about Dependency is not
8 so much a narrow constitutional point. It's that the notion of Dependency, the fact they were
9 referred to as Dependencies, the fact that in many respects they were treated separately, laws had
10 to be extended to them, et cetera, et cetera, as you have seen, all go as part of the background, if
11 you will, to the proposition that they were not regarded as part of a territorial unit in the sense
12 that it's known and for the purposes of self-determination. That's really the point we're making.
13 There may be points at which they are or are not regarded as Dependencies, where statements are
14 made about their appurtenance to the colony, which say one thing and on another occasion
15 another thing, but the point was made consistently when the argument, particularly on
16 self-determination came up, back in 1965, and we say that that is a good point, and one that we
17 have made out.

18 I will take a further look at the document to which you referred, and weave in
19 something to one of my statements tomorrow.

20 Thank you.

21 ARBITRATOR GREENWOOD: Mr. President, thank you.

22 I think the paper trail goes something like this: There is an earlier meeting at the
23 Defence and Overseas Policy Committee at which the Secretary of State for the Colonies says
24 we need to clarify the legal status of these islands. In other words, he wasn't sure what it was.

1 He then comes back with this Note of April 1965, which I have just quoted, which
2 he represents to the other colleagues on the Defence and Overseas Policy Committee as meaning
3 that the islands are part of Mauritius or the Seychelles.

4 SIR MICHAEL WOOD: Yes.

5 ARBITRATOR GREENWOOD: The Seychelles refers to Aldabra in the other
6 archipelago. Now, that is in the context of the grant of defense facilities to the United States, in
7 other words, precisely the context we're talking about here, because otherwise it wouldn't have
8 been in front of the Defence and Overseas Policy Committee in the first place, would it? They
9 didn't normally deal with colonial matters in those days.

10 SIR MICHAEL WOOD: Thank you. I will come back to the question
11 tomorrow, if I may.

12 PRESIDENT SHEARER: Yes. We will come back at 12:03.

13 Thank you.

14 (Brief recess.)

15 PRESIDENT SHEARER: Yes, Ms. Nevill.

16 **MPA BACKGROUND FACTS:**

17 **STEPS LEADING TO DECLARATION OF THE MPA**

18 **Penelope Nevill**

19 **30 April 2014**

20 Mr. President, Members of the Tribunal, it is an honour to appear before you today on behalf of
21 the United Kingdom.

22 **Introduction**

23 1. The purpose of my speech is to describe the BIOT MPA, and the steps leading to its
24 declaration on the 1st of April 2010. I hope you will not be too disappointed to learn that I
25 will not be talking about the steps leadings to the declaration of the BIOT as the agent's

1 omission of the word “MPA” may have suggested this morning. I will also touch briefly on
2 certain points concerning its implementation and enforcement, although I note that the
3 point regarding implementing legislation has, to some extent, already been addressed by
4 the Agent in his speech and the written answers provided by the BIOT administration in
5 response to Judge Wolfrum’s question.

6 2. Now, you heard from the Attorney General last Tuesday about the scientific justification
7 for the MPA and the importance of its role in attempts by UN agencies to address the
8 escalating problems faced by the world’s oceans and fisheries¹⁰². I do not intend to
9 repeat what he said, although I may touch on certain of the points that he raised.

10 3. The steps that led up to the proclamation of the BIOT MPA were described in detail in the
11 Counter-Memorial. What I propose to do today, which I hope will be of the most
12 assistance to the Tribunal, is to run through a chronological account of those steps and, in
13 the course of doing so, focus on aspects which received particular attention from Mauritius
14 in its submissions last week. Footnote references to the written pleadings and supporting
15 documents which contain the detail will be provided with the transcript. The Mauritian
16 oral submissions on the MPA and its creation last week centred on the claims that the MPA
17 was, “imposed on Mauritius without adequate consultation,” and that the bilateral
18 consultation cut across the bilateral talks¹⁰³ and that the decision to declare the MPA was,
19 “policy making ‘on the hoof,’” and, “rushed through.”¹⁰⁴ None of these allegations is
20 supported by the record of events or the documents on which Mauritius relies. Rather, it is
21 the UK’s submission that they show the opposite. Mauritius also implied that the scientific

¹⁰² Day 1, Grieve, pp. 45:7-51:11.

¹⁰³ Day 2, Macdonald, pp. 177: 18 and 196:9-11.

¹⁰⁴ Day 2, Macdonald, p. 177:21-23.

1 case for a no-take MPA has not been made out¹⁰⁵, and that the MPA approaches a sham in
2 certain respects¹⁰⁶. As will be shown, there is no merit in these claims either.

3 **The BIOT MPA and environmental protection in the BIOT**

4 4. But first, a brief description of the BIOT MPA.

5 5. It is illustrated on the chart shown now on the screens before you. The BIOT MPA covers
6 almost the entire 200 nautical mile Environment Preservation and Protection Zone, the
7 “EPPZ.” The EPPZ is coextensive with the Fisheries Conservation and Management
8 Zone, or the “FCMZ.”

9 6. The MPA includes the land territory of the islands, their 3 nautical mile territorial seas and
10 internal waters, but it excludes Diego Garcia and its internal waters and territorial sea.

11 7. The BIOT is mostly sea, not land. Its land territory is made up of 58 coral islands of the
12 Chagos Archipelago, which range in size from the very small to the tiny, as you can see on
13 the illustration before you, and they are spread out over some 21,300 kilometres of ocean.
14 And so, the MPA covers a marine area of roughly 644,000 square kilometres, which is, as
15 Mauritius has already pointed out, roughly the size of France¹⁰⁷.

16 8. Diego Garcia is not included in the MPA because, during consultations with the United States
17 over the MPA proposal, it became clear that its preference was for Diego Garcia to remain
18 outside any MPA¹⁰⁸. Diego Garcia and the area outside the MPA are also marked on the
19 diagram before you, and you can see an arrow in a white box pointing to it just off center,
20 probably about 5:00, in the direction of 5:00 on the illustration before you.

21 ARBITRATOR GREENWOOD: Ms. Nevill, I'm terribly sorry to interrupt you,
22 and I'll speak up because I gather my questions have been a bit difficult to hear earlier on.

¹⁰⁵ Day 2, Macdonald, p 182:7-8; Day 4, Crawford, p. 382: 21.

¹⁰⁶ Day 4, Crawford, p. 376: 9-10.

¹⁰⁷ Day 1, Sands, p. 37: 20-21.

¹⁰⁸ UKR, Annex 70, Colin Roberts 1st witness statement, para. 16; MR, Annex 147, para. 10.

1 Have you got a copy of this document? Because I have to tell you, what we can
2 see on the screens here is extremely difficult to follow. It's a very blurred image, indeed, and
3 that was true of earlier illustrations that have been showing up. I'm afraid the screens that you
4 can see seem to be much clearer than the ones that the Tribunal Members have got.

5 MS. NEVILL: I'm afraid that I don't have to hand copies of the charts. They
6 are actually – this is an illustration that's taken from the UK Counter-Memorial. So if you have
7 that to hand, you might be able to see it there. Otherwise, perhaps I shall just – I will be quickly
8 moving through this part, and so you might be able to refer to that later. After the break we
9 may be able to provide the Tribunal with actual printouts of the diagram.

10 ARBITRATOR GREENWOOD: Thank you very much. Sorry to have
11 interrupted you.

12 MS. NEVILL: Well, as can be seen or cannot be seen on the chart, the area
13 excluded from the MPA which I hope you will see when you do finally get to look at it more
14 closely, is only a very small part of BIOT waters. Nevertheless, as explained in the
15 Counter-Memorial and the written answers to Judge Wolfrum's questions¹⁰⁹, Diego Garcia and its
16 waters are subject to strict environmental controls, including the regulation of recreational fishing.
17 Diego Garcia contains a Nature Reserve Area, four Strict Nature Reserves, and a RAMSAR
18 wetland site. The RAMSAR site covers the entire lagoon and all those parts of the island of Diego
19 Garcia which are not set aside by treaty obligations for the military base.

20 9. The BIOT MPA is what is termed a "full no-take" marine reserve or protected area. All
21 commercial fishing is prohibited. Limited fishing for consumption is allowed by yachts in
22 transit, or those which moor under permit at designated sites off the outer islands of Peros
23 Banhos and Salomon. This fishing is subject to strict regulation. It is limited to what can
24 be consumed within three days and returns on numbers and species caught are required to

¹⁰⁹ UKCM, paras. 3.15, 3.70; UKAF, Folder 1, Tab 1.

1 be provided¹¹⁰. Subsistence fishing by yachtsmen and women sailing the Indian Ocean
2 and using the Chagos Islands as a temporary stopping point in bad weather or to break up a
3 long voyage was one of the issues highlighted in submissions to the public consultation¹¹¹,
4 and for this reason it remains allowed in the MPA.

5 10. No specific MPA legislation has yet been enacted, a point much remarked upon by
6 Mauritius. As has already been pointed out by the agent, the “no-take” fishing element of
7 the MPA is implemented by not issuing fishing licences under the existing fisheries
8 legislation. The land territory within the MPA is already conserved and protected by the
9 Protection and Preservation of Wild Life Ordinance 1970 and related legislation¹¹². There
10 are strict nature reserves on the islands of Peros Banhos, Nelson Island, The Three Brothers
11 and Resurgent Islands and Cow Island¹¹³. And I was going to say that they are also shown
12 on the screen before you, so when you do see a clearer copy of the document, they are
13 indicated by the red circles. The intention is that “omnibus” legislation which
14 incorporates and updates all the existing fisheries, conservation and environment
15 legislation covering the BIOT will replace the existing legislation.

16 11. In the 2007-2008 Report of the Foreign Affairs Committee on Overseas Territories it is
17 stated, as pointed out by Judge Wolfrum, that, “BIOT is considered to have the most
18 pristine tropical marine environment surviving on the planet and to be by far the richest
19 area of marine diversity of the United Kingdom and its Overseas Territories.” Judge
20 Wolfrum asked for confirmation of the content of this statement last week.

21 12. As has been explained in the written answers provided by the BIOT Administration, the
22 statement is found in the evidence submitted to the Committee by the Chagos Conservation
23 Trust. The Chagos Conservation Trust was founded in 1993 by John Topp, who was

¹¹⁰ UKCM, para. 3.70.

¹¹¹ UKCM, Annex 121, p. 11.

¹¹² See generally UKCM, paras. 3.11-3.16.

¹¹³ UKCM, para. 3.15.

1 appointed the first BIOT Conservation Advisor in 1993. The Trust's members include
2 Professor Charles Sheppard, the BIOT Environmental Adviser between 2003 and 2013.
3 Professor Sheppard has been involved in scientific research expeditions to the BIOT since
4 the 1970s and is a leading member of the Chagos Trust. The members of the Tribunal will
5 have seen and heard him in the two Chagos Science in Action DVDs which were filed with
6 the Rejoinder. He is the narrator in two of those.

7 13. The Trust's statement was recently repeated in October 2013 by a number of international
8 conservationists and scientists,¹¹⁴ and it reflects the level of scientific interest in the BIOT
9 and its scientific importance. And this is further illustrated by the large number of
10 publications on the Chagos Archipelago, authored by scientists. To take one example,
11 one bibliography of publications up to January 2003 which has been published online by
12 the Island Vulnerability Organisation lists 80 scientific publications¹¹⁵. According to
13 information provided by the BIOT Administration, a further 19 articles have been
14 published since 2011. The sheer number of articles, even with an eight-year gap, serve to
15 emphasize the point.

16 **The NGO proposal in 2007 for a large scale marine park in the Chagos Archipelago**

17 14. It was the BIOT's special environment, stable government, limited economic activity, and
18 the environmental commitment by the United Kingdom that led the Pew Environment
19 Group, a US-based charity, to identify it in 2007 as a prime candidate for a large scale
20 marine park.¹¹⁶ This was part of Pew's Global Ocean Legacy campaign, which aimed to

¹¹⁴ Ecole Polytechnique Fédérale de Lausanne; Blue Marine Foundation; Stanford University; University of St. Andrews; Save Our Seas Foundation; Oceana; University College London; Swansea University; Pew Environment Group; The Bertarelli Foundation; University of Western Australia; Australian Institute of Marine Science; University of Warwick; The Manta Trust; University of Bangor.

¹¹⁵ <http://www.isn.net/islandweb/ot/biblieref.html#chagos>

¹¹⁶ UKCM, Annex 87, Email from Joanne Yeadon, Head of BIOT and Pitcairn Section, to Andrew Allen, 22 April 2008.

1 establish a worldwide system of very large, highly protected marine reserves where fishing
2 and other extractive activities are prohibited¹¹⁷.

3 15. Pew first approached the Government with its idea in July 2007, via Professor Sheppard,
4 who was then, as I have already noted, the BIOT Environmental Adviser and a member of
5 the Chagos Conservation Trust¹¹⁸. Pew then joined forces with the Chagos Conservation
6 Trust to form the Chagos Environment Network in 2008, and it, in turn, launched its
7 campaign on the 22nd of April 2008 that year to create a large scale marine park in the
8 Chagos Archipelago¹¹⁹.

9 16. The Government's initial response to Pew, while receptive, was cautious. As recorded in
10 the note of the meeting between Pew and BIOT officials on 22 April, which was annexed
11 to the Counter-Memorial¹²⁰, it was recognised that the proposal raised potential political
12 and legal issues that would have to be worked through. These included the undertaking to
13 cede BIOT to Mauritius when no longer required for defence purposes, and the practice of
14 issuing licences to Mauritian-flagged vessels for inshore fishing free of charge, which was
15 understood to have evolved from the 1965 understandings. The facts and documents
16 relating to the 1965 "fishing rights" understanding and the practice of the parties will be
17 described by Ms. Sander in the next speech.

18 17. I refer to it now in the context of describing the process leading up to the establishment of
19 the MPA¹²¹ because it shows that UK officials were cognisant that these were amongst
20 the issues that would need to be looked into, if the marine park proposal were to be
21 pursued.

¹¹⁷ <http://www.pewenvironment.org/campaigns/global-ocean-legacy/id/8589941025>

¹¹⁸ UKCM, Annex 82, Email of 17 July 2007 from Charles Sheppard to Tony Humphries, Head BIOT and Pitcairn Section, FCO, forwarding an email from Heather Bradner of the Pew Charitable Trusts

¹¹⁹ UKR, Annex 69, Joanne Yeadon's 1st witness statement, paras. 6-7 and UKCM, Annex 88.

¹²⁰ UKCM, para. 3.33 and Annex 87, Email from Joanne Yeadon, Head of BIOT and Pitcairn Section, to Andrew Allen, 22 April 2008.

¹²¹ UKCM, paras. 3.33 and 3.40.

1 **First phase: initial scoping of the Chagos Environment Network proposal**

2 18. In July 2008 the BIOT Administration started discussions with interested stakeholders to
3 explore the options for strengthening environmental protection in BIOT in line with
4 government policy on the Overseas Territories. One such option was the large scale
5 marine protected area promoted by Pew and the Chagos Conservation Trust¹²².

6 19. Now, Ms. Macdonald made much of this reference to consulting with “interested
7 stakeholders” in her submissions. She suggests that what the UK was effectively saying
8 was that there was a full year of consultations with these stakeholders while Mauritius was
9 “kept in the dark”¹²³ and that it “was to learn of the proposal only with the rest of the
10 world, [when reports surfaced in the British press] and when the decision to consult
11 publicly was a *fait accompli*”¹²⁴. Ms. Macdonald was referring here to an article
12 published in the *Independent* on 9 February 2009 on the Chagos Environment Network’s
13 proposal¹²⁵, which was entitled, “Giant Marine Park Plan for Chagos.” This article led
14 Mauritius to send the UK a Note Verbale on 5 March 2009 claiming, on sovereignty
15 grounds, that any such marine park would require the consent of Mauritius,¹²⁶ and that
16 much is agreed.

17 20. Returning to Ms. Macdonald’s focus on “interested stakeholders”, now the reality is rather
18 more banal than Ms. Macdonald is seeking to make out. “Interested stakeholders” means
19 the Ministry of Defence, the Natural Environment Research Council, the British
20 Geological Survey and the National Oceanographic Centre¹²⁷, all UK bodies whose
21 support would be essential if the idea was to make any progress. Without that there would

¹²² UKCM, para. 3.35, UKR; Annex 70, Colin Roberts 1st witness statement, para. 12.

¹²³ Day 2, Macdonald, p. 185:5.

¹²⁴ Day 2, Macdonald, p. 185: 5-6.

¹²⁵ MM, Annex 138, “Giant marine park plan for Chagos”, *The Independent*, Sadie Gray, 9 February 2009

¹²⁶ MM, Annex 139, Note Verbale dated 5 March 2009 from the Ministry of Foreign Affairs, Regional Integration and Trade, Mauritius, to the UK Foreign and Commonwealth Office, No. 2009(1197/28).

¹²⁷ UKCM, Annex 96, p. 4 (numbering in original).

1 have been nothing to discuss with Mauritius. At the same time, Pew and the Chagos
2 Conservation Trust continued to lobby the BIOT Administration, and there were further
3 meetings with BIOT officials¹²⁸. A more detailed description of this engagement can be
4 found in Joanne Yeadon's first witness statement, prepared for the judicial review
5 proceedings and now annexed to the Rejoinder¹²⁹. Ms. Yeadon was the BIOT
6 Administrator and Director of Fisheries from December 2007 to March 2011, so she will
7 be a key personality in many of the events that I will go on to talk through. And this may
8 be an appropriate moment to note that I understand there has been handed up with our
9 folder a brief dramatis personae, and this goes together with my speech and should explain
10 the positions of some of the people that are referred to in the e-mails, and who were
11 actively engaged in the steps leading up to the declaration of the MPA.

12 Do you have that?

13 PRESIDENT SHEARER: Yes, we have that, Ms. Nevill.

14 ARBITRATOR WOLFRUM: Sorry, may I interrupt you. So, with this list,
15 you mentioned Pew Foundation several times. And if I understood the documents correctly, the
16 Pew Foundation was first initiated with the MPA at the beginning. Could you give us
17 something on the background of Pew Foundation and where the finances of the Pew Foundation
18 come from.

19 MS. NEVILL: My understanding – and I confess that this is based on research
20 carried out on my own initiative – is that the Pew Foundation is actually related to the Sunlight
21 Soap fortune in the United States, and that it's a charity that is associated with the fortune that was
22 built up through that industry, and it now directs its attention at environmental concerns, in
23 particular in the area of the seas and oceans.

¹²⁸ UKR, Annex 69, Joanne Yeadon, 1st witness statement, paras. 6, 8 and 12.

¹²⁹ UKR, Annex 69, Joanne Yeadon's 1st witness statement, paras. 6-12.

1 I will in the break ask my clients if they have any further information that I can
2 provide.

3 21. Now, returning to the chronology, at the time that the Independent published its article on
4 the Chagos Environment Network proposal¹³⁰, on the 9th of February 2009, it was not even
5 certain that a submission on the MPA proposal would be put to Ministers. There was no
6 proposal to go to a formal public consultation. The article appears to be the result of a
7 press campaign about the launch of the Chagos Environment Network's campaign.

8 22. The Government's position on the campaign at that time is set out by the Minister for the
9 Foreign and Commonwealth Office, Gillian Merron, in her response to a letter sent to her
10 by the Chagos Environment Network which notified her of its plans to make an
11 announcement about the proposal¹³¹. You can find that letter, which is dated the 5th of
12 March 2009, at Tab 10 of your folders. In it, the Minister explains, and you can see the
13 passage is highlighted in the margin towards the end of the second paragraph, the Minister
14 explained that while the Government had, "signalled its desire to work with the
15 international environmental and scientific community to develop the preservation of the
16 unique BIOT environment, it still needed to look into the ideas presented by the Chagos
17 Environmental Network in greater detail" and that that was something that her officials
18 "were in the process of doing."

19 **Foreign Secretary's decision to pursue the MPA proposal: May 2009**

20 23. Thus, it was not until April 2009 that the scoping work being carried out by those officials
21 was sufficiently clear to present the issues to the Foreign Secretary.¹³² And it was not
22 until 5 May 2009 that the submission on the proposal was finalised, and sent by the BIOT

¹³⁰ MM, Annex 138, "Giant marine park plan for Chagos", The Independent, Sadie Gray, 9 February 2009.

¹³¹ UKCM, Annex 95, Letter from the Chagos Conservation Trust to Gillian Merron, MP, Minister of State, 12 February 2009 and her response dated 5 March 2009, UKAF, Folder 1, Tab 10.

¹³² UKR, Annex 70, Colin Roberts 1st witness statement, para. 13.

1 Commissioner, Mr. Colin Roberts, to the Foreign Secretary for his decision¹³³. Mr.
2 Roberts is another name that you will become familiar with if you are not already from
3 Mauritius' submissions last week. As explained in the Rejoinder, officials simply would
4 not have engaged in formal discussions on the proposal with third States until the policy to
5 move forward with it had been adopted by Ministers¹³⁴. There was no basis upon which to
6 do so. Ministers might have decided not to pursue the proposal.

7 24. As with all policy submissions to Ministers, the submission of 5 May identified the various
8 risks in moving forward with the proposal. The "big risks" identified were political, and
9 these included Mauritius's sovereignty claim. The 5 May submission, referring to the
10 Mauritian Note Verbale of 5 March, noted that Mauritius had formally stated its opposition
11 to the Pew and Chagos Trust proposal on sovereignty grounds, but it was also thought the
12 Mauritians were, "bothered by the risk of losing forever the chance to exploit the fishery."
13 As Ms. Sander will explain, at the first bilateral talks in January 2009 Mauritius had tabled
14 plans for a joint licensing and revenue sharing arrangement for the BIOT fisheries. This
15 was understood by BIOT officials to be connected to the Mauritian sovereignty claim¹³⁵.
16 The 5 May submission also recorded that the position was complicated by a "side deal" in
17 1965 which "gave Mauritius the right to apply for fishing licences free of charge."¹³⁶
18 Again, I refer to these issues to show that they were not ignored as potential issues but
19 received due and proper consideration as part of the assessment of the case for a large scale
20 MPA.

21 25. The Foreign Secretary approved the policy of pursuing the MPA proposal shortly after
22 the 5 May submission, and this is recorded in an email by his Private Secretary of 7 May

¹³³ MR, Annex 132, Submission of Colin Roberts, BIOT Commissioner, to the Foreign Secretary, "Making British Indian Ocean Territory the World's Largest Marine Reserve".

¹³⁴ UKR, para. 3.4.

¹³⁵ UKR, Annex 73, 3rd witness statement of Joanne Yeadon, para. 9.

¹³⁶ MR, Annex 132, Submission of Colin Roberts, BIOT Commissioner, to the Foreign Secretary, "Making British Indian Ocean Territory the World's Largest Marine Reserve", page 4 [219].

1 2009. Ms. Macdonald took you to this email in her submissions, saying that it, “shows
2 that the UK had already decided to announce the reserve.”¹³⁷ Yet again, this is another
3 of the Mauritian claims that is not borne out by the evidence, neither in the brief email
4 exchange between officials on 7 May 2009 to which she referred, nor what followed.
5 And, in fact, what followed was a period of consultations and other work on the proposal
6 that extended over a period of nearly 11 months.

7 26. Once the Foreign Secretary had taken the decision to pursue the MPA, BIOT officials
8 made preparations to enter into consultations with key external stakeholders, in particular
9 Mauritius and the United States, and to seek independent scientific advice on the CEN
10 proposal. When I refer to CEN, I mean the Chagos Environment Network. Whether a
11 decision was taken to proceed to a public consultation¹³⁸, a possibility which had been
12 raised earlier in May, would depend on the outcome of these consultations and the
13 independent scientific advice received. In fact, the decision to go to public consultation
14 was not taken by the Foreign Secretary until after the 29 October 2009¹³⁹. Thus, the
15 record shows that there’s absolutely no merit in Mauritius’ submission that Mauritius was
16 presented with a *fait accompli* or that there was a *fait accompli* in place in February 2009.

17 **Preparations in advance of consultations with Mauritius**

18 27. The MPA proposal was tabled for discussion with Mauritius at the second round of
19 bilateral talks on 21 July 2009. In advance of these consultations, Mr. Roberts asked Ms.
20 Yeadon for a “full analysis of the history of fishing and environmental protection in
21 BIOT,” and this was to include “an authoritative statement of what we think are Mauritius’

¹³⁷ Day 2, Macdonald, p. 191: 13-14.

¹³⁸ MR, Annex 132/133, Submission of Colin Roberts, to the Foreign Secretary, “Making British Indian Ocean Territory the World’s Largest Marine Reserve”

¹³⁹ UKCM, para. 3.39; MR, Annex 147, Submission dated 29 October 2009 from Joanne Yeadon and Colin Roberts to the Foreign Secretary, “BIOT: Public Consultation on Proposed Marine Protected Area”.

1 rights today to fish in BIOT.”¹⁴⁰ You can see this email at Tab 11, p. 1 of the Folder, and
2 it’s on the first page, and it should be highlighted at the second email dated the 3rd of July.

3 28. Ms. Yeadon then asked MRAG Limited to provide a “full history of fishing in BIOT by
4 Mauritian vessels.”¹⁴¹ MRAG is a specialist marine environment consultancy which
5 contracted with BIOT from 1991 to manage the BIOT fishery¹⁴². MRAG provided details
6 of Mauritian fishing in an email to Ms. Yeadon on 6 July 2009,¹⁴³ and this can be found at
7 p. 4 of Tab 11. The page numbers I’m referring to here are the large numbers at the
8 bottom of the page, at the bottom right-hand corner of the page. So, if you turn to page 4,
9 you will see that the first line of the email refers to “our conversation this morning, when
10 you requested a full history of fishing in BIOT by Mauritian vessels”. And this attaches
11 two tables setting out the information.

12 29. On 9 July 2009 MRAG sent another email attaching a document with its comments on
13 the MPA proposal¹⁴⁴. This is distinct from the information provided on fishing by
14 Mauritian vessels. This is at p. 7 of Tab 11. As recorded in the email, MRAG was
15 responding to a request “in advance of the formal consultation on the proposal to make
16 the BIOT FCMZ a marine reserve.” The document attached by MRAG, which you can
17 find over the page, is duly entitled “MRAG comments on the proposal.” In this comment,
18 MRAG questioned the case for a full no-take MPA proposing instead the closure of an
19 area encompassing the islands and the Great Chagos Bank to protect vulnerable reefs

¹⁴⁰ MR, Annex 138, Email exchange between Colin Roberts and Joanne Yeadon, 13-14 July 2009, UKAF, Folder 1, Tab 11.

¹⁴¹ UKCM, Annex 98 Email from MRAG to Joanne Yeadon, BIOT Administrator, 6 July 2009 and attachments, ‘Summary of the activities of Mauritian (flagged and owned) vessels in the BIOT FCMZ by year 1991 to date’ and ‘Purse Seine Fishery’ and UKAF, Folder 1, Tab 11.

¹⁴² UKR, Annex 75, John McManus’s witness statement, para. 26; UKR, Annex 73, Joanne Yeadon’s 3rd witness statement, para. 11.

¹⁴³ UKCM, Annex 98, Email from MRAG to Joanne Yeadon, BIOT Administrator, 6 July 2009 and attachments, ‘Summary of the activities of Mauritian (flagged and owned) vessels in the BIOT FCMZ by year 1991 to date’ and ‘Purse Seine Fishery’, UKAF, Folder 1, Tab 11, and UKCM, para. 3.41.

¹⁴⁴ MR, Annex 137, Email dated 9 July 2009 from Development Director of MRAG to Joanne Yeadon, BIOT Administrator, and “MRAG Comments on the proposal to designate the BIOT FCMZ as a marine reserve”, UKAF, Folder 1, Tab 11.

1 while allowing continued tuna fishing¹⁴⁵. In this document, MRAG also volunteered
2 comment on various legal questions, including what it called “Mauritius historical rights
3 to fish inside the BIOT FCMZ,” and other matters of international law.

4 30. Mr. Reichler took you to these documents in his speech on the “UK’s undertakings to
5 Mauritius,” last week. He argued that it was this document, MRAG’s comments on the
6 proposal, that was the authoritative statement of Mauritian rights to fish in BIOT waters
7 that had been sought by Mr. Roberts on 3 July, arguing that the “report” on fishing and
8 legal and historical obligations was sought from MRAG, not anyone else, because BIOT
9 did not have the “capacity in-house.”¹⁴⁶

10 31. Now, this is a clear misreading of the documents. If you turn to page 15 of the same tab
11 using the big numbers, you will find there an email from Ms. Yeadon of 14 July 2009.
12 Mr. Reichler attempted to demote this email to a “covering message.” But it is quite clear
13 from a quick scan of the document that it is not a covering message, but the “full analysis of
14 the history of fishing and environmental protection in BIOT” that Mr. Roberts had
15 sought¹⁴⁷ from Ms. Yeadon in his email of 3 July: it responds to the questions in the 3 July
16 email using the same numbering and wording, and it also includes a summary of
17 environment legislation. It is referred to as such by Mr. Roberts, as the answer to his
18 questions, in his third witness statement for the judicial review proceedings¹⁴⁸.

19 32. Now, MRAG was contracted to run the fisheries. BIOT officials simply would not have
20 asked it for legal advice. In fact, legal advice on all legal issues potentially arising from
21 the MPA proposal was sought from the FCO Legal Directorate¹⁴⁹.

¹⁴⁵ MR, Annex 137, Email dated 9 July 2009 from Development Director of MRAG to Joanne Yeadon, BIOT Administrator, and “MRAG Comments on the proposal to designate the BIOT FCMZ as a marine reserve”, UKAF, Folder 1, Tab 11, p. 1.

¹⁴⁶ Day 2, Reichler, pp. 160:5-24 – 161:1-6.

¹⁴⁷ MR, Annex 138, Email exchange between Colin Roberts and Joanne Yeadon, 13-14 July 2009, UKAF, Folder 1, Tab 11.

¹⁴⁸ UKR, Annex 74, 3rd witness statement of Colin Roberts, para. 18.

¹⁴⁹ UKR, Annex 74, 3rd witness statement of Colin Roberts, para. 15.

1 33. I also note that, although Mr. Reichler referred to Ms. Yeadon’s third witness statement in
2 support of this argument¹⁵⁰, in particular of the point that they did not have in-house
3 capacity, which he misread - it was intended to refer to the in-house capacity to manage the
4 BIOT fisheries - in support of his argument he then goes on to make an extensive
5 submission to the effect that two of the witness statements of Mr. Roberts and Ms. Yeadon
6 attached to the Rejoinder, their third statements in the judicial review proceedings, should
7 not be accorded any weight because they are, “post-litigation” statements¹⁵¹. The UK
8 rejects this submission. The circumstances of the preparation of these statements bears no
9 resemblance to the affidavits the International Court of Justice was addressing in the
10 *Nicaragua and Honduras* case to which Mr. Reichler referred. Nor does it resemble the
11 evidence or the circumstances of its production with which the Court was concerned in the
12 *Democratic Republic of the Congo v Uganda* and *Nicaragua v United States*, to which Mr.
13 Reichler also referred the Tribunal.

14 34. These two statements were prepared for the purposes of another case, the judicial review
15 proceedings in the English Divisional Court in *Bancoult v Secretary of State for Foreign*
16 *and Commonwealth Affairs*. The question before the Divisional Court was whether the
17 public consultation was flawed because it failed to refer to the credible evidence of the
18 1965 understanding on fishing rights and the subsequent preferential treatment for
19 Mauritius flagged fishing vessels¹⁵². Together with Mr. Roberts and Ms. Yeadon’s first
20 and second witness statements, these statements referred to, and exhibited, a large number
21 of the internal documents which Mauritius subsequently annexed to its Reply. Indeed,
22 many of the documents exhibited and referred to by Mr. Roberts and Ms. Yeadon were
23 authored, received, seen and or commented on by them at the time. Neither witness

¹⁵⁰ Day 2, Reichler, p. 160:9-14.

¹⁵¹ Day 2, Reichler, pp. 165:8-24 – 166:1-12.

¹⁵² As set out in the Divisional Court’s judgment of 21 November 2012 giving permission to amend the grounds of review, para. 15 (UKCM, Authority 43).

1 purported to give a legal analysis of Mauritian rights, and nor were they being asked to do
2 so. The two witness statements were received into evidence by the Divisional Court, and
3 Mr. Roberts and Ms. Yeadon were cross-examined by counsel for Mr. Bancourt. And
4 Mauritius even annexed an excerpt from the transcript of Mr. Roberts' cross-examination
5 to its Reply. The Court gave its judgment on 11 June 2013, and the United Kingdom
6 relied on certain of its findings of fact in its Counter-Memorial.

7 **Consultations with Mauritius**

8 35. I turn now to the consultations with Mauritius on the MPA proposal. It was outlined in
9 detail by UK officials at the bilateral talks on 21 July. In addition to the formal talks
10 scheduled for that day, there were two other meetings, a meeting between Mr. Roberts, the
11 head of the UK delegation and the British Commissioner for BIOT, and the British High
12 Commissioner based in Port Louis, John Murton. On the other side it was attended by the
13 Mauritian Foreign Minister¹⁵³, Arvin Boolell. There was also a tête-à-tête between Mr.
14 Roberts and Mr. Seeballuck, the Prime Minister's chief cabinet Secretary¹⁵⁴.

15 36. At these meetings Mauritian officials were broadly supportive of the proposal, and Mr.
16 Roberts recalled that he raised the possibility with the Foreign Minister that a formal public
17 consultation might be conducted and invited Mauritius to join with the UK in that
18 consultation, for example, by launching it with a joint press statement¹⁵⁵.

19 37. The formal record of the UK of those talks can be found at Tab 12 of the Folder. If you
20 turn to the second page, the discussion of the MPA proposal is recorded under a heading,
21 "Environmental Issues". It then goes onto the next page down to the end of paragraph 11.

¹⁵³ UKCM, Annex 101, Overseas Territories Directorate record of discussion in Port Louis on 21 July 2009 dated 24 July 2009, UKAF, Folder 1, Tab 12; see also Colin Roberts' 3rd witness statement, UKR Annex 74, para. 20.

¹⁵⁴ UKCM, para. 3.43-3.44, 3.49; UKR, Annex 74, 3rd witness statement of Colin Roberts, para. 20, and Annex 99 (EGram from the British High Commissioner, Port Louis, dated 21 July 2009) and Annex 101(Overseas Territories Directorate record of discussion in Port Louis on 21 July 2009 dated 24 July 2009).

¹⁵⁵ Colin Roberts' 3rd Witness Statement, UKR, Annex 74, paras. 20-21.

1 You can see from the record that the UK delegation outlined the MPA proposal in some
2 detail. It was explained in a passage, highlighted at the top of the page, that one of the
3 ideas being mooted was the whole of the EEZ being a no-take for fishing.

4 38. Then in Paragraph 9, it continues: “There were many powerful arguments in the UK to
5 establish a marine protected area. However, many questions still needed to be worked
6 through. The UK delegation explained the advantage to Mauritius that through a marine
7 protected area, the value of the Territory would be raised and this resource would
8 eventually be ceded to Mauritius.” And then it records the UK said that, “No decisions
9 had been taken...” This runs completely counter to Mauritius’ argument that the decision
10 to go ahead with the MPA was made earlier by the Foreign Secretary on 7 May or at an
11 earlier stage again, as Ms. Macdonald appeared to suggest.

12 39. What is also interesting is the Mauritian response which is recorded in paragraph 10.
13 They explained: “... that they had taken exception to the proposal from CEN” -the Chagos
14 Environment Network set up by Pew and the Chagos Conservation Trust to promote a
15 BIOT marine park - “they had taken exception to that proposal, but on the basis that it
16 implied that the Mauritians had no interest in the environment. They had also found it
17 necessary to protest on sovereignty grounds. There was a general agreement that
18 scientific experts should be brought together. However, the Mauritians welcomed the
19 project but would need to have more details and understand the involvement of the
20 Mauritian government...” In the next paragraph you can see that the UK delegation
21 added that the Foreign Secretary was “minded to go towards a consultative process and that
22 would be a standard public consultation. However, the UK had wanted to speak to
23 Mauritius about the ideas beforehand...”

24 40. As recorded in the “comment” section, which is on the next page, UK officials considered
25 that it was “[a] surprisingly positive meeting”.

- 1 41. The Mauritian record of the meeting echoes this¹⁵⁶. It records that “The Mauritian side...
2 welcomed the proposal, since it concerns the protection of the environment, the more so
3 that it is in line with the policy of Government to promote sustainable development.”
- 4 42. The parties agreed to meet up in London on a date to be mutually agreed upon, possibly
5 October¹⁵⁷ or on a date mutually agreed upon during the first two weeks of October¹⁵⁸.
6 And the documents are a little unclear as to that.
- 7 43. In a curious passage in its oral submissions, Mauritius attempts to distance itself from its
8 clear expression of support for the MPA proposal¹⁵⁹ that was expressed in the July
9 meeting. But it is clear from these records that its officials did express support for the
10 proposal, including the possibility of a no-take MPA.
- 11 44. Mauritius then leapt ahead in its submissions from this meeting to the telephone
12 discussion between Prime Minister Ramgoolam and the Foreign Secretary on 10
13 November 2009, in support of its claim that the “UK cut across ongoing bilateral talks by
14 launching a public consultation ... over Mauritius’ strong objections.”¹⁶⁰ This
15 truncation of the record left out of account the series of communications that took place
16 between 21 July and 10 November 2009, which shows that this is simply not true. It is
17 true that the third round of talks and planned meetings never took place, but not for want
18 of trying by UK officials¹⁶¹.

¹⁵⁶ MR Annex 144, Information Paper by the Prime Minister of Mauritius, Second Meeting at Senior Officials Level between Mauritius and UK on the Chagos Archipelago, CAB(2009) 624, 12 August 2009, p. 5.

¹⁵⁷ UKCM, Annex 101, (Overseas Territories Directorate record of discussion in Port Louis on 21 July 2009 dated 24 July 2009, UKAF, Folder 1, Tab 12)” and MR Annex 144 (Information Paper by the Prime Minister of Mauritius, Second Meeting at Senior Officials Level between Mauritius and UK on the Chagos Archipelago, CAB(2009) 624, 12 August 2009).

¹⁵⁸ MM Annex 148, Joint Communiqué, Second round of bilateral talks between Mauritius and the UK on the BIOT/Chagos Archipelago, 21 July 2009, Port Louis, Mauritius.

¹⁵⁹ Day 2, Macdonald, pp. 195: 21-25 - 196:1.

¹⁶⁰ Day 2, Macdonald, p. 196:10-11.

¹⁶¹ UKCM, paras. 3.50-3.52; UKR, paras. 3.7-3.19.

1 45. First, on the 15th of September the British High Commissioner called on the Foreign
2 Minister to ask him to let the UK know when Mauritius would like the third round of
3 talks to take place: he received no response¹⁶².

4 46. On the 1st of October the British High Commissioner called again to propose 4th and 5th
5 of November for talks¹⁶³.

6 47. The British High Commissioner called again on the Foreign Minister on 12 October, and a
7 record of this meeting is at Tab 13¹⁶⁴. If you go to the second paragraph of that email,
8 which sends a record of that meeting back to Ms. Yeadon in London, it records that “as
9 requested by you [*Ms. Yeadon*], I flagged up the likelihood that we would be in public
10 consultation on the MPA by the time the next round of bilaterals were held.” In the next
11 paragraph it records that, “Boolell was uncomfortable about the prospect of the MPA
12 consultation. He said that the opposition would portray it as the UK going ahead in the
13 face of Mauritius’ sovereignty over the island. It could become a stick to beat the
14 Government with.”

15 48. The email then records that “we agreed that rather than seeking to stop the MPA
16 consultation, we should seek to pro-actively manage our messaging on BIOT to ensure that
17 we could portray it as being on [*a typo*] mutual benefit and about an area of mutual
18 concern.”¹⁶⁵

19 49. The next day, on 13 October, the Mauritian High Commissioner in London met the
20 Director of the FCO’s Overseas Territories Directorate. The Director stressed how keen
21 the UK Government were for Mauritian involvement in the MPA proposal, and explained
22 that the reasoning behind the public consultation was that there were a wide range of

¹⁶² UKCM, para. 3.50.

¹⁶³ UKCM, para. 3.50.

¹⁶⁴ UKCM, para. 3.50, UKCM, Annex 103, Email from British High Commissioner to Joanne Yeadon, dated 13 October 2009, UKAF, Folder 1, Tab 13.

¹⁶⁵ *Ibid.*

1 people whose interests might be affected by an MPA, and so it was logical to have a public
2 consultation alongside the discussions with Mauritius¹⁶⁶. At that same meeting the
3 Mauritian High Commissioner signalled that the dates of 4 and 5 November for the third
4 round of talks would not work for Mauritius¹⁶⁷.

5 50. On the 22nd of October the British High Commissioner met the Mauritian Prime Minister in
6 Port Louis, and a record of this meeting is at Tab 14¹⁶⁸. At that meeting the High
7 Commissioner outlined the nature of the draft public consultation documents. These were
8 being prepared by Ms. Yeadon, and she describes that process in her first and third witness
9 statements for the judicial review¹⁶⁹. As recorded, in the second paragraph of the email:
10 “we discussed the political agenda in both countries. We agreed that it was best if GoM
11 [that’s the Government of Mauritius] could find its way to being positive about the
12 consultation, were it signed off by the SoS [the Secretary of State]...”

13 51. There follows a list of messaging ideas, and then it continues after the bullet points:

14 “In short, the PM [the Prime Minister] could see the advantages in coming out in support of
15 the consultation. This would, however, require some political footwork locally. He had to
16 present this as something jointly developed. The references in the bilateral communiqué would
17 help, but could the announcement of the consultation wait until after the proposed bilateral
18 meetings at CHOGM at the end of November?” The British High Commissioner reports that he
19 replied that, “I thought it unlikely but would ask.”

20 52. As is also recorded there in the email, the High Commissioner was subsequently informed
21 by London that this did not look feasible. And he passed this message on to the Prime
22 Minister’s Chief of Staff, Kailesh Ruhee, when he met with him the next day to explain the

¹⁶⁶ UKCM, para. 3.51.

¹⁶⁷ Rejected by Mauritius by the Note Verbale dated 5 November 2009, MM Annex 150.

¹⁶⁸ UKCM, para. 3.52, UKR Annex 60, Record of meeting between British High Commissioner and Mauritian Prime Minister on 22 October 2009, UKAF, Folder 1, Tab 13.

¹⁶⁹ UKR, Annex 69 (paras. 17-25), Annex 73 (paras. 18-25).

1 likely shape of the consultation document. The record of that meeting is at Tab 15¹⁷⁰.
2 And I will just take you to two brief passages. The first is in the second paragraph towards
3 the end. “Timelines were tight in the UK. The proposed consultation couldn’t now be
4 delayed.” It is then recorded at the beginning of the next paragraph that, “Kailash took
5 this in his stride. He, personally, was 1000% committed to the idea. He understood and
6 agreed with the science”¹⁷¹.

7 53. These exchanges show three things: First, that Mauritius was offered involvement in the
8 public consultation; second, the third round of talks did not take place before the public
9 consultation was launched, which might have allowed that to happen, because Mauritius
10 did not commit to any dates; third, it shows that Mauritius was kept fully apprised of the
11 fact that the public consultation would go ahead before the talks and could not be delayed.
12 Officials on both sides were frank about their respective election timetables.

13 54. The UK’s understanding at this time of the Mauritian position is reflected in the
14 submission sent to the Foreign Secretary on 29 October 2009¹⁷² recommending the launch
15 of a public consultation. And this is at Tab 16. If you turn to paragraph 11, which is on
16 the third page of the document towards the middle, it states that our High Commissioner in
17 Port Louis:

18 “advises that while Prime Minister Ramgoolam can see the advantages in supporting the
19 consultation the fact that it was ‘unilateral’ [the UK consultation] will be difficult for him
20 in the run up to elections in Mauritius next spring. It would help if he could play up our
21 bilateral dialogue. For this reason we recommend that the Foreign Secretary telephone the

¹⁷⁰ UKCM, Annex 104, Record of meeting between British High Commissioner and Mauritian Prime Minister’s chief of staff on 23 October 2009, UKAF, Folder 1, Tab 15.

¹⁷¹ Referred to in UKCM, para. 3.51.

¹⁷² MR, Annex 147, Submission dated 29 October 2009 from Joanne Yeadon and Colin Roberts to the Foreign Secretary, “BIOT: Public Consultation on Proposed Marine Protected Area”, UKAF, Folder 1, Tab 16.

1 Prime Minister ahead of the launch to discuss the matter and so help optics in
2 Mauritius”.¹⁷³

3 As you can see, the concern expressed centered on the domestic political timetable, a point
4 to which I will return.

5 **The National Oceanography Centre report**

6 55. The submission on the 29th of October drawn up by Ms. Yeadon recommending the launch
7 of the public consultation also drew on the scientific advice received from a workshop held
8 at the UK’s National Oceanography Centre in Southampton on 5-6 August 2009¹⁷⁴. The
9 workshop was convened by the Centre, which I will refer to in shorthand as the “NOC,” to
10 provide an independent scientific assessment of the scientific justification for the Chagos
11 Environment Network proposal¹⁷⁵.

12 56. The NOC identified and invited a number of experts from both the NOC and elsewhere in
13 the UK who could complement the input from the Chagos Environment Network¹⁷⁶. The
14 workshop report is at Tab 17. And although I won’t take you to it, a list of the attendees
15 can be found on p. 14, at Annex 2. This is an important document, and not referred to in
16 any detail by Mauritius.

17 57. The executive summary of the Report was set out in the Counter-Memorial,¹⁷⁷ and the
18 scientific case for the MPA was further elaborated in the Rejoinder¹⁷⁸. And then the
19 Attorney General in his submissions took you to the key aspects of the scientific case in
20 support of the MPA. The footnotes in the transcript to his submissions include references
21 to some of the findings in this Report. I will just focus on a couple of points.

¹⁷³ Ibid, para. 14; see also UKR, para. 3.11.

¹⁷⁴ Ibid, para. 19, p. 5 (numbering in original).

¹⁷⁵ UKCM, Annexes 97 (Letter from Professor Hill, NOC, to Colin Roberts, BIOT Commissioner, 19 June 2009) and 102 (National Oceanography Centre final report of workshop held on 5-6 August 2009), p. 2, UKAF, Folder 1, Tab 17.

¹⁷⁶ Ibid.

¹⁷⁷ UKCM, para. 3.54.

¹⁷⁸ UKR, paras. 3.45-3.53.

1 58. The conclusion of the workshop is set out in the third point of the executive summary, which is
2 on p. 1 of the document, 3 pages in from the beginning of the tab. It says:

3 “There is sufficient scientific information to make a very convincing case for designating
4 all the potential Exclusive Economic Zone of the [BIOT/Chagos Archipelago] as a Marine
5 Protected Area.”

6 59. Now, Mauritius did not challenge the scientific basis for the MPA in its pleadings, but now
7 in its oral submissions casts doubt on the scientific case for a no-take MPA. Its
8 submissions have centred on the comments on the MPA proposal sent by MRAG to BIOT
9 officials on 9 July 2009, to which I have already referred. Professor Crawford argued that
10 the UK disregarded MRAG’s “scientific advice” which, he said, “strongly disapproved of
11 the plan,” and warned that closing its highly sustainable fishing zone would fail to “address
12 all ‘conservation concerns.’”¹⁷⁹

13 60. This argument gives an incomplete and misleading picture. The UK did not disregard
14 MRAG’s advice, but it was not the only advice that it received. MRAG’s arguments for a
15 zoned rather than a no-take MPA were, in fact, the subject of discussion by other scientists
16 at the NOC workshop. And you can see that, if you would turn to page 8 of the Report and
17 if you look halfway down the column to the heading, “Fisheries Issues.” Here it says that:
18 “The expectation for MPAs is that they are partly, if not fully, no-take zones for fishing,
19 either immediately or phased-in on the basis that the protected area thereby assists in
20 achieving stock recovery and/or maximizing long-term yields over a larger area. No-take
21 zones should also eliminate any non-targeted bycatch that might threaten endangered
22 species.” You will then see in the second column on the right-hand side that MRAG’s
23 representatives at the workshop questioned whether full closure of all BIOT fisheries
24 would achieve the desired conservation outcome and that it provided a paper and the key

¹⁷⁹ Day 4, Crawford, pp. 383: 9-21 – 384:1-6.

1 points from that paper are then listed in the bullet points that follow at the bottom of that
2 page and that they go over onto the next.

3 61. These arguments were not accepted. The report notes that: “Whilst acknowledging the
4 complexities of the above issues, other workshop participants were not all fully persuaded
5 by these arguments.”

6 62. The Attorney General referred the Tribunal to arguments in favour of no-take MPAs
7 published in other studies as well which support those scientists at the workshop who were
8 not persuaded by MRAG’s views¹⁸⁰. This included the study by Dr. Koldewey and her
9 colleagues. And this can be found under the next Tab, Tab 18.

10 63. If you turn to page 2, in the highlighted part of the first column, which is about just over
11 two thirds of the way down, it states that the paper, “reviews the evidence that was
12 compiled to assess the benefits of establishing a full no-take MPA during the FCO
13 consultation, particularly closing the tuna fisheries to the 200 mile EEZ”¹⁸¹.

14 64. If I could now take you to page 5 of the article, which is three pages through, in the
15 highlighted passage in the second column, which is in the second paragraph, the authors
16 conclude that the closure of BIOT to all commercial fishing would help to eliminate the
17 problems of bycatch in the Indian Ocean and that it would also help to reduce the alleged
18 Elasmobranch bycatch in the western Indian Ocean as a whole by providing a temporal and
19 spatial haven”.

20 65. If we turn to page 7, two pages through, in the first column starting at the second
21 paragraph:

¹⁸⁰ Day 1, Grieve, pp. 48-51, citing H. Koldewey, D. Curnick, S. Harding, L. Harrison, M. Gollock, ‘Potential benefits to fisheries and biodiversity of the Chagos Archipelago/British Indian Ocean Territory as a no-take marine reserve’, 60 *Marine Pollution Bulletin* 1906 (2010), UKR Annex 63 and UKAF, Folder 1, Tab 18, D. M. Ceccarelli, *The value of oceanic marine reserves for protecting highly mobile pelagic species: Coral Sea case study* (2011), UKR Annex 68 and G.J. Edgar, et al, “Global conservation outcomes depend on marine protected areas with five key features”, *Nature*, vol. 506, 13 February 2014, 216, UKR, Annex 80.

¹⁸¹ UKR, Annex 63, Koldewey et al, p. 2 (1st column).

1 ARBITRATOR GREENWOOD: Ms. Nevill, I'm sorry to interrupt you again.
2 Before we leave Page 5, could you explain – I'm probably just grappling with the scientific
3 parlance here, but what is Elasmobranch by-catch? I thought lawyers were good at weird
4 technical jargon, but this leaves me completely cold. What is it?

5 MS. NEVILL: I'm afraid that I will have to come back and answer your
6 question after the break. Or we may need to refer back to London for further advice. It may
7 be that Professor Boyle will be able to provide further assistance on the term on Friday in his
8 speech that will also be covering these issues.

9 ARBITRATOR GREENWOOD: Thank you. I'll look forward to hearing
10 Professor Boyle's explanation of it.

11 PRESIDENT SHEARER: Ms. Nevill, I note that Professor Boyle is not going to
12 be able to help you on that from his body language, so it may be that further investigation, but I
13 note that we are approaching the time for luncheon break. Can you tell me – tell us how much
14 longer you would be with your speech, whether we should adjourn now and you could take up
15 the matter.

16 MS. NEVILL: With the leave of the Tribunal, I would just make a further point
17 based on this document, and then stop, and then come back after the break.

18 PRESIDENT SHEARER: Very good. Thank you, Ms. Nevill.

19 MS. NEVILL: I had before Judge Greenwood's question referred to page 7 of the
20 article and the second paragraph. There: "It is concluded that a permanent no-take zone in the
21 Chagos BIOT will maintain both fish populations and a near pristine habitat that exists in this
22 area". So, as you can see from the comments in the MRAG report and also that were followed up
23 by the study, there was support for a no-take MPA, and that the proposals of MRAG that suggested
24 a scientific case may not have been made out were considered by the scientists involved, and they
25 reached a different conclusion, and so I will leave it there and return after the break.

1 PRESIDENT SHEARER: Okay. Thank you, Ms. Nevill.

2 Oh, there is one more question.

3 Judge Hoffmann.

4 ARBITRATOR HOFFMANN: Thank you, Mr. President.

5 Ms. Nevill, you referred to this report now which is a scientific report, I take it.

6 Can you perhaps indicate whether there was any response from a scientific point of view on this

7 idea of excluding from the MPA the Diego Garcia islands, considering that there is some

8 catching of tuna taking place and other activities. Just from a purely scientific point of view,

9 whether there was any reaction to the exclusion of Diego Garcia.

10 Thank you.

11 MS. NEVILL: I could answer that question now, but with your leave, I would

12 suggest that it might be quicker and more focused if I come back to you after the break with a

13 response on that point.

14 PRESIDENT SHEARER: Very good. Then we will rise for the luncheon

15 adjournment and return at 2:30 this afternoon. Thank you.

16 (Whereupon, at 1:00 p.m., the hearing was adjourned until 2:30 p.m., the same

17 day.)

AFTERNOON SESSION

1
2 66. Before moving onto the public consultation I have one more brief point, and that's taking
3 you back to the NOC report, although there's no need to return to it unless the Tribunal
4 wishes to do so. The Tribunal may have noticed that, in the same section of page 9 of the
5 NOC Report, that "The workshop also considered that the issue of Mauritian fishing rights
6 was a political one that could only be resolved by negotiation and international
7 agreement." And this passage of the report was picked up on by Mauritius in its
8 submissions. Neither MRAG, as I've already said, nor the workshop participants, who are
9 not lawyers, were being asked for a legal analysis. That is not to say that the points did not
10 receive attention. As already noted, legal advice was sought by BIOT officials on the
11 legal issues raised by the proposals from the FCO Legal Directorate. And this is referred
12 to in the witness statements of Ms. Yeadon and Colin Roberts in the third witness
13 statements that were produced in the course of the judicial review.

14 **The public consultation**

15 67. Moving now to the launch of November 2009 and the Consultation Document is at Tab 19
16 of the folder. On page 5 of the Document, you will see under the heading Consultation
17 Questions, and that three options are set out for a possible large scale MPA. Should it be a
18 i) a full no-take MPA, ii) zoned to allow fishing for pelagic species such as tuna during part
19 of the year, or iii) zoned to protect the coral reef system only? And the Consultation
20 Document asks respondents to say which of the options they consider "the best way
21 ahead."

22 68. In accordance with the government's guidelines on public consultations, the Consultation
23 Document also includes an outline of "Impact/costs and benefits" which starts on page 11
24 of the document. If you turn over to the next page, you will see towards the bottom that

1 there is a heading for “Mauritius”, and that the impact on Mauritius is summarised in a
2 relatively full paragraph. It says:

3 “We have discussed the establishment of a marine protected area with the Mauritian
4 government in bilateral talks on the British Indian Ocean Territory - the most recent being
5 in July 2009,” and then the Consultation Document actually annexes the joint communiqué
6 produced from that meeting. It continues: “The Mauritian government has in principle
7 welcomed the concept of environmental protection in the area. The UK has confirmed to
8 the Mauritians that the establishment of a marine protected area will have no impact on the
9 UK’s commitment to cede the Territory to Mauritius when it is no longer needed for
10 defence purposes. We will continue to discuss the protection of the environment with the
11 Mauritians.”

12 69. The Chagossian community is the subject of the next paragraph, on page 13. It records
13 that, “the current position under the law of BIOT is that there is no right of abode in the
14 Territory,” and that under “these current circumstances, the creation of a marine protected
15 area would have no direct immediate impact on the Chagossian community.” However, it
16 is recognized that “circumstances might change following any ruling that might be given in
17 the case in *Chagos Islanders and UK*” which was then before the European Court of
18 Human Rights in Strasbourg, which essentially was taking a case challenging the House of
19 Lords decision in 2008, which ruled against, which upheld the policy on settlement and
20 right of abode. And it’s also noted in that paragraph that “[c]ircumstances may also change
21 when the Territory is ceded to Mauritius.”

22 70. Thus the Consultation Document made clear that the MPA was without prejudice to the
23 undertaking to cede the territory when no longer needed for defence purposes and any
24 changes to policy on resettlement. It also records the Government’s intention to continue
25 separate talks with Mauritius alongside the public consultation.

1 **Mauritius’ initial responses to the public consultation**

2 71. On the 10th of November 2009, the same day as the scheduled launch of the public
3 consultation, the British High Commissioner in Port Louis called on Foreign Minister
4 Boolell and took him through the Consultation Document. He then called on the Cabinet
5 Secretary and provided him with a copy¹⁸².

6 72. The United Kingdom Foreign Secretary then telephoned Prime Minister Ramgoolam to
7 brief him on the public consultation. And the record of the call is at Tab 20 of the
8 Tribunal’s folder¹⁸³. You will see there that the Foreign Secretary sought to assure the
9 Prime Minister that the public consultation was on the “idea of an MPA,” and this is
10 recorded about halfway through the first paragraph: “Going out to consultation was the
11 right thing to do before making any decisions. We would talk to Mauritius before we
12 made any final decision. Mauritian views are very important”. There’s then a reiteration
13 in the second, in the next paragraph that it was without prejudice to the UK commitment to
14 cede the territory when no longer required for defence purposes. It then concludes in that
15 paragraph that the Foreign Secretary “hoped the UK and Mauritius could work closely
16 together on this”.

17 73. Prime Minister Ramgoolam then “responded that environmental protection was an
18 important subject for him. He had a few problems with the consultation document, which
19 he had only just seen, and would be sending a Note Verbale on this. His first problem was
20 on page 12. “we, {Mauritius} had agreed in principle to the establishment of an MPA”.
21 This was not the case. Could we amend the consultation document?”. He also suggests
22 and he also raises the complaint, for the first time, that a ban on fishing might be
23 incompatible with resettlement and that the Consultation Document did not mention the

¹⁸² UKCM, para. 3.62.

¹⁸³ UKCM, Annex 106, Record of telephone call between Foreign Secretary and Mauritian Prime Minister, 10 November 2009 and UKAF, Folder 1, Tab 20.

1 sovereignty issue. This was incorrect. As we have seen, the Consultation Document did
2 in fact refer to both the Government’s resettlement policy and the Mauritius claim to
3 sovereignty.

4 74. The Foreign Secretary’s surprise at the shift in tone is evident in the next paragraph: he
5 says that “he hoped there had been no misunderstanding. He understood that the
6 discussions between the UK and Mauritius had been positive”.

7 75. The Foreign Secretary reiterated, at the third paragraph from the bottom of the page, that
8 “the bilateral talks were an important forum and the purpose of the consultation was to
9 bring the idea of an MPA to a wider public”. And here obviously he’s referring here to the
10 public consultation.

11 76. This was the first indication the UK received that Mauritius was changing its position.
12 But even then, the Prime Minister still expressed the view in this call that environmental
13 protection was important. He did say that he did not “want” the consultation to take
14 place outside the bilateral talks; no doubt this was because of the impact on his party’s
15 position in the forthcoming elections, as he had indicated in his conversations with the
16 British High Commissioner in October. Mauritius says that the UK “twists the plain
17 meaning of what the Prime Minister was saying,” when it says that Prime Minister
18 Ramgoolam was not saying that the public consultation should be withdrawn¹⁸⁴. But
19 quite simply, the Prime Minister did not ask for the public consultation to be withdrawn.
20 He said would raise the matter with Gordon Brown at CHOGM later in November and
21 sought and received—and this is on the page of the following page – an assurance that
22 the subject could be brought up at the next bilateral talks, thus clearly anticipating that
23 there would be further talks.

¹⁸⁴ Day 2, Macdonald, p. 196: 22-24.

1 77. If the Prime Minister’s plain meaning was that the public consultation should be
2 withdrawn, then why did Mauritius’s Note Verbale of the same day not say so? And you
3 will find that at Tab 21. The Note Verbale seeks amendment of the wording of the
4 consultation document, but nowhere does it protest at the launch of the public
5 consultation¹⁸⁵. This is a baffling omission, if this was, as Mauritius now argues, its
6 position on 10 November.

7 78. Indeed, communications between Mauritius and the UK after the launch of the public
8 consultation initially continued relatively positively, as the record of a meeting between the
9 British High Commissioner and Foreign Minister Boolell on 20 November shows.¹⁸⁶ This
10 is at Tab 22. And you will see that it’s the email towards the bottom of the page, and that
11 there are some indications in highlighting of the relevant passages. Mr. Boolell is recorded
12 as saying that he was pleased to see multiple references to the commitment to cede when no
13 longer required for defence purposes. It also confirms, towards the end, it says, “We were
14 both interested in marine conservation. We had plenty of scope to work together.
15 Boolell agreed”. Clearly these were propositions put to him by the British High
16 Commissioner with which Boolell agreed.

17 **Mauritius’ change in position**

18 79. However, in a Note Verbale sent only the next day, on 23 November 2009¹⁸⁷, which I
19 haven’t included here, but I will give you an account of its content, Mauritius said for the
20 first time that it believed that it was quote, “inappropriate for the consultation,” on the
21 proposed MPA to take place outside the ongoing-bilateral talks, and that it considered
22 that, “an MPA project in the Chagos Archipelago should not be incompatible with its

¹⁸⁵ MM, Annex 153, Mauritius Note Verbale of 10 November 2009, UKAF, Folder 1, Tab 21.

¹⁸⁶ UKCM, Annex 110, Record of meeting between British High Commissioner and Mauritian Foreign Minister on 20 November 2009, UKAF, Folder 1, Tab 22.

¹⁸⁷ MM, Annex 156, Letter from United Kingdom Foreign Secretary to Mauritian Foreign Minister of 15 December 2009, UKAF, Folder 1, Tab 23.

1 sovereignty over Chagos Archipelago and should address the issues of resettlement, access
2 to fisheries resources and the economic development of the islands in a manner which
3 would not prejudice an eventual enjoyment of sovereignty.” Not only was this was the
4 first time that Mauritius claimed that it was “inappropriate” for any consultation over the
5 proposal to take place outside the bilateral process - and here it’s clearly talking about the
6 public consultation - but it was the first time that it said that any MPA project, “had to be
7 compatible with the long-term resolution or progress in the talks on the sovereignty issue,”
8 which appears to be referring to the bilateral talks and insisting that any talks on the MPA
9 must encompass those issues.

10 80. These were somewhat belated objections, given that the public consultation had by then
11 been underway for nearly two weeks, and the Mauritian official reaction had been
12 conveyed by the Note Verbale of 10 November, which did not make these protests.

13 81. The UK had already stated in the Consultation Document, and in exchanges with
14 Mauritius, that the MPA proposal was without prejudice to the commitment to cede the
15 Territory when no longer needed for defence purposes and any change in UK policy on the
16 right of abode. It is very difficult to understand how any marine protected area preserving
17 the environment or any consultation on one would “prejudice an eventual enjoyment of
18 sovereignty.”

19 **The meeting between the Prime Ministers at CHOGM, 27 November 2009**

20 82. I now turn to the conversation in the margins of the CHOGM conference on 27 November
21 2009 between Prime Minister Gordon Brown and Prime Minister Ramgoolam. It is
22 alleged by Mauritius that Prime Minister Brown promised Prime Minister Ramgoolam that
23 he would put the MPA “on hold.” And this alleged conversation or this alleged
24 commitment has been referred to several times already throughout the speeches and also
25 was referred to again by the Agent today. This allegation has been invoked in support of

1 Mauritius’ case under various articles including Articles 2(3) and 194, Article 78(2) and
2 283¹⁸⁸.

3 83. The UK said in its Counter-Memorial that, “when the allegation first arose that the United
4 Kingdom Prime Minister had given any such undertaking to withdraw the consultation, the
5 Prime Minister was asked whether he had: he said he had not.” It reiterated this response in
6 its Rejoinder. Ms. Yeadon explained in her submission to Ministers of 30 March 2010,
7 which Ms. Macdonald took you to last Friday¹⁸⁹ and I will briefly come back to again in a
8 moment, Ms. Macdonald took you to that on Friday, and it’s the passage where it records
9 that Prime Minister Ramgoolam “insist[ed] that Gordon Brown promised to halt the MPA
10 consultation.” Now, if there had been any understanding on the part of UK officials that
11 Prime Minister Brown had in fact made such an undertaking, Ms. Yeadon would
12 undoubtedly have said so in her submission. She did not. Ms. Macdonald also argues
13 that Ms. Yeadon’s words show that, “those within the Foreign Office were well aware of
14 Mauritius’s position at the time.” The UK has never suggested that UK officials were not
15 aware that a misunderstanding had arisen.

16 84. It is clear that it had, and it is not uncommon in any conversation between two individuals.
17 The UK does not seek to suggest that Prime Minister Ramgoolam’s stated understanding
18 and recollection as to what was said was not genuine, nor to make light of it, but it does not
19 accept that that was what was said by Prime Minister Brown.

20 85. The Attorney General last week assured the Tribunal that he was satisfied that no
21 commitment to put the MPA “on hold” had been given by the Prime Minister¹⁹⁰.

¹⁸⁸ Day 2, Macdonald, p. 197:13-15; Day 3, Macdonald, pp. 220:3-25 - 222:1-89, p. 230:1-4, 15-19 ; Day 3, Sands, p. 292:17-19, pp. 292:21 - 293:1-5, 10-12, pp. 301: 5-25 – 302: 1-11; Day 3, Loewenstein, p. 322: 3-4, p. 340: 12-14.

¹⁸⁹ Day 3, Macdonald, p. 224:2-17.

¹⁹⁰ Day 1, Grieve, p. 55:12-13.

1 86. When UK officials became aware that some misunderstanding had arisen, the Foreign
2 Secretary wrote to the Mauritian Foreign Secretary on 15 December 2009, which is a
3 relatively quick turnaround in diplomatic terms, as the Agent for the United Kingdom
4 pointed out this morning. And this was a genuine attempt to clear up the confusion¹⁹¹.
5 That letter is at Tab 23 of your folders, and it's quite important, so I'll go through it at some
6 length.

7 At the second paragraph it says:

8 "At our meeting [and here he is referring to the meeting between the Foreign Ministers at
9 CHOGM], you mentioned your concerns that the UK should have consulted Mauritius
10 further before launching the consultation exercise. I regret any difficulty that this has
11 caused you or your Prime Minister in Port Louis. I hope you will recognise that we have
12 been open about the plans and that the offer of further talks has been on the table since July.

13 I would like to reassure you again that the public consultation does not in any way
14 prejudice or cut across our bilateral intergovernmental dialogue with Mauritius on the proposed
15 Marine Protected Area. The purpose of the public consultation is to seek the views of the wider
16 interested community, including scientists, NGOs, those with commercial interests and other
17 stakeholders such as the Chagossians. The consultations and our plans for an MPA do not in any
18 way impact on our commitment to cede the territory when it is no longer required for defence
19 purposes." And he continues on the second to last paragraph on the page.

20 "Our ongoing bilateral talks are an excellent forum for your Government to express its
21 views on the MPA. We welcome the prospect of further discussion in the context of these
22 talks, the next round of which looks likely to happen in January.

23 ... I hope that Mauritius will take up the opportunity to pursue this bilateral dialogue." And
24 then over the page: "Whatever misunderstandings there may have been to date, I remain

¹⁹¹ MM, Annex 156, Letter from United Kingdom Foreign Secretary to Mauritian Foreign Minister of 15 December 2009, UKAF, Folder 1, Tab 23.

1 convinced that further marine protection in the Indian Ocean is a goal that we can both
2 share.” And then at the end: “I look forward to working with you towards this common
3 goal of marine protection.”

4 87. Thus, the letter makes it absolutely clear that first, the public consultation will continue,
5 and, second, that the UK still sought further consultations with Mauritius on the MPA
6 proposal alongside the public consultation. Mauritius could not, it is submitted, have been
7 under any misapprehension following this letter as to either.

8 88. It might also be noted that the letters and Notes Verbale from Mauritius after the Foreign
9 Secretary’s letter of 15 December 2009—and I have references to these in a footnote in the
10 transcript—none of these protested that the continuation of the public consultation
11 breached any undertaking by Prime Minister Brown to put the MPA “on hold”, or any
12 commitment by him to withdraw the public consultation¹⁹². And/nor was this protest
13 made in Mauritius’ Note Verbale of 2 April 2010 protesting the MPA, and/nor was it raised
14 in its Memorial.”¹⁹³

15 89. Despite the Foreign Secretary’s letter, there were no talks with Mauritius in January.

16 ARBITRATOR GREENWOOD: Ms. Nevill, I’m sorry to interrupt you. Was
17 there a reply from Mr. Boolell to Mr. Miliband? Was there a response directly to this letter? I
18 can’t remember.

19 MS. NEVILL: My recollection – I confess, I haven’t got the documents in front
20 of me. My recollection is it’s a general letter coming back from Mauritius.

¹⁹² UKCM, para. 3.63. MM, Annex 157 (letter of 30 December 2009 from Foreign Minister Boolell [nb: see p. 591 of the transcript]), MM, Annex 159 (letter dated 30 December 2009 from the Mauritius High Commissioner in London to the Sunday Times), MM, Annex 160 (written evidence of the Mauritius High Commissioner in London to the Foreign Affairs Committee, 4 February 2010), MM Annex 162 (letter of 19 February 2010 to the British High Commissioner in Port Louis), MM, Annex 167 (Note Verbale dated 2 April 2010).

¹⁹³ MM, para. 4.59.

1 ARBITRATOR GREENWOOD: Thank you. Please don't let me distract you
2 further. I'm sure one of your colleagues can look up the answer.

3 MS. NEVILL: But I'm not aware whether it's a direct letter, but there are two
4 documents that follow, a Note Verbale and a letter, both of the 30th of December which are
5 expressed in similar terms.

6 Mauritius sent a Note Verbale and letter on 30 December 2009 in similar terms.¹⁹⁴.
7 The essence of what Mauritius said in these communications was that it would not hold separate
8 consultations on the proposal unless any discussion relating to the proposed establishment of an
9 MPA also included the discussion of the issues that it linked to its sovereignty claim it had set
10 out—and this reflected what it had set out in its Note Verbale of 23 November 2009, to which I
11 have just referred.

12 91. The United Kingdom continued to make overtures to Mauritius offering talks and
13 consultation notwithstanding, first by a Note Verbale from the British High
14 Commissioner of 15 February 2010¹⁹⁵.

15 92. The Mauritian response, in a letter of 19 February 2010, was, in effect, a refusal to resume
16 the bilateral talks unless the public consultation was withdrawn¹⁹⁶.

17 93. The UK nevertheless tried again in a letter of 19 March, which is at Tab 24. Towards
18 the end of the second paragraph it records that,

19 “... the United Kingdom is keen to continue dialogue about environmental protection
20 within the bilateral framework or separately” and that the “public does not preclude, overtake or
21 bypass those talks”¹⁹⁷.

¹⁹⁴ MM Annexes 157 (Letter from Foreign Minister Boolell to the Foreign Secretary) and 158 (Note Verbale from Mauritius dated 30 December 2009)

¹⁹⁵ UKR, Annex 64, Note Verbale No. 6/2010 from British High Commission to Mauritius Ministry of Foreign Affairs, 15 February 2010.

¹⁹⁶ MM, Annex 162, Letter from Secretary to Cabinet and Head of the Civil Service, Mr Seelballuck, to the British High Commissioner dated 19 February 2010.

¹⁹⁷ MM, Annex 163, Letter from British High Commissioner to the Secretary to Cabinet and Head of the Civil Service dated 19 March 2010, UKAF, Folder 1, Tab 24.

1 And the UK tried once more in a Note Verbale of 26 March 2010 to engage Mauritius in
2 discussions on the proposal and again reiterated that the public consultation did not preclude,
3 overtake or bypass those talks¹⁹⁸. Mauritius did not take up any of these offers.

4 **The outcome of the public consultation**

5 94. I now turn to the outcome of the public consultation, which ran until 5 March 2010. Over
6 a quarter of a million people responded from around the world. This is believed to be by
7 far the biggest response ever to a public consultation undertaken by the UK Government.

8 95. A large number of responses were received from the international scientific community,
9 and these are summarised in paragraphs 22 and 23 of the report of the consultation
10 facilitator¹⁹⁹ which is annexed to the Counter-Memorial. Also annexed to the
11 Counter-Memorial is a collation of the replies, and I was making reference to this
12 document when I was saying we were pulling out references about comments on the
13 scientific argument concerning the exclusion of Diego Garcia. The Consultation results
14 also included the outcomes of oral discussions held with Chagossian communities in
15 Mauritius, the Seychelles and the United Kingdom.

16 96. The 2 page executive summary of the Public Consultation results are at Tab 25. And
17 the key findings are at paragraphs 7 to 9:

- 18 • Well over 90% of the responses supported greater marine protection in principle. The
19 main difference between the responses was their view on potential Chagossian
20 resettlement and whether this question should be tackled before designation of any MPA,
21 or could be made later if circumstances changed.

¹⁹⁸ MM, Annex 164, Note Verbale from the British High Commissioner, Port Louis, to the Ministry of Foreign Affairs, Regional Integration and Trade, dated 26 March 2010.

¹⁹⁹ UKCM, Annex 121, 'Whether to establish a marine protected area in the British Indian Ocean Territory: Consultation Report', Rosemary Stevenson, Consultation Facilitator, undated; executive summary at UKAF, Folder 1, Tab 25.

1 ARBITRATOR WOLFRUM: Counsel, may I briefly interrupt you on this
2 Executive Summary. Have you a breakdown about the responses which came from Mauritius?
3 They are included in this Executive Summary, as I see particularly in Paragraph 6, but they are –
4 this is an overall view of the responses?

5 MS. NEVILL: Yes.

6 ARBITRATOR WOLFRUM: Sure, it's easier for somebody from Costa Rica to
7 agree or from Greenland than perhaps from Mauritius, so therefore that should be a bit more
8 differentiated. Thank you.

9 MS. NEVILL: Thank you, Judge Wolfrum.

10 There was no submission to the public consultation by Mauritian fishing interests. As to
11 whether they were responses by other – and there was a response by the Mauritian Chagossian
12 community which is reflected in the consultation report, and the collation of responses. I could
13 not say beyond that whether there were more responses from Mauritius, more detailed ones.
14 We would need to go back and look through the document again, but I'm not aware of any.

15 Moving back to the conclusions of the key findings in the facilitator's report, of those that
16 supported one of the three options listed, the great majority supported option 1; that is, a no-take
17 marine reserve.

18 97. As recorded in paragraph 10, which is over the page, options two and three in the MPA
19 Consultation Document', which reflected MRAG's comment on the proposal of a zoned
20 MPA of 9 July 2009, these options received limited support.²⁰⁰ These were, however, and
21 perhaps unsurprisingly, "universally the choice of the Indian Ocean commercial tuna
22 fishing community" who considered that the scientific case for the extra benefits of option

²⁰⁰ UKCM, Annex 121, "Whether to establish a marine protected area in the British Indian Ocean Territory: Consultation Report", para. 10, UKAF, Folder 1, Tab 25.

1 I were not strongly demonstrated²⁰¹. They were, however, as this executive summary
2 makes clear, in the minority.

3 **The submission to Ministers on the MPA proposal**

4 98. Following the conclusion of the public consultation, the BIOT administration made a
5 submission to ministers on 30 March 2010 on the next steps for the proposed MPA.

6 ARBITRATOR GREENWOOD: Ms. Nevill, sorry, before you take us to the
7 submission, what was the date when the consultation closed, and when were these documents
8 from the facilitator published? Did they seem to have dates on them?

9 MS. NEVILL: Yes. The public consultation closed on the 5th of March 2009.
10 I will need to confirm the date that – I mean, I appreciate that these documents are undated. I need
11 to confirm the date that the report and the collation of responses was received by the BIOT
12 Administration. I understand that it was sometime in March, but I would need to verify that.

13 ARBITRATOR GREENWOOD: Thank you.

14 MS. NEVILL: Following the conclusion of the public consultation, the BIOT
15 administration made a submission to ministers on 30 March 2010 on the next steps for the
16 proposed MPA, and this can be found in Tab 26.

17 99. Mauritius argued in its Reply that this submission and the internal communications
18 between UK officials which followed it over course of the days of the 30th and 31st of
19 March showed that the decision was “hastily declared” and that officials concerned
20 considered that there had been an inadequate period of research and consultation,²⁰² and
21 that they saw the Foreign Secretary’s decision-making as “decision-making on the
22 hoof.”²⁰³ The UK dealt with this allegation in detail at paragraphs 3.20 to 3.28 of its
23 Rejoinder, explaining why the Mauritian construction of these documents was out of

²⁰¹ Ibid.

²⁰² MR, para. 3.71.

²⁰³ MR, para. 1.14.

1 chronological order and simply wrong. Read properly, they show that UK officials in fact
2 supported a no-take MPA and support the conclusion that UK officials considered that the
3 consultation was adequate and the MPA was scientifically justified.

4 100. Notwithstanding the analysis in the UK’s rejoinder, Mauritius nevertheless went onto give
5 exactly the same analysis in its oral submissions²⁰⁴ as it had in its Reply reading the emails
6 to the Tribunal out of order²⁰⁵, although Ms. Macdonald then corrected herself.

7 101. What we have prepared for Tab 26 of the folder is a bundle of the relevant documents in
8 this exchange, which were annexed to the Mauritian pleadings, but we have reassembled
9 them in their chronological order. The pages of the tab are numbered with big number at
10 the bottom right-hand corner so that we can move through these documents. I don’t
11 intend to go through them in great detail, but I thought it might be useful if we just went
12 through and briefly mentioned the chronology.

13 First we have on page 1 of the tab Ms. Yeadon’s submission of 30 March 2010: you will see that
14 in the preferred option towards the bottom, it recommends the Foreign Secretary stop short of
15 announcing the MPA.

16 Next at page 7 of the new numbering, we have a response from Minister of the Foreign and
17 Commonwealth Office, or from his Private Secretary, Chris Bryant. He responds that he is
18 inclined to be bolder.

19 Then at page 8 we see that the British High Commissioner sends an email on the 31st of March,
20 the British High Commissioner in Port Louis, updating on the position in Mauritius.

21 Next in the timeline at p. 10 of the Tab is an email recording a telephone call from the Foreign
22 Secretary, his Private Secretary to Ms. Yeadon, on the 31st of March 2010, and this is a key
23 document, so I’m going to focus on it or pause to focus on it for a moment.

²⁰⁴ Day 3, Macdonald, pp. 223: 22 to 227: 4.

²⁰⁵ Day 3, Macdonald, *ibid* and pp. 227-230.

1 It notes that the “Foreign Secretary is minded to ask Colin [and that’s Colin Roberts the
2 BIOT Commissioner], to declare an MPA and go for option 1, {full no-take zone} BUT FINAL
3 DECISION IS NOT YET NOT TAKEN. The FS [Foreign Secretary] has said that:

4 “In an ideal world he would like to go for declaring an MPA and spend the next three
5 months reaching some sort of agreement with the Mauritian Government on the governance
6 {management} of the area but making it clear that we will have 3 months to consult them. But if
7 they won’t come to any agreement, we will go ahead anyway. He has asked for ideas whether the
8 above is feasible, what are the implications. His objective is find a way to mitigate the Mauritian
9 reaction, and we need to get something to him this afternoon”.

10 Ms. Yeadon’s initial response to this is recorded in the next paragraph: “Our initial
11 reaction here is that the Mauritians, having managed themselves into a corner publicly and
12 insisting that any MPA must deal with sovereignty and resettlement, they will find out how to
13 backtrack, especially if the UK will not be able to move on sovereignty and resettlement”.

14 102. What the Foreign Secretary’s email shows, or what the record of his message conveyed
15 through his Private Secretary which has been recorded in the email shows, what this shows
16 is that, right up until the last moment before the declaration of the MPA, the Foreign
17 Secretary was trying to find ways to work with Mauritius. It suggests the Foreign
18 Secretary was persuaded by the case for a no-take MPA put by officials, wanted to find
19 some basis to work with Mauritius on the management of the MPA, but did not want to put
20 the MPA at risk. An announcement declaring the MPA and a three month consultation
21 period with Mauritius on management would have achieved this. Holding off, in the hope
22 of reaching an agreement with Mauritius, especially given Mauritius’ previous
23 communications on the proposal, would not achieve that goal. And this, it is suggested, is
24 what the Foreign Secretary was getting at. Nevertheless, he wanted officials to go and see
25 if something could be done to work with Mauritius.

1 103. The next step in the chronology is the email from Mr. Roberts responding to Ms. Yeadon's
2 email which records the Foreign Secretary's suggestion, and this is at the next page, page
3 11. And we need to go down to the, as is common in email chains, we start with the email at
4 the bottom half of the page. Mr. Roberts responds:

5 "I think we need to give a clearer steer to the FS. I suggest the following:

6 i) the [Foreign Secretary] decides now that BIOTA[that's the BIOT Administration] – should
7 establish a full no-take MPA in BIOT's EEZ".

8 He then goes on to elaborate a further five points which basically read together suggest a phased in
9 MPA. As this shows, he certainly did think that there was a scientific case for an MPA.

10 104. Mr. Allen then responds, in the email which is at the top of the page, "Colin, I think this
11 approach [i.e. Colin's approach] risks deciding (and being seen to decide) policy on the
12 hoof. That's a very different approach to the one we recommended..." It is this email that
13 leads Mauritius to what might be called the various hoof prints all over its submissions. In
14 fact, it was not directed to the Foreign Secretary's decision making at all but to Mr.
15 Robert's ideas..

16 105. The next step in the chain is John Murton's response to Ms. Yeadon and Colin Roberts and
17 Mr. Allen's emails. He agreed, and this is on p. 12, he agreed with Mr. Allen's
18 assessment. He also records, and I'll just summarize this, and it's really set out in
19 paragraph 3 and 4 of this email, that there was a political implication, and that the "three
20 months or 12 months to hammer out details of management idea would not fly.
21 Ramgoolam would not be able to commit to negotiating this framework if we had already
22 declared an MPA". And I should have pointed out the third paragraph that "the
23 announcement could have very significant negative consequences for the bilateral
24 relationship. It would be seen by the government here in general and by PM Ramgoolam in
25 particular as exceedingly bad timing, and this is because of the general election. The

1 opposition MMM would welcome the announcement as an electoral gift”. So, as we can
2 see from this, the domestic political context which backgrounds the Mauritian position is
3 very clear. Ms. Yeadon then writes a further minute to the Foreign Secretary, which is at
4 page 14 of the Tab. In short, the advice of officials to the Foreign Secretary in this
5 document was that his suggestion would not work, and that this was because of the
6 domestic political sensitivities in Mauritius²⁰⁶.

7 106. The Foreign Secretary’s response is at p 16 of the Tab: “The Foreign Secretary was
8 grateful for your submission and a copy of the report on the consultation. He’s carefully
9 considered the arguments in the submissions and the views expressed during consultation.
10 He was grateful for your further note today. He has considered the submission in light of
11 the High Commissioner’s views in both of the ones we’ve expressed in the email which we
12 just read to you, and has given serious thought to different possible options for announcing
13 an MPA. The Foreign Secretary has decided to instruct Colin Roberts to declare the full
14 MPA (option 1) on 1 April”.

15 107. That the Mauritian position throughout was driven by domestic politics is confirmed by
16 the response of the Prime Minister to the news of the announcement when the Foreign
17 Secretary telephoned him on 1 April to advise of the decision. And this is at Tab 27²⁰⁷.
18 In paragraph 4 Prime Minister Ramgoolam asked “if it might be possible to delay the
19 announcement until after the Mauritius elections.” Turning to the next page in paragraph

²⁰⁶ As included in UKAF, Folder 1, Tab 26: email exchanges on 30 and 31 March 2010 (submission of 30 March, email from Minister’s private office of 30 March at 18.06; email within British High Commission of 31 March at 08.30, email from Joanne Yeadon to British High Commission of 31 March at 11.47, email from Colin Roberts to Joanne Yeadon of 31 March at 12.07, email from Andrew Allen to Colin Roberts of 31 March at 12.31, email from British High Commission to Joanne Yeadon and Colin Roberts of 31 March at 12.45, minute from Joanne Yeadon to Foreign Secretary of 31 March, email from Foreign Secretary’s private office of 31 March at 17.55: these are taken from MR Annex 152, MR Annex 153, MR Annex 153, MR Annex 154, MR Annex 155, MR Annex 156, MR Annex 157, MR Annex 158, UKR Annex 65, UKR Annex 66 and UKR Annex 67).

²⁰⁷ UKCM, Annex 114, Notes of telephone call from Foreign Secretary to Mauritius’ Prime Minister of 1 April 2010 in email of 1 April 2010 from Global Response Centre, unredacted version in UKR, Annex 67, UKAF, Folder 1, Tab 27.

1 6, “the Prime Minister then said that he had to take the line that Mauritius disagreed with
2 the decision on the MPA but he would like to say that he and the Foreign Secretary had
3 talked about sovereignty.” So, here we see that he had to take the position in public.
4 Notably the Prime Minister is not recorded as mentioning UNCLOS, Prime Minister
5 Brown, or environmental protection or the 1965 understandings.

6 108. Mauritius does make any comment on this aspect of the Prime Minister’s response.
7 And/nor does it respond to the point made by the United Kingdom in its Rejoinder that
8 the records of the discussions with Mauritian officials from October 2009 onwards point
9 strongly to the conclusion that the Mauritian domestic political context was driving its
10 responses to the public consultation and to the MPA proposal²⁰⁸. And that it had shifted
11 from an initial position of support for the proposal.

12 109. What these communications also show, especially when considered against the
13 background of two years of work by UK officials on the MPA proposal and the public
14 consultation, is that the decision to declare the BIOT MPA was considered and supported
15 by scientific evidence and the wider community. Indeed, the new incoming Conservative
16 Government reconsidered the policy and decided to continue implementation of the
17 MPA²⁰⁹.

18 110. It is not lost on the UK that the type of management agreement envisaged by the Foreign
19 Secretary in his email to officials on the 31st of March appears to be precisely the type of
20 approach that Mauritius now claims is the correct way to “create a marine protected
21 area”²¹⁰ and “an excellent example of what the UK should have done.”²¹¹ The UK’s
22 position is that this type of proposal could have been raised by Mauritius, but that offers

²⁰⁸ UKR, para. 3.10 b, 3.11 and 3.12.

²⁰⁹ UKR, para. 3.34 and MR Annex 162, Submission dated 1 September 2010 from Joanne Yeadon to Colin Roberts and Private Secretary to Henry Bellingham and Private Secretary to the Foreign Secretary, “British Indian Ocean Territory (BIOT): Marine Protected Area (MPA): Implementation and Financing”.

²¹⁰ Day 1, Sands, pp. 26:23-24 - 27:1.

²¹¹ Day 3, Sands, p. 312:23-25.

1 of discussions went nowhere because of the position adopted by it, not because of any
2 lack of will on the part of the United Kingdom.

3 111. Even in the announcement of the MPA on the 1st of April 2010, which is at Tab 28 of
4 your folder,²¹² it states that the UK intends to work closely with all interested
5 stakeholders in implementing the MPA; and it reiterates again publicly that it is without
6 prejudice to the undertaking to cede the Territory to Mauritius when no longer needed for
7 defence purposes.

8 112. The offer of engagement and cooperation with Mauritius is on the table. The Attorney
9 General referred in his speech to the offer extended to Mauritius on the 4th of March this
10 year inviting input on “improving the current framework for managing the Marine
11 Protected Area.” The Attorney General repeated the assurances about the UK’s
12 willingness to cooperate²¹³.

13 **The implementation and enforcement of the MPA to date**

14 113. I turn now to implementation and enforcement of the MPA. Mauritius has levelled several
15 criticisms at the implementation of the MPA to support its arguments on abuse of rights.
16 It claims that the lack of specific implementing legislation is “the declaration of an MPA
17 without a real MPA,”²¹⁴ and that the MPA has “failed in financing” and is “unsupported in
18 funds,”²¹⁵ and that it has imposed prohibitions without doing anything to establish the
19 necessary enforcement mechanisms because it only has one patrol vessel, the Pacific
20 Marlin²¹⁶. Professor Boyle will address the legal merits of these arguments on Friday. I
21 will confine myself to a few brief points.

²¹² MM, Annex 165, Foreign Secretary’s announcement of the MPA on 1 April 2010, UKAF, Folder 1, Tab 28.

²¹³ Day 1, Grieve, pp. 41: 5-11.

²¹⁴ Day 4, Crawford, p. 385:7-8.

²¹⁵ Day 4, Crawford, pp. 385:17-22 – 386: 1-6.

²¹⁶ Day 4, Crawford, pp. 386:7-21 – 387: 1-4.

1 114. The implementation of the MPA was described in paragraphs 3.69 to 3.72 of the
2 Counter-Memorial, and updated in the Rejoinder at paragraphs 3.54 to 3.59. And I
3 invite the Tribunal to refer to these passages.

4 115. Briefly, implementation and enforcement of the MPA is currently funded until at least
5 2015 by the UK Government and private donations, including a significant donation by
6 the Bertarelli Foundation, a charitable foundation set up by the Bertarelli family. It is
7 Ernesto Bertarelli who appears speaking at the end of first DVD submitted with the
8 Rejoinder. This funding was for an initial period of five years. And the BIOT
9 Administration is currently working on the next generation of funding beyond 2015.

10 116. Conservation planning is being undertaken, which includes looking at the best methods
11 of surveillance and enforcement of the MPA and dealing with the problem of illegal
12 fishing. Although Mauritius seeks to make mileage out of the fact that there is only one
13 BIOT patrol vessel, it provides no evidence that enforcement of the MPA is in fact
14 deficient.

15 117. As to the intended MPA legislation, I refer the Tribunal to what the Agent and the written
16 answers say on this point. But it should be stressed that there has been no immediate
17 practical need to enact legislation to implement and enforce the MPA because the policy
18 can be implemented under the existing legislative framework. There is one caveat on
19 this. The immediate need to be able to impose a fixed penalty fine to assist enforcement
20 of the MPA was met earlier this year by an enactment amending the existing legislation.

21 118. Mauritius has, in the course of this hearing, either invited the UK to provide information
22 in relation to the 2013 Sheppard Report, or accused the UK of failing to supply further
23 information in support of its explanations as to how the MPA is funded and enforced. It
24 has also raised the question as to whether the scientific case supports a full no-take MPA
25 over a zoned MPA. As I have explained, that is unfounded. But that's not my point

1 here. These are precisely the kinds of issues that could have been discussed with
2 Mauritius had it taken up the repeated offers of consultation, or, indeed, if Mauritius had
3 sought an exchange of views as required by Article 283, a point to which Mr.
4 Wordsworth will return.

5 **Conclusion**

6 119. In conclusion, the UK submits that the background to the BIOT MPA and its
7 implementation show: first, that the decision to create the MPA was only taken after an
8 extended period of assessment and consultation; second, if there was any lack of
9 consultation with Mauritius, this was because it refused to proceed unless the UK halted
10 the public consultation, which was a wholly unreasonable expectation in all the of the
11 circumstances - the public consultation did not cut across consultations with Mauritius;
12 third, the scientific case for a full no-take MPA is made out, and was made out on the
13 scientific advice available to the BIOT officials at the time; fourth, the MPA has adequate
14 legislation, funding and enforcement mechanisms and Mauritius has produced no evidence
15 to the contrary.

16 MS. NEVILL: I have been provided with an answer to Judge Greenwood's
17 question – two questions. First, is there a response to the letter of the 15th December of 2009?

18 Yes, there is a response from the Mauritian Minister of Foreign Affairs to the UK
19 Foreign Secretary, and this document is at MM Annex 157, and it is dated 30 December 2009,
20 and that was one of the letters to which I was referring earlier in my submission when I said
21 there was a Note Verbale and a letter.

22 In the final paragraph it says: "You will no doubt be aware that in the margins of
23 the last program, our respective PMs, agreed that the MPA project might be put on hold and that
24 this issue be addressed during the next round of Mauritius-U.K. bilateral talks. And so this

1 clarifies that, in fact, and this was, as I've said – actually I will have to revise my submissions
2 that, based on this, that that was not raised during this period.

3 What was the date of the facilitator's report? The only copies we have are
4 unhelpfully simply dated 2010, and we will try to find a more precise date. As I said, my
5 understanding was that it came through in March 2009.

6 What I would say about the letter – and I take full responsibility for missing this
7 point in the letter of 30 December 2009, is that it does not detract from the point that the UK's
8 position is, and has been, that this is not what Prime Minister Brown said and that this was not
9 the understanding of officials. Nor was the allegation made by the Prime Minister in his
10 response to the call of the Foreign Secretary on the 1st of April.

11 And that concludes my submissions and I will now hand over to Amy Sander who
12 will take you through the relevant evidence and true position of the Claims relating to the fishing
13 rights argument.

14 PRESIDENT SHEARER: Thank you, Ms. Nevill.

15 Just before you leave, I'm just wondering whether Judge Greenwood has some
16 further questions to ask you. The letter from Dr. Boolell to Dr. Miliband, I found my copy of it
17 while you were speaking, but it does seem to me that that last substantial paragraph in the letter is
18 presenting squarely to the British Foreign Secretary that there had been an agreement of whatever
19 kind, political or otherwise I'm not entering into at this stage – between the two Prime Ministers
20 that the Commonwealth heads Government meeting, so whatever the position was before the 30th
21 of December, the British Government was put on notice about this point on the 30th of December
22 2009.

23 Now, what I would be grateful for – I'm not asking you expecting you to answer
24 this question on the hoof, but I think we will avoid that expression, I don't suggest you try to and
25 answer it now, but I hope the United Kingdom will provide an answer is, what was the response to

1 this letter? Was the point just missed thereafter, or was something done about it? Because I
2 don't think the United Kingdom can now avoid the fact that it had been put on notice about what
3 Mauritius' understanding was, the conversation that the Commonwealth Heads of Government
4 Meeting.

5 Now, the second question I had, and perhaps this is for both Parties, I would be
6 grateful for clarification about how both Parties so you the relationship between the public
7 consultation and the bilateral talks between the two Governments because the correspondence I
8 have looked at doesn't appear to me to be wholly consistent on the subject. At one moment it
9 seems to be suggesting that the two consultations, as it were, would run in parallel, a public
10 consultation and bilateral and inter-governmental talks. At other points that the public
11 consultation should be stopped, and at other points still that Mauritius, if it wanted its views
12 known, would have to do so through the public consultation.

13 Now, I would be grateful if both teams would just give us an analysis, please, of the
14 different communications and show precisely where they come out on that.

15 And the third point, Ms. Nevill, is in Ms. Yeadon's Third Witness Statement at
16 Paragraph 36, she referred to something, and I will try to turn it up, I haven't got something at hand.
17 The United Kingdom would run the risk of losing private funding. – maybe I have it here. Sorry,
18 it's I not only cannot read my handwriting but I cannot read my typing on here. But somehow
19 there was reference that the United Kingdom would lose private donations which had been made
20 available to it conditional upon a complete ban on fishing.

21 Now, you mentioned the private funding from the Bertarelli Foundation. Could
22 you or one of your colleagues please tie the two remarks in together. I would like to know what
23 private funding there is, and what are the terms on which it has been given.

24 One final question, final, final question, the timetable followed for the Foreign Secretary's decision
25 is an extremely tight one. The submission is made on the 30th of March. The decision is taken

1 on the evening of the 31st of March, and the Mauritius' Minister is telephoned on the 1st of April.
2 What was the hurry? Why was it necessary to do it on the 30th of March to the 1st of April?

3 As I said, I don't expect you to answer any of those questions without preparation now.
4 I just put something down that I would like the United Kingdom team to answer for me.

5 MS. NEVILL: I can make a couple of points on those questions. Of course, my
6 colleagues may wish to – we may wish to come back in further detail.

7 Regarding your second point – and I will come back to you on the first one
8 separately – we will come back to that by separate response, but clarification as to how the Parties
9 saw the relationship between the public consultation and the talks between Mauritius and the
10 United Kingdom, the United Kingdom's position was that these talks were separate, that there was
11 a public consultation process that was separate, and that's what was made clear throughout the
12 documents. So, these suggest that what it had in mind was that the bilateral talks or talks in some
13 other form would continue alongside the public consultation. And as I have submitted by
14 reference to the documents that was seen by Mauritius at the time, it was clear that the public
15 consultation, which had been launched on the 10th of November would not compromise those –
16 would not interfere with those discussions with Mauritius. Regarding the point on the rush for the
17 Foreign Secretary, as it had been referred to in earlier discussions by both parties, both were under
18 political timetable pressure, it may be that that may have had an influence on the turnaround on this
19 decision-making. I understand that is the case.

20 ARBITRATOR GREENWOOD: Ms. Nevill, I understand that, but it would have
21 to be said that the issue of Marine Protected Area around the Chagos Islands would probably
22 feature more prominently in a General Election in the Mauritius rather than General Election of
23 the United Kingdom it's not Ms. Yeadon's Witness Statement. It's Mr. Roberts' First Witness
24 Statement at Paragraph 26 that contains the reference to funding.

1 MS. NEVILL: That point I will follow up separately. So, unless the Tribunal
2 has further questions for me, I will now hand over to Ms. Sander.

3 PRESIDENT SHEARER: I think Judge Wolfrum has a question.

4 ARBITRATOR WOLFRUM: Counselor, a very brief question: You said that
5 the MPA was scientifically well-founded. We have seen the report on this one conference,
6 which included all, et cetera, but also officials from the FCO, and then we have seen one article
7 in the one of the journals.

8 Do you have further evidence to that extent that the establishment of the MPA
9 was well-founded?

10 Let me put it this way: The consultation process, which you described in detail,
11 since we don't know who was responding exactly, and who was addressed, I would not qualify it
12 as scientific adviser or something else, but I would rather to perspective that we get at least to
13 some extent detailed analysis of the status of the coral reefs, of the fish stocks, of the situation of
14 the atolls and islands, not Diego Garcia itself, sure, to indicate to us that this kind of Marine
15 Protected Area was necessary in the way it was taken.

16 These are very different issues which have to be tackled. I'll only a lawyer, but at least I could
17 possibly read reports of biologists and others.

18 Thank you.

19 MS. NEVILL: As with the other questions I had been asked just now, I think
20 probably the best way forward would be for us to confer and then come back to the Tribunal with
21 full answers.

22 PRESIDENT SHEARER: Very good.

23 MS. NEVILL: Any further questions?

24 PRESIDENT SHEARER: Thank you, Ms. Nevill.

25 And I would now call Ms. Sander to the podium.

1 Ms. Sander, we've got about 53 machines before we normally take our break, so I
2 will leave it to you to indicate a convenient moment in your speech to take the break. Thank
3 you.

4 MS. SANDER: Mr. President, I'm grateful I have the watch to my right.

5 **The relevant evidence / true position on claims to fishing rights**

6 **Amy Sander**

7 **29.4.14**

8 **Purpose of this oral submission**

- 9 1. Mr. President, Members of the Tribunal, it is an honour to appear before you on behalf of the
10 United Kingdom.
- 11 2. In my submission I shall set out the key *facts* relating to the 1965 understandings, in particular
12 the issue of fishing rights as now advanced by Mauritius. Mr. Wordsworth will be addressing
13 the legal implications on Friday, in particular Mauritius' case that a series of *legally binding*
14 undertakings were given by the British Government in 1965.
- 15 3. My submission is divided into eight points. They are as follows:
- 16 3.1. *One*, the factual record is clear; in 1965, fishing in Chagos waters was limited to fishing for
17 the domestic needs of the then inhabitants of the islands.
- 18 3.2. *Two*, the individual who proposed the insertion of the reference to "fishing rights" in the
19 record of the meeting of 23 September 1965, the Mauritian Premier, was seeking preferential
20 fishing rights if granted.
- 21 3.3. *Three*, in 1965, Mauritian Ministers characterised the 1965 understanding on fishing rights as
22 "mere assurances", thus reflecting the absence of an understanding that a binding legal
23 obligation had been agreed.
- 24 3.4. *Four*, to comment on the significance of the internal correspondence from 1966 to 1968
25 referred to by Mauritius last week.

1 3.5. *Five*, Mauritius’ attempt in the early 1970s to advance an expansive, and erroneous,
2 interpretation of the 1965 understanding was rejected.

3 3.6. *Six*, that the British Government always informed the Mauritius Government as to new
4 measures impacting on fishing in BIOT waters, and when the ability of Mauritian fishermen
5 to fish in BIOT waters was *restricted*, Mauritius did not protest with reference to the 1965
6 understanding on fishing rights.

7 3.7. *Seven*, over the years, Mauritians have demonstrated minimal interest in the actual
8 exploitation of any “fishing rights”.

9 3.8. *Eight*, Mauritius’s stance during the 2009 talks and in its response to the establishment of the
10 MPA, rested on its claim to sovereignty, and was not made with reference to free-standing
11 legally binding rights pursuant to the 1965 understanding.

12 4. Those eight points are all addressed in the Appendix to the Rejoinder at Pages 188 to 236. For
13 reasons of time, I can only take the Tribunal to certain passages of certain documents, although
14 the references for the documents to which I do refer but which I do not take the Tribunal to will
15 appear in the transcript²¹⁷. When the Tribunal separately considers the *full* documentary
16 record, it is invited to do so with reference to that Appendix; it was prepared with *great* care,
17 and it is intended as a helpful roadmap through what is a relatively large amount of material.

18 **(1) In 1965, fishing was limited to fishing for the domestic needs of the then inhabitants of**
19 **the islands**

20 5. So turning to my first point: in 1965, fishing in Chagos waters was limited to fishing for the
21 domestic needs of the then inhabitants of the islands²¹⁸.

22 6. I begin with this point as it is important for appreciating the context of discussions between the
23 British Government and the Mauritian Council of Ministers in 1965 as to fishing, in particular
24 for understanding why the issue of fishing rights received only *very* limited attention.

²¹⁷ Transcript references are to page/line numbers in the transcripts circulated 15 July 2014.

²¹⁸ Rejoinder paras. 3.69 and A.16 to A.20.

- 1 7. In November 1965 the Secretary of State for the Colonies sent a telegram to the Governor of
2 Mauritius and of the Seychelles²¹⁹.
- 3 8. In that telegram, the Secretary of State asked for a report indicating, I quote, “*the nature of the*
4 *fishing practised by people in Chagos Archipelago*” and an indication of use made of
5 international waters. As the Tribunal will be aware, a territorial sea of 3 nautical miles was
6 claimed with respect to the Chagos Archipelago, and at this time waters outside the 3 nautical
7 miles were international waters open to any fishermen.
- 8 9. The Governor of Mauritius’s response reads as follows: “(a) *nature of the fishing practised:*
9 *mainly hand line with some basket and net fishing by local population for own consumption;*
10 *(b) use made of international waters: nil, though vessels from Seychelles and occasionally*
11 *Mauritius use anchorage facilities*”²²⁰.
- 12 10. That report was confirmed by the Governor of the Seychelles²²¹ who had nothing to add other
13 than to note that with respect to international waters, I quote, “*I understand from Moulinie that*
14 *Japanese and Formesan vessels have sometimes been seen fishing in these waters*”. And I
15 pause there to note that Mr. Moulinie was the owner of the Seychelles company, Chagos
16 Agalega Ltd, which then owned and operated copra plantations²²².
- 17 11. On 21 December 1965, before the Mauritius Legislative Assembly, a series of questions were
18 posed by Mr. Duval to the Mauritian Premier and the Minister of Finance²²³. Mr. Forget stated
19 on behalf of the Premier and Minister of Finance that , I quote, “*so far as I am aware the only*
20 *fishing that now takes place in the territorial waters of Diego Garcia is casual fishing by those*
21 *employed there*”.

²¹⁹ MM, Annex 34.

²²⁰ MM, Annex 37.

²²¹ Rejoinder Annex 16.

²²² UKCM, para 2.96.

²²³ UKCM, Annex 15.

1 12. Now, Mauritius in its Reply highlighted the fact that Mr. Forget’s response expressly referred
2 to Diego Garcia only²²⁴. Well, that is clear from the face of the document.

3 13. But what is also clear is that Mr. Forget did not refer to any more expansive fishing practices.
4 And from the other documents to which I have referred, it is clear that the nature of fishing was
5 similarly limited elsewhere in Chagos waters.

6 14. That concludes my first point: in 1965, fishing was limited to fishing for the domestic needs of
7 the then inhabitants of the islands.

8 **(2) The individual who proposed the insertion of the reference to “fishing rights” in the**
9 **record of the meeting of 23 September 1965, the Mauritian Premier, sought preferential**
10 **fishing rights if granted**_[as1]

11 15. I’m turning now to the second of my points. This concerns what the Mauritian Premier had in
12 mind when he proposed insertion of a reference to “fishing rights” which, as the Tribunal is
13 aware, we see at paragraph 22 item (vi) of the final record of the 23 September 1965
14 meeting²²⁵.

15 16. Those words did not appear in the equivalent paragraph in the original record of the meeting of
16 23 September 1965²²⁶, but the Tribunal will have noted the handwritten comment on the fourth
17 page of that original record referring to “*amendments enclosed*”.

18 17. That brings us to some days after the 23 September 1965 meeting when, on 1 October 1965,
19 the Mauritian Premier wrote a note from his hotel room. This is at tab 29 of the folder²²⁷ and if
20 I could ask the Tribunal to turn to that document.

²²⁴ MR, para. 2.212.

²²⁵ Rejoinder paras. 3.68 and 3.70 and A.4 to A.15. Final record of meeting of 23 September 1965 at MM, Annex 19.

²²⁶ Rejoinder, Annex 8.

²²⁷ UKCM, Annex 9.

1 18. We see, on page one, towards the bottom of the page, that the Mauritian Premier points out
2 *“the amendments that should be effected to page 4 of the document”*. The document referred to
3 here is the record of the 23 September 1965 meeting²²⁸.

4 19. Staying at the very bottom of this page, we see that the Mauritian Premier expressly notes that
5 the matters which he thinks can be incorporated are matters that *“formed [and I am now turning*
6 *overleaf] part of the original requirements submitted to HMG”*. And as we turn to the final
7 page overleaf, you will see the proposed amendments. Amendment VIII reading *“Fishing*
8 *rights”*.

9 20. As observed by Mauritius last week, in his handwritten note, the Mauritian Premier does not
10 spell out what was meant by “Fishing Rights”²²⁹. So what did he have in mind? What were the
11 *“original requirements submitted to HMG”* to which he refers? Mr. Reichler addressed this
12 matter only at the very end of his submissions last Wednesday, and without actually taking you
13 to the handwritten note²³⁰. But what the author of the reference to “fishing rights” had in mind
14 is of critical importance, especially in light of the absence of any negotiating record on this
15 matter.

16 21. So, I pick up the narrative two months earlier in July 1965, when the Governor of Mauritius
17 opened discussions with Mauritian Ministers, including the Mauritian Premier, on the
18 proposals for detachment²³¹.

19 22. If the Tribunal could now please turn to tab 30 of the folder²³². This is a telegram from the
20 Governor of Mauritius, one week later on 30 July 1965. He is relaying the latest response of the
21 Ministers to the proposal of detachment.

²²⁸ Rejoinder, Annex 8.

²²⁹ Reichler, Day 2, 168:22-24.

²³⁰ Reichler, Day 2, 168:11-24.

²³¹ MR, Annex 87, para. 2.

²³² MM, Annex 13.

1 23. Turning to paragraph one, the Mauritian Premier, speaking for the Ministers as a whole, said
2 that they were “*sympathetically disposed to the request*” but (and I am now at paragraph two)
3 as detachment “*would be unacceptable to public opinion*” they wished also that provision
4 should be made for, and I’m quoting here from paragraph 2, “*ensuring preference for*
5 *Mauritius if fishing or agricultural rights were ever granted*”.

6 24. Now, Mauritius has sought to down play the significance of those documents, stating the
7 proposals formed “*part of an entirely different package of conditions*”²³³. But any difference
8 in terms of whether it was a lease or detachment is immaterial. And there are two points. First,
9 we know from the handwritten note, which referred to the “*original requirements submitted to*
10 *HMG*”, that this was expressly what he had in mind. And secondly, two months later, on 13
11 September 1965, just one week before the 23 September meeting, the Mauritian Premier again
12 referred to preferential fishing rights if granted.

13 25. If I could ask you to turn to tab 31²³⁴. This is an internal note dated November 1965; its
14 relevance here is that it quotes a record of what the Mauritian Premier stated. If I could ask the
15 Tribunal to move forward to page 5 of the note (and I’m referring here to the handwritten page
16 numbers in the bottom right-hand corner).

17 PRESIDENT SHEARER: They don't appear in our document. Never mind, we
18 can count.

19 MS. SANDER: My apologies, it is the page with the words "of trade will" in the
20 first line.

21 PRESIDENT SHEARER: We have it now. Thank you.

22 MS. SANDER: In the middle of that page, it refers to a meeting on 13 September
23 1965. The Mauritian Premier is quoted as stating (and I’m looking here at the quote set out in the
24 bottom section of this page). The Mauritian Premier is quoted as stating “*they would like*

²³³ Reichler, Day 2, 168:15-19.

²³⁴ Rejoinder, Annex 13.

1 *preference in any fishing rights in Diego Garcia waters*". That's five lines from the bottom of the
2 page.

3 26. So it is clear that just 10 days before the 23 September 1965 meeting, the Mauritian Premier
4 still had in mind *preference* for Mauritius *if* fishing rights were granted. And how could it be
5 otherwise given the terms of the manuscript letter of 1 October.

6 **(3) Mauritian Ministers characterised the 1965 understanding on fishing rights as “mere**
7 **assurances”**

8 27. Turning to my third point, this is that the contemporaneous records show that, as regards the
9 understanding relating to fishing rights, Mauritian Ministers characterised that understanding
10 as a “*mere assurance*”²³⁵.

11 28. The relevant documents on this point are all at Annex 46 of the Counter-Memorial, in the
12 appendices to the June 1983 Report of the Select Committee of the Mauritius Assembly. Mr.
13 Reichler also took you to some of these documents²³⁶ and I don't propose to take you to them
14 now.

15 29. The Tribunal will recall the Colonial Office Despatch of the Governor of Mauritius dated 6
16 October 1965, enclosing the record of the 23 September 1965 meeting²³⁷, which confirmed
17 that as regards fishing rights, I quote, “*The British Government will make appropriate*
18 *representations to the American Government as soon as possible*”.

19 30. On 5 November 1965, at a meeting of the Council of Ministers, three Ministers (including the
20 Attorney General) stated that “*the assurance given by the Secretary of State in regards to*” the
21 fishing rights was “*unsatisfactory*”²³⁸.

22 31. A telegram also of 5 November 1965 from Mauritius to the Secretary of State relayed
23 Mauritius' agreement which was given earlier that day²³⁹.

²³⁵ Rejoinder para. 3.71, and A.12.

²³⁶ Reichler, Day 2, 147:5 to 148:2.

²³⁷ UKCM, Annex 46, Appendix L.

²³⁸ UKCM, Annex 46, Appendix P.

1 32. And at paragraph three it relays that Ministers were dissatisfied with “*mere assurances*” about
2 item (vi), fishing rights.

3 33. So this document shows that Mauritian Ministers characterised the 1965 understanding as a
4 “*mere assurances*” and that fact was a source of some dissatisfaction. It does not say, for
5 example, that the Ministers were dissatisfied with the fact that item (vi) only referred to using
6 good offices with the United States. It seems clear that any dissatisfaction was with the fact
7 that assurances, as opposed to a legally binding obligation, had been given.

8 ARBITRATOR WOLFRUM: Ms. Sander, may I interrupt you, the word
9 “assurances” pops up in other places too. For example, in Paragraph 3, which is of no relevance
10 here. Could you qualify, legally qualify, the word “assurances.”

11 MS. SANDER: Without appearing to pass the buck, Mr. Wordsworth will be
12 addressing the legal implications about the terminology being used, and so with the Tribunal's
13 leave, we will wait until Friday until that point is addressed.

14 ARBITRATOR WOLFRUM: I was asking you. Okay.

15 MS. SANDER: And I was concluding there on my third point that the
16 dissatisfaction with the fact that it was an assurance as opposed to a legally binding obligation was
17 not “*belated and self-serving conjecture*” as suggested by Mauritius last Thursday²⁴⁰; but actually
18 referring to the words used in the written record.

19 **(4) The significance of the correspondence from 1966 to 1968**

20 34. Moving on to my fourth point. This is to comment on the significance of the internal
21 correspondence from 1966 to 1968. The annex references will appear in the transcript²⁴¹, and

²³⁹ UKCM, Annex 46, Appendix O; also at UKCM 14.

²⁴⁰ Reichler, Day 3, 266: 8-9.

²⁴¹ MM, Annex 41; MR, Annex 51; UKCM, Annex 16; Rejoinder, Annex 17; UKCM, Annex 17; Reply, Annex 52; Reply, Annex 53; MM, Annex 50; UKCM, Annex 18; Rejoinder, Annex 18; MR, Annex 66; Rejoinder, Annex 19; MM, Annex 52.

1 Mauritius referred in some detail to many of the documents last week. That correspondence is
2 considered in paragraphs A.21 to A.31 of the Appendix to the Rejoinder.

3 35. When the Tribunal goes back to that run of correspondence, it will see that it demonstrates the
4 following:

5 35.1. First, that the 1965 understanding was understood, in accordance with its express terms,
6 to extend to a use of good offices with the United States.

7 35.2. Second, that the United Kingdom understood that it had a discretion as to which if any
8 fishing rights to grant to Mauritius.

9 35.3. Third, that fishing was limited to fishing for the domestic needs of the then inhabitants of
10 the islands, but that references to “traditional” or “habitual” fishing rights emerged
11 because of a good faith concern to ensure preferential access to Mauritius if access was
12 permitted²⁴².

13 36. To take an example, in the minute from Mr. Fairclough at the Colonial Office dated 15 March
14 1966²⁴³ it stated that “*there must obviously be restrictions on the extent to which either our
15 own or American defence authorities would agree to fishing rights being retained by the
16 Mauritius government once defence installations have been developed on any of the islands of
17 the Chagos Archipelago but as we see it these need not necessarily be such as to deny fishing
18 rights altogether*”.

19 37. At paragraph 6 it refers to Mr. Moulinie’s statement “*that the only fishing in the Archipelago
20 at present is for local consumption*”. It expressed a concern that in such circumstances then
21 “*clearly the Americans might be less inclined to be forthcoming*”. And concludes that it
22 would “*thus be convenient to be able to base any undertaking to Mauritius on habitual or
23 traditional fishing arrangements provided that no other country can claim similar use in the
24 past*”.

²⁴² Rejoinder, para. 3.72(a).

²⁴³ UKCM, Annex 16, referred to by Reichler, Day 2, 148:20.

1 38. So that minute evidences a recognition of extremely limited fishing in fact being practised at
2 the time - *the only fishing in the Archipelago at present is for local consumption* - and also that
3 references to “traditional” fishing rights emerged because of a good faith concern to ensure
4 preferential access to Mauritius.

5 39. Turning, if I may, to tab 32 of the folder²⁴⁴, you will see the response to that minute from the
6 Governor of Seychelles and BIOT Commissioner. This is at Tab 32. You will note the date of
7 18/4, 18 April, this is in the bottom right-hand corner of the second page but I will be quoting
8 from the first page.

9 40. So looking at the first page, at the very bottom, it reads as follows “*any claim [this is right at
10 the final sentence on the first page] [and this is referring to the Seychelles claim] to habitual
11 fishing rights in those waters must be extremely tenuous. However if a Mauritius claim to
12 these were to be based on the limited fishing activities of the Diego-Agalega Company or its
13 employees it is arguable that the Seychelles claim is at least equally strong since the
14 Company concerned is a Seychelles Company”.*

15 **(5) Mauritius’ attempt in the early 1970s to advance an expansive interpretation of the 1965**
16 **understanding was rejected**

17 41. My fifth point is that Mauritius did try to advance a much more expansive interpretation of the
18 23 September record than simply ensuring preference for Mauritius if fishing rights were ever
19 granted, akin to the current claim that fishing rights covers “*all rights relating to fish*”²⁴⁵. But
20 that interpretation was inconsistent with what in fact had been set out in the 1965 record, and
21 was accordingly rejected by the United Kingdom.

²⁴⁴ Rejoinder, Annex 17.

²⁴⁵ This quote is from MR, para. 6.47. This point is addressed at Rejoinder fn 302 and paras. 8.12(a) and para. A.40.

1 42. If you could please turn to tab 33 of the folder²⁴⁶. This is a letter from the Mauritian Prime
2 Minister to the British High Commissioner. You will recall that Mr. Reichler took you to this
3 letter on Thursday²⁴⁷.

4 43. In this letter the Mauritian Prime Minister is accepting a sum in full and final discharge of the
5 undertaking regarding settlement of displaced persons.

6 44. In the third paragraph it reads as follows, "*the Payment does not in any way affect the verbal*
7 *agreement on minerals, fishing and prospecting rights reached at the meeting at Lancaster*
8 *House on the 23 September 1965 and is in particular subject to.....(iv) Mauritius reserving to*
9 *itself (a) fishing rights....(v) the right of prospection and the benefit of any minerals or oils*
10 *discovered in or near the Chagos Archipelago reverting to the Mauritius Government*".

11 45. Now that statement of the terms of the 1965 understanding, both as to fishing rights and
12 mineral rights, is inconsistent with what we have seen the Mauritian Prime Minister had in
13 mind in 1965, and is inconsistent with the express terms of the 23 September 1965 record²⁴⁸.

14 46. And accordingly, it was rejected by the United Kingdom. This is evident from the document at
15 tab 34 of the folder²⁴⁹. This is from the Foreign and Commonwealth Office to the British High
16 Commission in Mauritius dated 27 April 1973. It is commenting on the letter from the Prime
17 Minister of Mauritius that we have just looked at.

18 47. At paragraph two it states: "*The Prime Minister's recollection of the meeting at Lancaster*
19 *House does not agree with the official record. Our undertakings in regard to navigation and*
20 *meteorological facilities ... fishing rights and the use of the airstrip ... were much less*
21 *definite than his version indicates. The true form of these undertakings was set out in the*
22 *agreed record of the Lancaster House meeting of 23 September, a copy of which I enclose*".

²⁴⁶ MM, Annex 69.

²⁴⁷ Reichler, Day 3, 264: 15-21.

²⁴⁸ MM, Annex 19.

²⁴⁹ UKCM, Annex 23.

1 48. The same paragraph proceeds to state that “*we clearly cannot allow the new version with its*
2 *unfounded assertion of prospecting rights to supersede the agreed official record*”.

3 49. And Mr. Reichler took you to the letter that was then sent to Mauritius confirming the agreed
4 record of the meeting of 23 September 1965²⁵⁰.

5 **(6) Mauritius was informed of all measures and lack of Mauritius protest when rights**
6 **restricted**

7 ARBITRATOR WOLFRUM: Ms. Sander, it's a good system to read the
8 paragraph before and the paragraph after you're quoting. May I draw your attention to what is the
9 last paragraph. It has handwritten a six in front. We take it from the High Commissioner's letter.
10 And if you go down a couple of lines, it says, "referring to the third paragraph of your letter – this
11 is suggested as wording – we can assure you that there is no change in the undertakings given on
12 behalf of Her Majesty's Government, which has set out in the record as then agreed at meeting on
13 Lancaster House of 23 September 1965." A reaffirmation in this form would be acceptable to the
14 legal advisors. Here, the United Kingdom uses the word "undertakings".

15 Thank you.

16 MS. SANDER: Yes. Two points on that. First of all is that I will take you to
17 other documents where the term undertakings is also used by the British Government, I will also
18 show you an example of a document where the term understandings is used. And the point is that
19 the label of undertaking or understanding in this context, we say, is of no significance of the legally
20 binding obligation of the 1965 understanding. That is the point that Mr. Wordsworth will also
21 elaborate on on Friday.

22 ARBITRATOR WOLFRUM: I was assuming that.

23 50. So, turning to my sixth point, this is that the British Government always informed the
24 Mauritius Government as to new measures impacting on fishing in BIOT waters, and when the

²⁵⁰ Reichler, Day 2, 151:12-16 citing UKCM, Annex 24.

1 ability of Mauritian fishermen to fish in BIOT waters was restricted, Mauritius did not protest
2 with reference to the 1965 understanding on fishing rights²⁵¹.

3 51. And of course such protests would have been expected if it had indeed considered itself to hold
4 the rights that it now contends for.

5 52. Now, the Tribunal have a detailed account of the events from 1969 in the Appendix²⁵². At this
6 stage, I simply want to draw to your attention to five examples.

7 Fisheries Limit Ordinance 1971

8 53. My first example relates to the first phase of legislation, establishing a nine mile fisheries
9 zone contiguous to the territorial sea in BIOT. Proclamation No 1 of 1969²⁵³ was
10 implemented by the Fisheries Limit Ordinance No 2 of 1971²⁵⁴.

11 54. When the Tribunal reviews that Ordinance, it will see that “Fishery limits” is defined as “*the*
12 *territorial sea.... together with the contiguous zone*”. Foreign in relation to a fishing boat is
13 defined as a fishing boat whose owner is not resident in BIOT.

14 55. Section three prohibits any person on board a foreign fishing boat from fishing within the
15 fishery limits but that prohibition is subject to Section four which enabled the Commissioner
16 by order to designate any country, and I quote, “*for the purpose of enabling fishing*
17 *traditionally carried on in any area within the contiguous zone*”.

18 56. So fishing in the territorial sea (where, as we have seen, is the only area where the very
19 limited fishing was in fact practised at this time) was *entirely excluded*. I want to be clear on
20 that point, as last week you were told that for, and I quote, “*nearly five decades... fishing*
21 *vessels from Mauritius have been able to fish freely in the territorial sea around the Chagos*
22 *Archipelago*”²⁵⁵.

²⁵¹ Rejoinder paras. 3.72(b), A.33 to A.40, A.51 to A.57, A.58 to A.65 and A.95 to A.98.

²⁵² See references in previous footnote.

²⁵³ MM, Annex 53

²⁵⁴ MM, Annex 60.

²⁵⁵ Sands, Day 3, 303:16-18.

1 57. In the contiguous zone, fishing was subject to designation. This is a system of designation
2 not a licensing regime (which came later in 1984)²⁵⁶, but the system of designation is akin to
3 a licensing regime in that access was both restricted and conditional.

4 58. Mr. Reichler stated last week that the qualification ‘as far as practicable’ meant “*only that*
5 *they could be restricted as necessary to accommodate defence needs, and, in practice, this*
6 *amounted to only a modest restriction on fishing rights in the near vicinity of Diego Garcia*
7 *Island*”²⁵⁷.

8 59. But under the 1971 Ordinance, there was not only a modest restriction on fishing rights in the
9 near vicinity of Diego Garcia, but an entire exclusion in the territorial sea. Defence and
10 security preferences may have been reflected in the legislation, but in any event Mauritius
11 appears to have accepted that the United Kingdom had a discretion as to the extent to which the
12 fishermen were excluded from BIOT waters and how the understanding of “so far as
13 practicable” applied in practice.

14 60. Mr. Reichler²⁵⁸ took you to the letter of 5 June 1970 in which the British Defence Department
15 advised that the High Commission in Port Louis “*should forewarn the United States and*
16 *Mauritius Government about the new B.I.O.T. fishing regime*”²⁵⁹. Mr. Reichler highlighted the
17 use of the term “undertook” in this letter.

18 61. I would like to take you to the document recording the fact that Mauritius was notified of the
19 new regime. This is at tab 35 of the folder²⁶⁰. If I could ask the Tribunal to turn to that tab.
20 This is a File Note from Mr. Giddens of the British High Commission, Port Louis, dated 15
21 July 1971. In the second paragraph, Mauritius was informed that “*bearing in mind the*

²⁵⁶ Cf Reichler Day 2, 167: 10-17 to 168:4.

²⁵⁷ Reichler, Day 2, 153: 2-4. See also Day 2, 174: 4-7.

²⁵⁸ Reichler, Day 2, 151:8, emphasis at 151:11.

²⁵⁹ MM, Annex 59. It continues “*particularly the latter, that is the Mauritius Government, as we undertook at the Lancaster House Conference in September 1965 to use our good offices to protect Mauritian fishing interests in Chagos waters*”.

²⁶⁰ MM, Annex 64.

1 understanding on fishing rights reached with the Mauritian Government at the time of the
2 Lancaster House Conference in 1965” it was the Commissioner’s intention to use his powers
3 under Section four to enable Mauritian fishing rights to continue to fish in the nine mile
4 *contiguous zone* of BIOT. Because of an oversight, Mauritius was not in fact designated.

5 62. Now, here we see that the term “understanding” is used. This is an example of how the 1965
6 understanding has been referred, as I stated earlier, to in different ways in the documentation –
7 sometimes as an understanding, sometimes as an undertaking and other examples where both
8 terms are used are cited in the Counter-Memorial at paragraph 8.14²⁶¹.

9 63. What is striking is that the Mauritius Government did not respond complaining that the
10 *complete exclusion* from the territorial sea, or the failure to be designated as regards the
11 contiguous zone, was in any way inconsistent with the 1965 understanding.

12 64. And that stance is consistent with a common understanding that Mauritius was not entitled to
13 an absolute or perpetual right to fish in BIOT waters.

14 1984 regime

15 My second example relates to when, in 1984, a new fisheries Ordinance came into effect
16 establishing a *licensing* regime which required all fishing boats to hold a licence to fish
17 within *both* the territorial waters and the contiguous zone²⁶². A fee was payable.

18 65. Although the policy was not to charge Mauritius.

19 66. The British High Commissioner to the East African Department notified Mauritius that it
20 would be permitted access pursuant to the new licensing regime which was to be
21 introduced²⁶³. The Mauritian Foreign Minister was only reported as having indicated that
22 some statement, quote, “*asserting their sovereignty*” should be made; he is not reported as
23 referring to the 1965 understanding on fishing rights²⁶⁴.

²⁶¹ See for example MM, Annex 78.

²⁶² UKCM, Annex 49.

²⁶³ Rejoinder, Annex 27.

²⁶⁴ Rejoinder, Annex 27.

1 1991 legislation

2 67. The third example is in 1991 when the Fisheries Conservation and Management Zone, the
3 FCMZ, was established, extending the fishery limit to 200 nautical miles²⁶⁵. Fishing was
4 prohibited in the internal waters, territorial sea and the FCMZ without a licence. There were
5 three licences introduced: one for inshore fishing; one for purse seine fishing and one for
6 long line fishing.

7 68. The British High Commission sent a Note Verbale to Mauritius informing Mauritius of the
8 intention to declare the extended zone²⁶⁶. It referred to the good environmental reasons for the
9 action. And confirmed that “*in view of the traditional fishing rights of Mauritius in the*
10 *waters surrounding British Indian Ocean Territory, a limited number of licenses free of*
11 *charge have been offered to artisanal fishing companies for inshore fishing. We shall*
12 *continue to offer a limited number of licences free of charge on this basis”.*

13 69. Preferential access was provided for Mauritian vessels, but this is a restricted and conditional
14 access. And the terms of this letter are limited to *inshore* fishing licences.

15 70. Mauritius’ response on 7 August 1991²⁶⁷ based its protest on an assertion that the Chagos
16 Archipelago is, and I am quoting from the second paragraph of that document, “*an integral*
17 *part of the territory of Mauritius and that the Government of Mauritius has reaffirmed its*
18 *sovereignty over the chagos archipelago and its maritime rights in respect of the chagos*
19 *archipelago”.*

20 71. It proceeds to state in the next paragraph that “*in the light of the above, the Government of*
21 *Mauritius does not ipso facto accept the validity of the offer of free licences for inshore*
22 *fishing”.*

²⁶⁵ MM, Annex 102.

²⁶⁶ MM, Annex 99.

²⁶⁷ MM, Annex 100.

1 72. No reference was made to the 1965 understanding on fishing rights; Mauritius' stance is with
2 reference to its sovereignty claim and it is for that reason it states that it rejects the offer of
3 free licences. And it raises no objection to the fact that as regards licences beyond inshore
4 fishing, there is no offer to waive the fee.

5 73. So as we have seen, Mauritius was informed in 1991 that a *limited* number of free licences
6 would be issued for *inshore* fishing.

7 74. Subsequently, there was an internal discussion over whether to charge for the other types of
8 licences. In particular there was a concern of reflagging, i.e. vessels reflagging to Mauritius to
9 avoid the licence fee.

10 75. After some internal discussion, it was decided that such free licences should be issued to
11 Mauritius. When the Tribunal reviews that correspondence, it will see that this decision
12 illustrates the good faith efforts of the British Government to ensure preference for Mauritius
13 under the 1991 regime; free licences were issued for all types of licences to Mauritius because
14 it would be "*prudent*"²⁶⁸ to do so, and with reference to the "*spirit*" of the 1965
15 understanding²⁶⁹.

16 Reduction of licences

17 76. My fourth example is in 1999, when Mauritius was informed that the number of inshore
18 licences would be reduced from six to four to prevent coral bleaching, a substantial restriction
19 on Mauritius's access for fishing²⁷⁰. There was a notable absence of objection with reference to
20 the 1965 understanding on fishing rights; Mauritius's response simply reaffirmed, I quote, "*the*
21 *position of the Government that sovereignty over the Chagos Archipelago rests with the*
22 *Republic of Mauritius*"²⁷¹.

23 2003

²⁶⁸ Reichler, Day 2, 155: 24, citing MR, Annex 97, quote at 155:11.

²⁶⁹ Rejoinder, Annex 36; MR, Annex 100; Rejoinder, Annex 40; Rejoinder, Annex 41.

²⁷⁰ MM, Annex 107.

²⁷¹ MM, Annex 109.

1 77. My final example relates to the events in 2003.

2 78. On 8 July 2003, a letter was sent by the Foreign and Commonwealth office to the Mauritius
3 High Commissioner. This is a month prior to the letter in August 2003 when the Mauritian
4 High Commission was informed of the intention to establish the Environment (Protection and
5 Preservation) Zone²⁷². So, turning to the letter of July 2003, this is at tab 36²⁷³.

6 79. In the letter at Tab 36 we see reference made, in the first sentence, to the fact that MPAs in
7 BIOT had been “*one of the regular agenda items at meetings of the British Mauritius Fisheries*
8 *Commission*”. In this letter Mauritius is informed of the decision to proceed to *close* an area of
9 the waters of BIOT. And we see the coordinates are set out.

10 80. But we have not seen any objection from Mauritius that to be entirely excluded from BIOT
11 waters, in this case a section of those waters, was inconsistent with the 1965 understanding on
12 fishing rights.

13 81. The question was posed by Mauritius last Friday that “*if Mauritius considered that a pro forma*
14 *licensing regime violated its rights, then how much more serious would it be to ban Mauritius*
15 *from fishing in the Archipelago at all?*”²⁷⁴ And last Wednesday it was asserted that there was
16 “*no support whatever*” for the view that *if it was decided not to issue fishing licences to*
17 *anyone, Mauritius’s preferential rights would not be violated*”²⁷⁵.

18 82. But we have seen here there was no protest to the restrictive licensing regime as violating the
19 1965 understanding, and where an area is completed closed, again, there is no objection with
20 reference to the 1965 understanding.

21 **(7) Over the years, Mauritians have demonstrated minimal interest in the actual**
22 **exploitation of Mauritius’ “fishing rights”**

²⁷² MM, Annex 120.

²⁷³ MM, Annex 119.

²⁷⁴ Macdonald, Day 4, 409:20-22.

²⁷⁵ Reichler, Day 2, 167:18 to 168:3.

1 83. I now move to my seventh point which is that, over the years, Mauritians have demonstrated
2 minimal interest in the actual exploitation of Mauritius’ “fishing rights”²⁷⁶.

3 84. I can deal with this point swiftly, as you have already seen the table of license figures provided
4 by the United Kingdom for licences issued in 1991 to 2010²⁷⁷, and Mauritius do not challenge
5 those figures.

6 85. The precise figures for inshore licences applied for by Mauritius flagged vessels and issued to
7 those vessels are set out at paragraph A.82 of the Rejoinder. They are very low. Only two were
8 applied for in 2000, 2002, 2003 and 2009, respectively. And no licences were applied for from
9 2005 to 2008, inclusive.

10 86. I should draw the Tribunal’s attention to the fact that the table of figures, which is set out at
11 Page 51 of the Counter-Memorial into which it has been referred, marks zero for the number of
12 inshore licences in 2002; it should indicate two inshore licences were issued. That figure was
13 corrected in the Rejoinder²⁷⁸ and in any event the figure remains very low.

14 87. Regarding purse seine licenses, they are similarly very low for the years leading up to 1999,
15 and after 1999 no such licences were applied for. And there is no reference to long line fishing
16 in the table because no Mauritian flagged vessels ever fished using the long line method²⁷⁹.

17 88. As I said, the licence figures are not in fact challenged by Mauritius. Its alternative argument is
18 to refer to what Professor Sands termed “*de minimis activity*”²⁸⁰, and to argue that all that is
19 required to prevent overfishing is for the United Kingdom to stop giving licences to the vessels
20 of third States²⁸¹. Yet Mauritius’s plans to establish itself as a “*seafood hub*” were then
21 expressly referred to²⁸².

²⁷⁶ Rejoinder para. 3.73, A.45 to A.50 and A.79 to A.85.

²⁷⁷ Figure 2-4 at p51 of UKCM; precise figures set out in Rejoinder, para. A.82.

²⁷⁸ Para. A.82.

²⁷⁹ UKCM paragraph 2.110; Annex 76 at p20.

²⁸⁰ Sands, Day 3, 319:14.

²⁸¹ Reichler, Day 2, 170:20-21.

²⁸² Reichler, Day 2, 171:15.

1 89. Now, all Mauritius has provided in terms of figures is a table of catch data²⁸³. We are told in the
2 Reply at footnote 257, that the source is the Ministry of Fisheries of Mauritius. But we are not
3 provided with any information as to how that data was obtained.

4 90. The table records no catch data for two recent years (2005 and 2008). And it has been
5 confirmed by Mauritius that this reflected the fact that vessels were under repair and no
6 licences were applied for in those years²⁸⁴. But it is also the case that no licences were applied
7 for by Mauritian flagged vessels in 2006 and 2007, yet catch data is cited for those years.

8 91. In any event, those figures show only a relatively low catch. And the Tribunal have the very
9 low figures of licences applied for.

10 **(8) Mauritius's stance during the 2009 talks and in its response to the establishment of the**
11 **MPA, rested on its claim to sovereignty, not with reference to free-standing rights pursuant**
12 **to the 1965 understanding**

13 ARBITRATOR GREENWOOD: Ms. Sander, just tell me, what is the point
14 you're making about this? Are you saying that in the year where no licenses were issued but there
15 are catch figures recorded, the catch was illegal under the law of BIOT?

16 MS. SANDER: I don't know. There are inferences one can draw. One
17 inference is the data relates to Mauritian-owned and Mauritian-flagged vessels, but that's a
18 speculation on my part. The license figures only relate to Mauritian-flagged vessels because it
19 was Mauritian-flagged vessels who received the free licenses.

20 92. My next point is that Mauritius's stance during the 2009 talks and in its response to the
21 establishment of the MPA, rested on its claim to sovereignty, and was not made with

²⁸³ Reichler, Day 2, 170:1.

²⁸⁴ Reichler, Day 3 288:20-24 "In those two years, no licenses were taken up by Mauritius-flagged vessels
2 because the vessels that had taken up licenses in the years prior or the years subsequent to 3 the two in
question were damaged and having difficulties obtaining certification of 4 seaworthiness for navigation.
So, they opted not to obtain licenses in either of those two 5 years, but that applies only to those two
years."

1 reference to free-standing legally binding fishing rights pursuant to the 1965
2 understanding²⁸⁵.

3 93. This is my eighth and final point. As noted by Ms. Macdonald last week,²⁸⁶ the bilateral
4 talks took place against a background and a context of the previous decades of exchanges
5 between the Parties.

6 BMFC

7 94. This is an appropriate point to note that in 1994 the British Mauritius Fisheries Commission
8 (BMFC) was established.

9 95. Discussions of that Commission took place under what is termed the sovereignty umbrella.
10 And if I can ask the Tribunal to turn to tab 37 of the folder²⁸⁷. This is the Joint Statement of
11 1994 which sets out the formula for what is sometimes termed the “sovereignty umbrella”. In
12 summary, it provides that, at paragraph 1, that discussions would be without prejudice to the
13 parties’ respective positions on sovereignty.

14 96. There are three themes that are apparent from the records of the BMFC meetings that have
15 been annexed to the Rejoinder²⁸⁸.

16 97. First, that when *access* of Mauritian vessels was discussed, this was with reference to the
17 strictly regulated and conditional access pursuant to the *licensing* arrangements.

18 98. Second, Mauritius did not object to that strictly regulated and conditional access; its concern
19 was regarding the sharing of licence fees.

20 99. Third, that when MPAs were raised before the Commission, Mauritius did not indicate that
21 there would be any inconsistency with the 1965 understandings.

22 100. To illustrate those three themes, I will now take you to two of the records.

23 BMFC 1994

²⁸⁵ Rejoinder paras. 3.74 and A.99 to A.133.

²⁸⁶ Macdonald, Day 2, 185:14-16.

²⁸⁷ UKCM, Annex 62.

²⁸⁸ Rejoinder at paras A.86 to A.92.

1 101. The first meeting in April 1994. The Joint Communiqué we find at tab 38 of the folder²⁸⁹.

2 102. If I could ask the Tribunal to turn to that document at Tab 38 of the folder, the first page is
3 headed “Joint Communiqué”.

4 103. And then if you turn forward to Page 3 of the document, we see it is entitled “agreed
5 confidential minute”. And if we turn to the final page, we see the heading, just to the right of
6 the top hole punch, “*Access of Mauritian vessels to British Indian Ocean Territory*”. It states
7 that “*the British delegation indicated that access of inshore vessels would continue. However,*
8 *to ensure the conservation of the stocks this fishery would be subject to an observer*
9 *programme. It was agreed that this should be a condition of licensing...*”.

10 104. I simply take the Tribunal to that document to show that no reference was made or recorded
11 to have been made to the 1965 understanding under that heading; “access” of Mauritian vessels
12 was discussed with reference to the licensing process, and Mauritius raised no objection to that
13 restricted and conditional access.

14 BMFC 1997

15 105. Turning to the fourth meeting in 1997, the Joint Communiqué is at tab 39 of the folder²⁹⁰.

16 ARBITRATOR WOLFRUM: Ms. Sander, may I go back to the beginning of that
17 document under Tab 37 and draw your attention to which you referred in Paragraph 2 on the
18 non-prejudice clause.

19 MS. SANDER: Can I just clarify, is this the document at Tab 38?

20 ARBITRATOR WOLFRUM: No, I'm going back to Tab 37. (ii).

21 MS. SANDER: Subparagraph (ii)?

22 ARBITRATOR WOLFRUM: It's a non-prejudice clause here, you referred to it
23 very briefly, saying, all rights are reserved. I put it in simple terms that, no act or activity carried
24 out by the United Kingdom, the Republic of Mauritius as a consequence in this shall constitute the

²⁸⁹ UKCM, Annex 63.

²⁹⁰ Rejoinder, Annex 51.

1 basis for affirming, supporting or denying the position of the United Kingdom or the Republic of
2 Mauritius. Right?

3 If I read this paragraph correctly, I'm not too astonished that there is no reference to
4 the Lancaster House undertaking or understanding, however you put it, for it's guaranteed under
5 Paragraph 2, at least that's a version how to read it. Perhaps you or somebody else could later
6 comment upon that.

7 MS. SANDER: Yes, I would simply note at this point that, of course, Mauritius'
8 position as to the 1965 understandings is distinct from the sovereignty aspect to its claim. Its
9 position is that the 1965 understandings were legally binding obligations, and that's the point that
10 could have been advanced in a forum in which there was a sovereignty umbrella.

11 ARBITRATOR WOLFRUM: Okay. We'll let this go at the moment.

12 Yes. Thank you.

13 MS. SANDER: So, we were looking at the fourth meeting at Tab 39 of the folder
14 and I simply wished to draw the Tribunal's attention to two paragraphs of this record. The first is
15 paragraph six. This records that the United Kingdom delegation informed the Commission of
16 plans to introduce a system of MPAs. The Mauritian delegation simply suggested establishing
17 MPAs through licensing arrangements rather than legislation.

18 106. And at paragraph 15, which is at the bottom of the second page, the final sentence states
19 that the Mauritian delegation proposed the sharing of licensing fees. That's the final sentence
20 on that second page.

21 Evidence

22 107. So these exchanges before the BMFC form part of the relevant background to the 2009
23 bilateral talks.

24 ARBITRATOR GREENWOOD: Ms. Sander, I'm sorry, forgive all these
25 interruptions.

1 What level of representation was there at the BMFC? Are these political officials
2 from the High Commission representing the British and their counterparts in the Mauritian
3 Government, or are they just technical fishing people?

4 MS. SANDER: The Joint Statement at Tab 37 states that, at Paragraph 3, simply
5 that the Commission will be composed of a delegation from each of the two States. There are
6 signatures at the bottom of the various records, for example, the document at Tab 38, there is a
7 signature of the Head of the Mauritius delegation, Ambassador Markand (phonetic) – I think that's
8 correct pronunciation, and the Head of the British delegation, Mr. Kacz (phonetic). But I think
9 that for a fuller answer to your question, perhaps with the leave of Tribunal we will address it at a
10 later point.

11 ARBITRATOR GREENWOOD: I think I do see that the Mauritian delegate,
12 head of delegation is an Ambassador in each case. I don't know the status of the British one.

13 108. So, turning to the stance of Mauritius during those talks, in considering that, it is
14 obviously important to look at, I should be clear I'm talking about the 2009 bilateral talks,
15 it's obviously important to look at what those actually present have said, and the statements
16 of Ms. Yeadon and Mr. Roberts, both members of the United Kingdom delegation, have been
17 annexed to the Rejoinder (at annexes 73 and 74 respectively).

18 109. Now some comments were made by Mauritius last week as to the weight to be attributed
19 to those statements²⁹¹. Ms. Neville has already made observations on that matter; I will
20 refer to certain paragraphs of the statements and the Tribunal is invited to read them in full.

21 January 2009

22 110. So, turning to the first round of talks in January 2009, it is common ground that at those
23 talks, fishing rights was on the agenda.

²⁹¹ Reichler, Day 2, 165: 8-12.

1 111. Ms. Yeadon explains in her statement that she understood, I quote, “*Mauritian ‘fishing*
2 *rights’ under the 1965 understanding, which had in practice taken the form of free licences for*
3 *Mauritian-flagged vessels to fish in BIOT waters to be an undertaking of a political not legal*
4 *nature. ‘Fishing rights’ had been one of the agenda items tabled at the UK-Mauritius bilateral*
5 *discussions of 14 January 2009 on issues relating to BIOT. Mauritius was seeking a share of*
6 *fisheries resources. We understood this to be linked to Mauritius’ claim to sovereignty, for*
7 *granting fishing licence is recognized as the right of the territorial state*”²⁹². That it was an
8 “*undertaking of a political not legal nature*” remained her firm view²⁹³.

9 112. Now, if we turn to tab 40 of the folder²⁹⁴, this is the United Kingdom’s record of those
10 January 2009 talks.

11 113. At page two, in the third paragraph, Mr. Neewoor is recorded as stating on behalf of
12 Mauritius that the “*main aim of Mauritius was to seek an end to the lease over BIOT....All the*
13 *issues on the agenda derived from the sovereignty issue*”.

14 114. Turning forward to the fourth page [to assist the Tribunal, that page is the page with the
15 number 206 in the bottom right-hand corner]. So turning to the fourth page, we see point six
16 (1) is “fishing rights”. In the first paragraph, the United Kingdom says that it was “*ready to*
17 *look at returning to the 1994 Agreement*”. That is a reference to the BMFC joint statement of
18 1994 which we looked at earlier²⁹⁵.

19 115. It continues “*we were talking about the grant of privileged access nothing more.... The*
20 *Mauritians explained that their lack of interest in taking up fishing rights (free licences) &*
21 *continuing with the British Mauritian Fisheries Commission was that they felt this impacted*
22 *their position on sovereignty. They were however prepared to have a fresh look to ensure that*
23 *the resources of the Chagos Archipelago were exploited in an equitable and responsible*

²⁹² Rejoinder, Annex 73 at para. 9.

²⁹³ Rejoinder, Annex 73, at para. 30 referring to events in 2010.

²⁹⁴ MR, Annex 128.

²⁹⁵ Cf Macdonald, Day 2, 187:11 and 21 to 24.

1 *manner.....It became apparent during the rest of the discussion that the Mauritians were under*
2 *the illusion that we were agreeing to share resources. The UK pointed out again that this was*
3 *not the case. We were talking about privileged access only. We added too that the BMFC had*
4 *been constructed under a bullet proof sovereignty umbrella”*

5 116. So this record is entirely consistent with Ms. Yeadon’s account that under the agenda item
6 of fishing rights “*Mauritius was seeking a sharing of fisheries resources*”.

7 117. It is also consistent with Mr. Robert’s account of the January 2009 talks. I do not propose
8 taking you to Mr. Robert’s statement now, but at paragraph eight he confirms that it was made
9 clear by Mauritius in the talks in January 2009 that Mauritius was only interested in fisheries
10 concessions as a way of establishing sovereignty. And at paragraph thirteen he states that
11 “*Any claim or proposal by Mauritius to joint sharing of resources or management of fisheries*
12 *was a "red line" issue for HMG because it was designed to advance Mauritius' sovereignty*
13 *claim*”²⁹⁶.

14 118. Mr. Reichler took you to a short paragraph of Mauritius’s record of the January 2009
15 meeting in which reference was made by Mauritius to a “*series of inducements...given in*
16 *1965*”²⁹⁷. And for the record, that paragraph is at page 26 of Annex 129 of the Reply.

17 119. But that paragraph has to be placed in context, namely the previous exchanges in which
18 Mauritius has sought sharing of licence fees, and the fact that Mauritius’s reference to fishing
19 rights were made in the context of a proposal to share resources as part of its sovereignty claim.

20 July 2009

21 120. Turning then to the July 2009 talks, at this round of talks, the MPA was on the agenda.

22 121. It was at this time that I note, that Ms. Yeadon also met with Mr. Talbot of the Talbot
23 fishing company, he was owner of one of the two Mauritian-flagged vessels to take up a
24 licence in 2009. That meeting is addressed in Ms. Yeadon’s witness statement at Annex 73 of

²⁹⁶ Rejoinder, Annex 74.

²⁹⁷ Reichler, Day 3, 265: 1-2.

1 the Rejoinder at paragraph 15. And the thrust of that meeting was a discussion of Mr.
2 Talbot's ideas on how he could work with the MPA.

3 122. Mauritius last week accepted that the 1965 understanding on fishing rights was not
4 advanced in this second round of talks. The explanation given was that "*as Mauritius had*
5 *referred to these matters at the first round of talks, it was hardly necessary to specifically refer*
6 *to the undertaking again when the issue of fishing rights was discussed at the July talks, and*
7 *talks would never end and go late into the night if everybody had to reiterate everything that*
8 *they had said in every previous round of talks*".²⁹⁸

9 123. That is scarcely a convincing explanation. And the contemporaneous records confirm that
10 Mauritius' stance in July 2009 remained a focus on its sovereignty claim with brief references
11 to fishing rights in the context of a proposal for the joint issuing of licences as part of that
12 claim²⁹⁹.

13 124. I will take you now to one of the documents to illustrate the point. This is at tab 41 of the
14 folder³⁰⁰. The document at Tab 41 of the folder is an internal information paper deployed by
15 Mauritius. At the top left of this document it is dated August 2009, and in the first paragraph it
16 sets out its purpose, namely to inform colleagues of the talks held on 21 July 2009.

17 125. If we can now turn to page four of this document, and the page numbers are marked in the
18 top right-hand corner. So if we turn to Page 4 of this document at Tab 41, item (iv) is marked
19 "fisheries". It refers to the BMFC and Mauritius' difficulty with the fact that Mauritian vessels
20 were required to take a licence from British authorities to fish in BIOT waters. That difficulty
21 stemmed from its view that this was inconsistent with its sovereignty claim.

²⁹⁸ Macdonald, Day 2, 195: 2-7.

²⁹⁹ Mr. Roberts statement at Rejoinder, Annex 74, para 24; MR, Annex 144; UKCM, Annex 99 and Annex

101.

³⁰⁰ MR, Annex 144.

1 126. The note continues as follows: “*At the second round of talks, the Mauritian side reiterated*
2 *the need for the joint exploitation and management of marine resources in the region and*
3 *fishing licences to be issued jointly....”.*

4 127. At the next paragraph, it reads “*During discussions in the second round of talks, the*
5 *Mauritian side reiterated the proposal it made in the first round of talks in the setting up of a*
6 *mechanism to look into the joint issuing of fishing licences in the region of the Chagos*
7 *Archipelago”.*

8 128. There is no reference to the 1965 understanding on fishing rights, and it confirms that in
9 both January *and* July 2009 Mauritius’s focus was on the joint issuing of licences as part of its
10 sovereignty claim. And that is entirely consistent with the evidence of Ms. Yeadon and Mr.
11 Roberts in the judicial review process.

12 Post 2009

13 129. The fact that Mauritius’s stance rested on its claim to sovereignty, and not with reference
14 to free-standing legally binding rights pursuant to the 1965 understanding, is also illustrated
15 by documents dated *after* the July 2009 talks. These are listed in detail in the Appendix, at
16 paragraphs A.130 and A.133. So I will just take you to one example to illustrate the point.

17 130. This is at tab 42 of the folder³⁰¹. This is a Note Verbale dated 23 November 2009 from the
18 Mauritian Ministry of Foreign Affairs. And the Tribunal can see in the first paragraph it is
19 referring to the launch of the consultation. If I could ask you to look at the paragraph at the
20 end of page 1, it reads as follows: “*The Government considers that an MPA project in the*
21 *Chagos Archipelago should not be incompatible with the sovereignty of the Republic of*
22 *Mauritius over the Chagos Archipelago and should address the issues of resettlement, access*
23 *to the fisheries resources, and the economic development of the islands in a manner which*
24 *would not prejudice an eventual enjoyment of sovereignty. A total ban on fisheries exploitation*

³⁰¹ MM, Annex 155.

1 *and omission of those issues from any MPA project would not be compatible with the*
2 *long-term resolution of, or progress in the talks on, the sovereignty issue”. So here “access to*
3 *fishery resources” is raised, but this was made in the context of sovereignty concerns, not*
4 *fishing rights with reference to the 1965 understanding.*

5 131. And when the Tribunal reads the documents in full and in their proper context, it is clear
6 that from the start in its response to the MPA proposal, Mauritius has taken its stance on the
7 ground of sovereignty, it did not object to the MPA with reference to allegedly legally
8 enforceable fishing rights pursuant to the 1965 understanding.

9 **Reliance on the UK internal documents**

10 132. I have addressed the Tribunal on the eight points I outlined at the beginning. I will now
11 conclude with some remarks on Mauritius’s reliance on the United Kingdom internal
12 documents. As already noted, of course we don’t have the benefit of seeing a similar array of
13 *Mauritius’s* internal documents showing how the 1965 understandings were discussed *by*
14 *Mauritius* internally over the years.

15 133. Mr. Wordsworth will discuss the legal principles regarding the relevance or otherwise of
16 such internal documents. What I will do is to make some comments about those documents
17 focused on by Mauritius, with particular reference to the claim made last week that “*The*
18 *contemporaneous documentary evidence...leaves no doubt that the U.K. intended and*
19 *understood itself to be bound by them at all times from the time it made them in September*
20 *1965, through the next 45 years*”³⁰².

21 134. Now of course because of the constraints of time, you could only be taken by Mr. Reichler
22 to certain passages of the internal documents, and he did refer to the fact that the Tribunal will
23 separately read all of the documents in their entirety. I simply stress the importance of doing so

³⁰² Reichler, Day 3, 260: 11 - 13.

1 carefully with these internal documents, in particular with an eye to the issue that the author
2 was actually focusing on.

3 135. So when you read the six page note from Mr. Aust on which Mauritius places such
4 weight³⁰³ you will see that the issue that Mr. Aust was actually addressing was “*negotiations*
5 *with Mauritius Government regarding resettlement of the inhabitants of the Chagos*
6 *Archipelago*”. It is only in the very final paragraph that we find the *one* sentence relied upon by
7 Mauritius where Mr. Aust appears to *implicitly* assume the binding effect of the fishing rights
8 understanding, without however making clear whether he considers the understanding is
9 binding as a matter of legal obligation or political commitment.

10 136. There is also a tendency to quote from the internal documents as if that quote represented a
11 considered conclusion after having seen all relevant documents, when in fact that is not the
12 case.

13 137. For example, last week there was extensive citation³⁰⁴ from a 1996 research paper. But
14 what was not expressly referred to was the covering letter of that paper. The author said that the
15 research paper should be treated as a “working draft”, that she was “not confident” of her grasp
16 of all of the aspects to this matter, and concedes that there may be “obvious errors or
17 misconceptions”³⁰⁵.

18 138. And as to what Mr. Watts said in 1981³⁰⁶, well you were taken last week to his description
19 of an “agreement”³⁰⁷. But if you read on to the final sentence of the same paragraph, Mr. Watts
20 says that, I quote, “*precisely what fishing rights Mauritius has reserved to itself with our*
21 *agreement is a matter which will need looking into when the department produces the files*”.
22 And there are three points that flow from that sentence.

³⁰³ Reply, Annex 73; Reichler, Day 2, 151:22 to 152:11.

³⁰⁴ Reichler, Day 2, 156:19 to 157:17.

³⁰⁵ Reply, Annex 101.

³⁰⁶ Reply, Annex 83.

³⁰⁷ Reichler, Day 2, 153:22 to 154:4.

1 139. First, earlier in that same paragraph, Mr. Watts refers to the letter from the Mauritian Prime
2 Minister dated 24 March 1973. He had seen that letter and so did we, earlier this afternoon I
3 took you to that letter. Mr. Watts appears to have adopted the language of that letter when he
4 refers to Mauritius having “*reserved to itself*” fishing rights. But as we have seen, the
5 characterisation of the understanding in that March 1973 letter was wholly inconsistent with
6 the 1965 understanding, and was expressly rejected by the United Kingdom as inaccurate at the
7 time.

8 140. The second point is that it is clear that at that point Mr. Watts has not been provided with all
9 of the relevant documents; the department has yet to produce the files.

10 141. And the third and final point is that the question of precisely what was meant by “fishing
11 rights” is not addressed; it is a matter which will “*need looking into*”. And that is left to another
12 day.

13 142. The internal discussions have also been presented to you as if it is a steady stream of
14 confirmations over the years of a clear legally binding obligation. But in fact when one reads
15 the full run of documents, it is much more of a mixed bag, and one often sees *confusion* as to
16 *what it was precisely intended* by the 1965 understanding.

17 143. Indeed confusion and uncertainty is a noticeable theme in the internal documents which
18 Mauritius did not take you to and which further undermine its submission that the internal
19 documents are “*remarkably consistent*”³⁰⁸ and that there was “*no vagueness in the U.K.’s*
20 *understanding of the fishing rights it undertook to ensure for Mauritius in 1965*”³⁰⁹.

21 144. For example, at Annex 92 of the Reply, the Tribunal will see an internal memorandum
22 which refers to the 1965 understanding. It states that “*Precisely what was intended was never*
23 *set out in detail. Since the creation of the BIOT, Mauritian fishermen have applied and been*

³⁰⁸ Reichler, Day 2, 144:15.

³⁰⁹ Reichler, Day 2, 167: 5-6.

1 *granted licenses to fish in the BIOT. This is certainly with the knowledge of the Mauritian*
2 *Government...*³¹⁰.

3 145. In similar terms is a note from Ms. Savill of the Overseas Territory Department in 2001.
4 She was addressing the question of whether or not to amend a condition on fishing
5 licences³¹¹. She observed that “*HMG gave an undertaking to grant Mauritius “fishing*
6 *rights”*. *We interpret this as the granting of free licences for the historical fishing*”³¹². She
7 notes that “*The grant of free licencing has never meant unconditional fishing and we have*
8 *historically attached many conditions, mainly related to the good management and*
9 *conservation of the fishery*”³¹³.

10 146. My key point is that when the full run of documents is considered, and in context, with a
11 close eye to what documents the individual had before him or her and what issue the
12 individual was in fact addressing, they simply demonstrate a variety of views including as to
13 the lack of clarity over the years as to the import of the 1965 understanding. In any event
14 such internal documents do not advance matters regarding its correct interpretation, and on
15 that Mr. Wordsworth will address the Tribunal on Friday.

16 147. Mr. President, Members of the Tribunal, unless you have any further questions, that
17 concludes the presentation of the facts.

18 PRESIDENT SHEARER: Well, there appear to be no further questions, Ms.
19 Sander, so thank you very much, indeed.

20 And so now, I think we – I had it down – we are going to hear from Sir Michael
21 again.

22 MR. WHOMERSLEY: Tomorrow.

³¹⁰ Towards the bottom of the second para. on the second page. The memorandum is considering the issue of fisheries protection in BIOT.

³¹¹ Rejoinder, Annex 57.

³¹² At para. 13.

³¹³ At para. 14.

1 PRESIDENT SHEARER: So, there are no further presentations by the UK side
2 today; is that so, Mr. Whomersley?

3 MR. WHOMERSLEY: That's correct.

4 PRESIDENT SHEARER: I see. Well, we can then take the adjournment until
5 9:30 tomorrow morning. Thank you very much.

6 (Whereupon, at 5:09 p.m., the hearing was adjourned until 9:30 a.m. the following
7 day.)

CERTIFICATE OF REPORTER

I, David A. Kasdan, RDR-CRR, Court Reporter, do hereby certify that the foregoing proceedings were stenographically recorded by me and thereafter reduced to typewritten form by computer-assisted transcription under my direction and supervision; and that the foregoing transcript is a true and accurate record of the proceedings.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to this action in this proceeding, nor financially or otherwise interested in the outcome of this litigation.

A handwritten signature in cursive script, appearing to read "David A. Kasdan", is written over a horizontal line.

DAVID A. KASDAN

Index

A

- ability, *596, 607*
able, *508, 522, 524, 531, 547, 568, 584-585, 589, 603, 607*
abode, *571, 575*
about, *529*
above, *514, 567, 584, 610*
absence, *502-503, 531-532, 595, 611*
absolute, *609*
absolutely, *503, 521, 555, 578*
abuse, *499*
accept, *528, 530-531, 537, 576, 610*
acceptable, *526, 606*
acceptance, *532*
accepted, *520, 531, 534-535, 567, 608, 621*
accepting, *605*
accepts, *519, 523, 528*
Access, *616*
access, *575, 603, 608-611, 615-616, 620, 622-623*
accidentally, *530*
accommodate, *608*
accompli, *551, 555*
accordance, *508, 539, 570, 603*
accorded, *558*
According, *549*
according, *508*
accordingly, *605*
account, *510, 545, 561, 574, 607, 620*
accurate, *628*
Accusation, *534*
accusation, *534*
accused, *534, 589*
achieve, *530, 566, 584*
achieved, *526, 584*
achievement, *520*
achieving, *526, 566*
acknowledge, *511*
acknowledging, *567*
across, *545, 561, 577, 590*
Act, *522, 539-541*
act, *616*
acted, *514*
acting, *506, 521*
Action, *549*
action, *509, 517, 610, 628*
actions, *515*
actively, *552, 562*
activities, *550, 556, 569*
activity, *549, 613, 616*
Acts, *508*
actual, *526, 547, 596, 612-613*
actually, *504, 516, 538, 547, 552, 571, 591, 618, 624*
ad, *516*
add, *518, 540-541, 597*
added, *531, 540-541, 560, 620*
adding, *540*
addition, *519, 523, 531, 559*
additional, *532*
address, *504, 521, 524, 541, 545, 566, 575, 618, 622, 626*
addressed, *503, 527, 537, 545, 590, 594, 596, 620, 623, 625*
addresses, *504*
addressing, *558, 595, 624, 626*
adequate, *519, 526, 545, 583, 590*
adjectives, *499*
adjourn, *568*
adjourned, *569, 627*
adjournment, *569, 627*
adjust, *537*
adjustment, *524*
administered, *505, 510-512, 514, 516*
administering, *514, 520*
Administration, *548-549, 551-552, 582, 585, 589*
administration, *513-514, 516, 545, 582*
administrative, *511, 513-514, 516*
Administrator, *499, 503, 510, 552, 556-557*
Admiralty, *507*
admiration, *500*
admitted, *534*
admitting, *511*

adopted, 500, 520, 554, 625
 adoption, 539
 advance, 555-556, 596, 620, 626
 advanced, 595, 617, 621
 advantage, 536, 560
 advantages, 563-564
 adversary, 509
 advice, 542, 555, 557, 565-566, 568, 570, 586, 590
 advise, 586
 advised, 498, 608
 Adviser, 549-550
 adviser, 594
 advises, 564
 Advisor, 549
 advisors, 606
 Affairs, 548, 551, 558, 578-580, 590, 622
 affairs, 533
 affect, 503, 605
 affected, 563
 affidavits, 558
 affirming, 617
 afraid, 547, 568
 Africa, 506
 African, 609
 afternoon, 529, 531, 569, 584, 625
 afterwards, 542
 Agalega, 506, 541, 597
 agencies, 545
 agenda, 563, 612, 618, 620
 Agent, 498, 545, 575, 577, 589
 agent, 544, 548
 agree, 517, 519, 527, 529, 531, 534, 581, 603, 605
 agreeable, 530, 532, 535
 agreed, 509, 515, 518-520, 523, 528, 530-532, 536, 551, 561-564, 572, 574, 585, 590, 595, 605-606, 616
 agreeing, 529, 620
 agreement, 498, 506, 508-509, 518, 522-523, 526-528, 530, 533, 536-539, 560, 570, 584, 587, 591, 601, 605, 624
 agricultural, 600
 ahead, 560-562, 564-565, 570, 584
 aim, 503
 aimed, 549
 air, 519
 Airfield, 524
 airstrip, 605
 akin, 608
 al, 567
 Alan, 504-505
 albeit, 502
 Aldabra, 544
 alia, 523, 535
 allay, 524
 allegation, 518, 575-576, 582, 591
 allegations, 545
 alleged, 501-503, 518, 537, 567, 575
 allegedly, 500, 623
 alleges, 499, 526
 Allen, 549-550, 585-586
 allow, 517, 570, 606
 allowed, 547-548, 564
 allowing, 534, 557
 alluded, 534
 almost, 546
 alone, 501, 534-535
 Alongside, 524
 alongside, 563, 571, 578, 593
 already, 498, 528, 530, 545-546, 548, 550, 554-555, 566, 570, 575, 585, 613, 618, 623
 alternative, 501, 613
 Although, 589, 609
 although, 501, 503, 523, 534, 545, 558, 565, 570, 583, 596
 altogether, 507, 603
 Ambassador, 618
 ambiguity, 542
 amend, 540, 558, 572, 626
 amended, 506, 540-541
 amending, 589
 Amendment, 540-541
 amendment, 540-541, 574
 amendments, 598
 American, 513, 523, 601, 603
 Americans, 603
 among, 523, 530
 amongst, 538, 550
 amount, 515, 531-532, 596
 amounted, 608
 Amy, 504, 591, 595
 analogous, 538
 analysis, 500-501, 555, 557, 559, 570, 583, 592, 594
 anchorage, 597
 And, 615
 and, 548
 Anderson, 512
 Andrew, 549-550, 586
 Andrews, 549
 Anglo, 533
 Annex, 511, 520-521, 526-533, 535-536, 539-542, 546, 548-557, 559, 561-565, 567, 572, 574, 577-581, 586-587, 590, 597-598, 600-601, 603, 605-613, 615-616, 620-622, 624-626
 annex, 505, 513, 524, 532, 534
 annexed, 550, 552, 558-559, 580, 583, 615, 618
 Annexes, 565, 579
 annexes, 498, 571, 618
 announce, 555
 announcement, 498, 563, 584-586
 announcing, 583,

586
 annual, 528
 annum, 529
 Another, 513
 another, 507,
 512-513, 516,
 539, 543,
 554-556, 558, 625
 answer, 501, 510,
 517, 533, 538,
 557, 568-569,
 579, 590-591,
 593, 618
 answered, 536
 answers, 503, 509,
 515-517, 545,
 547-548, 589, 594
 anticipating, 573
 anyway, 584
 apart, 507, 535
 apologies, 600
 apologize, 507
 apparent, 615, 620
 apparently, 532
 appealing, 541
 appear, 505, 513,
 519, 524, 536,
 544, 592,
 595-596, 598,
 600, 626
 appeared, 501,
 507, 560
 appearing, 498
 appears, 502, 523,
 542-543, 553,
 575, 587, 589,
 608, 624-625
 appendices, 601
 Appendix, 596,
 601, 603, 607,
 622
 appendix, 512
 appertains, 510
 applicable, 508
 application, 500,
 504, 516-517
 549-550, 561,
 566-567,
 574-575, 597,
 603, 605, 607,
 610-612, 622, 624
 applied, 519, 523,
 608, 613, 625
 applies, 500
 apply, 554
 appointed, 539, 549
 appreciate, 582
 appreciating, 596
 appreciation, 505
 appraised, 564
 approach, 520,
 522, 543, 585,
 587
 approached, 550
 approaches, 546
 approaching, 568
 appropriate, 499,
 507, 552, 601,
 615
 approved, 554
 approximately,
 506-507
 approximation, 509
 appurtenance,
 513, 543
 April, 542, 544,
 549-550, 553,
 578, 586, 591,
 593, 605, 616
ARBITRATOR,
 509-510,
 515-517, 521,
 537-539,
 542-544,
 546-547, 552,
 568-569,
 578-579,
 581-582,
 593-594, 606,
 616-618
 Archipelago,
 505-507, 509,
 511-515,
 518-519, 527,
 529, 532-538,
 540-541, 546,
 549-550, 561,
 566-567,
 574-575, 597,
 603, 605, 607,
 610-612, 622, 624
 archipelago, 508,
 535, 544, 610
 Area, 542, 547,
 555, 564, 566,
 577, 587, 593-594
 area, 506-507, 527,
 546-548,
 551-552, 556,
 560, 562, 566,
 568, 571, 575,
 580-581, 584,
 587, 607, 612
 Areas, 538
 areas, 567
 argue, 532, 613
 argued, 557, 566,
 582
 argues, 574, 576
 arguing, 513, 557
 argument,
 500-502, 504,
 510-511, 516,
 518-519, 543,
 558, 560, 566,
 580, 591, 613
 arguments,
 504-505, 514,
 560, 566-567, 586
 arise, 501
 arisen, 576-577
 arising, 501, 530,
 557
 arose, 576
 around, 499,
 507-510, 522,
 534-536, 580,
 593, 607
 arrangement, 554
 arrangements,
 510, 512-514,
 603, 615, 617
 array, 623
 arrive, 498
 arrow, 546
 Article, 500, 502,
 504-505, 508,
 576, 590
 article, 512, 551,
 553, 567-568, 594
 Articles, 500, 576
 articles, 549, 576
 artisanal, 610
 Arvin, 559
 as, 534, 598
 Ascension, 516
 aside, 509, 547
 asks, 536, 570
 aspect, 587, 617
 aspects, 545, 565,
 624
 Assembly, 513,
 520, 532,
 534-537,
 540-541, 597, 601
 asserted, 506, 526,
 612
 asserting, 514, 609
 assertion, 500,
 512, 514, 606,
 610
 asserts, 519
 assess, 535, 567
 assessment, 554,
 565, 585, 590
 assist, 526, 589
 assistance, 523,
 529, 545, 568
 assisted, 628
 assists, 566
 associated, 552
 association, 513,
 526
 assume, 509, 624
 assuming, 606
 assumptions, 519,

522
assurance, 532,
573, 601
assurances, 523,
531, 595, 601
assure, 572, 606
assured, 576
astonished, 617
at, 532
Atlantic, 506
atmosphere, 519
atoll, 507
atolls, 507, 594
Attach, 513
attach, 513
attached, 511, 513,
524, 542, 556,
558, 626
attaches, 556
attaching, 556
attachment, 533
attachments, 556
attempt, 519,
539-540, 577, 596
attempted, 557
attempts, 545, 561
attend, 531
attended, 559
attendees, 565
attention, 498,
501, 542, 545,
552, 570, 596,
606-607, 613,
616-617
attitude, 528
Attorney, 498, 501,
508, 545, 565,
567, 576, 601
attributed, 618
attributes, 504, 532
August, 536, 561,
565, 610, 612,
621
Aust, 624
Australia, 549

Australian, 549
author, 509, 624
authored, 549, 558
authoritative, 555,
557
authorities, 536,
603, 621
Authority, 512, 558
authority, 512,
514, 523
authors, 567
automatic, 504
autumn, 542
available, 507, 524,
528-530, 533,
590, 592
avoid, 591-592, 611
avoiding, 534
await, 498
aware, 502, 529,
537, 576-577,
579, 581, 590,
597-598
away, 531, 533, 540

B

back, 499, 501,
510, 517-518,
522, 526, 528,
538-539,
541-544, 562,
568-570, 576,
578, 581,
593-594, 603, 616
BACKGROUND, 544
background, 500,
504-505, 511,
520, 543, 552,
587, 590, 615,
617

backgrounds, 586
backtrack, 584
bad, 513, 548, 585
baffling, 574
bag, 625
Bailiwick, 512
balance, 526, 534
bald, 512
ban, 503, 572, 592,
612, 622
banal, 551
Bancoult, 558-559
Bangor, 549
Banhos, 547-548
Bank, 507, 556
bargaining, 536
Base, 538
base, 523, 535,
547, 603
based, 500,
504-505, 518,
549, 552, 559,
568, 591, 610
baseless, 504
bases, 504, 530
basic, 508, 511,
513, 522
basically, 585
basis, 499, 503,
508, 516, 542,
554, 560, 566,
584, 610, 617
basket, 597
bear, 519
bearing, 608
bears, 558
beat, 562
became, 502, 516,
520, 530, 534,
538-540, 546,
577, 620
become, 499, 514,
527, 533, 540,
554, 562

becomes, 513
becoming, 526
been, 615
beforehand, 560
began, 530
begin, 504, 522,
541, 596
beginning, 534,
552, 564, 566,
616, 623
begins, 515, 542
begun, 522
behalf, 505, 544,
595, 597, 606
behind, 509, 527,
562
belated, 519, 575
belatedly, 539
believe, 515, 522,
537
believed, 537, 574,
580
Bellingham, 587
belong, 515
below, 516
benefit, 528, 562,
605, 623
benefits, 510, 527,
567, 570, 581
Berenger, 536
Bérenger, 541
Bertarelli, 549,
589, 592
best, 526, 563,
570, 589, 594
Between, 507
between, 506, 510,
513-514,
517-518, 526,
529, 532, 536,
538, 549-550,
555-557, 559,
561, 563-564,
572-577, 580,

582, 591-593,
 596, 615
 beyond, 508, 522,
 581, 589, 611
 bibliography, 549
 biblioref, 549
 big, 554, 557, 583
 biggest, 580
 bilateral, 545,
 554-555, 559,
 561, 563-564,
 571, 573-575,
 577, 579, 585,
 590, 592-593,
 615, 617-618
 bilaterals, 562
 Bill, 541
 binding, 595-596,
 606, 615, 617,
 622, 624-625
 biodiversity, 567
 biologists, 594
 BIOT, 499-500,
 502-508, 510,
 515-516,
 518-519,
 522-523, 526,
 530, 532-534,
 536-537,
 539-540,
 544-562,
 564-568,
 570-571, 582,
 584-585, 587,
 589-590, 596,
 606-609, 612,
 621, 625-626
 BIOTA, 585
 bit, 524, 537, 546,
 581
 blackmail, 536
 bleaching, 611
 bloc, 523
 Blue, 549
 bluntly, 518, 536
 blurred, 547
 BMFC, 615-618,
 620-621
 board, 607
 boat, 607
 boats, 609
 bodies, 551
 body, 568
 bolder, 583
 book, 507
 Boolell, 535, 559,
 562, 572, 574,
 578-579, 591
 borne, 555
 Both, 523, 539
 both, 504-505,
 508-509, 536,
 540, 563-565,
 568, 573-574,
 578-579, 586,
 592-593, 605,
 608-609, 618, 622
 bothered, 554
 bottom, 530, 556,
 567, 570,
 573-574, 583,
 585, 600-601,
 617-618, 626
 bound, 623
 boundaries,
 537-538
 boundary, 501,
 509, 522
 box, 546
 Boyle, 504-505, 568
 Bradner, 550
 brave, 500
 breached, 578
 break, 498,
 521-522, 542,
 547-548, 553,
 568-569, 595
 breakdown, 581
 Brief, 522, 544
 brief, 498, 510,
 524, 535, 546,
 552, 555, 564,
 570, 572, 594,
 621
 Briefly, 589
 briefly, 518,
 523-524, 545,
 576, 581, 583,
 616
 briefs, 517
 bring, 573
 brings, 598
 Britain, 509, 511,
 526, 529, 534,
 541
 British, 499,
 501-502,
 505-507,
 511-513, 515,
 520-521, 527,
 530, 533,
 535-536, 542,
 551, 554-555,
 559, 562-564,
 567, 571-574,
 578-581, 583,
 586-587, 591,
 595-596, 601,
 605-606,
 608-612,
 615-616, 618, 621
 broad, 520
 broader, 511
 broadly, 559
 Brothers, 548
 brought, 509, 560,
 573
 Brown, 502, 573,
 575-576, 578,
 587, 591
 Brownlie, 507, 509
 Bryant, 583
 budget, 531
 built, 552
 bullet, 563, 567,
 620
 Bulletin, 509, 515,
 567
 bulletin, 509
 bulletinpdf, 509
 bundle, 533, 583
 bureaucracies, 513
 business, 538
 bycatch, 566-567
 bypass, 579-580

C

CAB, 561
 Cabinet, 521, 542,
 572, 579
 cabinet, 559
 call, 498, 504-505,
 516, 572-573,
 583, 586, 591,
 594
 called, 502, 515,
 557, 562, 572,
 585
 came, 520, 529,
 541, 543, 581,
 591, 608-609
 campaign,
 549-550, 553
 campaigns, 550
 candidate, 549
 candour, 499
 cannot, 500, 508,
 513-514, 547,
 592, 606
 capacity, 557-558
 capital, 529
 Carajos, 541
 care, 501, 596
 carefully, 586, 624
 Cargados, 541

carried, 552-553, 607, 616
 case, 498-502, 504-505, 510-512, 515-517, 519, 522, 524, 530, 535, 546, 554, 556, 558, 565-568, 571-572, 576, 581, 584-585, 589-590, 593, 595, 612, 618, 620, 624
 cases, 538
 cast, 513
 casts, 513, 566
 casual, 597
 catch, 568
 catching, 569
 caught, 503, 547
 caused, 577
 cautious, 550
 caveat, 589
 Cayman, 538
 Ceccarelli, 567
 cede, 515, 550, 571-572, 574-575, 577
 ceded, 511, 560, 571
 CEN, 555, 560
 center, 546
 centered, 565
 central, 500, 502
 Centre, 551, 565, 586
 centred, 545, 566
 centuries, 510
 century, 511, 516
 certain, 500, 515, 517, 519, 545-546, 553, 559, 596, 618, 623
 Certainly, 517, 538
 certainly, 502-503, 585, 626
 CERTIFICATE, 628
 certify, 628
 cetera, 511, 543, 594
 Cf, 608
 Chagos, 505-507, 509, 511-516, 518-519, 527, 529, 532-541, 546, 548-556, 560-561, 565-568, 571, 574-575, 593, 595-598, 603, 605, 607-608, 610-611, 622, 624
 chagos, 549, 610
 Chagossian, 571, 580-581
 Chagossians, 501, 577
 chain, 585
 chains, 585
 challenge, 566, 613
 challenged, 613
 challenging, 571
 chance, 533, 554
 change, 513-514, 519, 524, 541, 571, 574-575, 606
 changed, 580
 changes, 518, 571
 changing, 514, 573
 Channel, 512
 Chapter, 512, 519
 characterisation, 625
 characterised, 595, 601
 characterises, 500
 charge, 528, 550, 554, 609-611
 Charitable, 550
 charitable, 589
 charity, 549, 552
 Charles, 549-550
 Chart, 507
 chart, 546-547
 Charter, 520
 charts, 509, 547
 cheated, 533
 checking, 517
 Chief, 563
 chief, 559, 564
 CHOGM, 563, 573, 575, 577
 choice, 534, 581
 chooses, 524
 chose, 528, 534
 chosen, 499
 Chris, 583
 Christopher, 498
 chronological, 545, 583
 chronology, 553, 583, 585
 circles, 548
 circulated, 596
 circumstances, 503, 515, 526, 558, 571, 580, 590, 603
 citation, 624
 cited, 609
 citing, 567, 606, 611
 Civil, 579
 Claim, 502
 claim, 501-502, 504-505, 514, 524, 526, 535, 554, 561, 573, 579, 596, 603, 611, 617, 620-623
 claimant, 500
 claimed, 532, 540, 575, 597
 claiming, 514, 551
 Claims, 591
 claims, 504, 534, 545-546, 555, 587, 595
 clarification, 499, 592-593
 clarified, 534-535
 clarifies, 591
 clarify, 509, 521-522, 543, 616
 clarity, 626
 clause, 616
 Clauses, 540-541
 CLCS, 502
 clear, 501-503, 505, 508, 511, 514, 521, 527-531, 533, 546, 553, 557, 561, 571, 576-578, 582, 584, 586, 593, 595, 598, 601, 607, 618, 620, 623-625
 clearer, 547-548, 585
 Clearly, 531, 574
 clearly, 507, 509, 524, 531, 540, 573, 575, 603, 606
 Cleverly, 509
 clients, 553
 close, 501, 513-514, 529, 531, 612, 626
 closed, 582, 612
 closely, 547, 572
 closer, 512
 closing, 566-567
 closure, 556, 566-567
 coast, 507

coastal, *500-502, 504*
 coasts, *506*
 code, *523*
 coextensive, *546*
 cognisant, *550*
 cold, *568*
 Colin, *546, 551, 553-557, 559, 564-565, 570, 584-587*
 collation, *580-582*
 colleagues, *517-518, 526, 529, 536, 544, 567, 579, 592-593, 621*
 College, *549*
 Colonial, *516, 518, 521-524, 526-533, 601, 603*
 colonial, *511, 515, 520, 522, 544*
 Colonies, *521, 532, 542-543, 597*
 colonies, *518, 538, 542*
 Colony, *513*
 colony, *500, 538, 540, 543*
 column, *536, 566-567*
 come, *507, 514, 516, 518, 522, 530, 538-539, 541, 544, 552, 568-569, 576, 584, 592-594*
 comes, *520, 524, 544*
 Coming, *512*
 coming, *563, 578*
 comment, *517, 556-557, 560, 581, 587, 595, 598, 617*
 commentators, *500*
 commented, *558*
 commenting, *605*
 Comments, *556-557*
 comments, *534, 542, 556-557, 566, 568, 580, 618, 623*
 commercial, *503, 547, 567, 577, 581*
 Commission, *503, 515, 579, 586, 605, 608, 610, 612, 615, 617-618*
 Commissioner, *554, 559, 562-565, 572-574, 578-580, 583-584, 586, 605-607, 609, 612*
 commit, *526, 564, 585*
 commitment, *526, 549, 571-572, 574-578, 624*
 committed, *564*
 Committee, *513, 526, 532, 534, 542-544, 548, 578, 601*
 committee, *540*
 commodities, *530*
 commodity, *529*
 common, *536, 578, 585, 609, 618*
 Commonwealth, *518, 527, 533, 551, 553, 558, 583, 591-592, 605, 612*
 communal, *524*
 communicated, *535*
 communication, *498*
 communications, *524, 561, 574, 579, 582, 584, 587, 592*
 Communiqué, *561, 616*
 communiqué, *563, 571*
 communities, *580*
 community, *514, 553, 571, 577, 580-581, 587*
 companies, *610*
 company, *597, 620*
 compatible, *575, 623*
 compensation, *519, 527-532*
 compiled, *567*
 complaining, *609*
 complaint, *572*
 complement, *565*
 complete, *522, 533, 592, 609*
 completed, *612*
 completely, *527, 560, 568*
 complexities, *567*
 complexity, *518*
 complicated, *554*
 composed, *618*
 comprised, *541*
 compromise, *593*
 computer, *628*
 concedes, *624*
 concept, *502, 512, 571*
 concern, *504, 529, 532, 562, 565, 603, 611, 615*
 concerned, *528, 535, 558, 582*
 concerning, *509, 534, 545, 580*
 concerns, *502, 509, 526, 552, 561, 566, 577, 598, 623*
 concessions, *530, 620*
 conclude, *567, 623*
 concluded, *528, 568*
 concludes, *505, 526, 541, 572, 591, 598, 603, 626*
 Conclusion, *590*
 conclusion, *503, 531, 566, 568, 582-583, 587, 590, 624*
 conclusions, *508, 529, 534, 581*
 concocted, *511, 519*
 condition, *616, 626*
 conditional, *592, 608, 610, 615-616*
 conditions, *523, 600, 626*
 conducted, *559*
 confer, *594*
 Conference, *519, 521, 526, 532-533, 539, 608-609*
 conference, *520, 533, 575, 594*
 confess, *552, 578*
 confident, *500, 624*
 confidential, *616*
 confirm, *522, 536, 582, 621*
 confirmation, *548*
 confirmations, *625*
 confirmed, *533, 571, 586, 597, 601, 610*

confirming, 606
 confirms, 574, 620, 622
 confusing, 518
 confusion, 577, 625
 Congo, 558
 connected, 554
 connection, 504, 526-527, 541, 543
 consent, 506, 518-519, 524, 526, 530, 532-535, 537, 551
 consented, 536
 consequence, 616
 consequences, 585
 Conservation, 546, 548-553, 560, 589, 610
 conservation, 548, 566-567, 574, 616, 626
 conservationists, 549
 Conservative, 587
 conserved, 548
 consider, 498, 515, 537, 570
 considerable, 533, 542
 consideration, 508, 554
 considerations, 521
 considered, 530, 532, 542, 548, 560, 568, 570, 574, 581-583, 586-587, 603, 607, 612, 624, 626
 considering, 569, 618, 626
 considers, 596, 622, 624
 consisted, 527, 535
 consistent, 511, 520, 592, 609, 620, 622, 625
 consistently, 543
 consolidate, 503
 constitute, 540, 616
 Constitution, 506, 539-541
 constitution, 520
 Constitutional, 519, 521, 532-533, 539
 constitutional, 504-505, 511-514, 520-521, 524, 543
 Constitutionally, 512
 constraints, 623
 constructed, 620
 construction, 582
 constructive, 520
 consult, 530-531, 551, 584
 consultancy, 556
 Consultant, 508
 Consultation, 555, 564, 570-573, 575, 580-581
 consultation, 519, 545, 548, 553, 555-556, 558-565, 567, 570-584, 586-587, 590, 592-594, 622
 Consultations, 559
 consultations, 498, 523, 546, 551, 555, 559, 570, 577-579, 590, 592
 consultative, 560
 consulted, 519, 577
 consulting, 551
 consumed, 547
 consumption, 547, 597, 603
 contain, 545
 contained, 539
 contains, 547, 593
 contemporaneous, 519, 524, 536, 601, 621, 623
 contends, 607
 content, 548, 574
 contention, 515, 518
 contentions, 501
 contentious, 540
 contents, 498
 context, 534, 538, 544, 550, 577, 586-587, 596, 606, 615, 620-621, 623, 626
 contexts, 511
 contiguous, 607-609
 Continental, 503, 515
 continental, 503, 508-509
 continuation, 578
 continue, 500, 571, 578-579, 587, 593, 609-610, 616
 continued, 511, 520, 531, 552, 557, 574, 579
 continues, 560, 563, 571, 577, 608, 622
 continuing, 503, 524, 528
 continuity, 528
 contracted, 556-557
 contrary, 513, 515, 536, 590
 contrast, 507
 contribute, 528
 controls, 547
 convened, 526, 565
 convenience, 511
 convenient, 521, 542, 595, 603
 convening, 519
 Convention, 500-501, 504-505, 508, 516-517, 521, 539
 conversation, 530-531, 556, 575-576, 592
 conversations, 573
 conveyed, 575, 584
 conviction, 504
 convinced, 578
 convincing, 566, 621
 coordinated, 530
 coordinates, 509, 612
 copies, 547, 591
 copra, 597
 copy, 507, 547-548, 572, 586, 591, 605
 Coral, 567
 coral, 507, 546, 570, 594, 611
 corner, 556, 583-584, 600, 621
 correct, 500, 522, 587, 618, 626-627
 corrected, 583, 613
 correction, 509
 correctly, 515, 552, 617
 correspondence, 592, 595, 603, 611
 Costa, 581
 costs, 570

couldn, *516, 564*
 Council, *518-519, 523-524, 526, 530-533, 537, 539-540, 551, 596, 601*
 Counsel, *513, 526, 581*
 counsel, *502, 509, 559, 628*
 Counselor, *594*
 count, *600*
 Counter, *498, 512, 545, 547, 550, 559, 565, 576, 580, 589, 601, 609, 613*
 counter, *534, 560*
 counterparts, *618*
 countries, *518, 563*
 country, *507, 541, 603, 607*
 couple, *565, 593, 606*
 course, *500-503, 516-517, 520-521, 523, 530-531, 536, 545, 570, 582, 589, 593, 607, 617, 623*
 Court, *516, 558-559, 571, 628*
 court, *500, 504*
 cover, *505*
 covered, *511*
 covering, *548, 557, 568, 624*
 covers, *546-547*
 Cow, *548*
 Crawford, *519, 523-524, 527-529, 532-535, 546, 566*
 create, *530, 550, 587, 590*
 created, *534*
 creation, *526, 536, 545, 571, 625*
 credible, *558*
 critical, *518, 524*
 criticism, *532*
 criticized, *534*
 criticizing, *535*
 cross, *559*
 Crown, *512*
 CRR, *628*
 cultural, *514*
 Cunha, *516*
 curious, *561*
 Curnick, *567*
 current, *512, 571*
 currently, *589*
 customary, *520, 532*
 cut, *545, 561, 577, 590*
 Cyprus, *538*

D

da, *516*
 dark, *551*
 date, *511, 523, 540, 556, 561, 577, 582, 591*
 dated, *509, 542, 551, 553, 555-557, 559, 561-564, 578-580, 587, 590-591, 600-601, 603, 605, 608, 621-622, 625*
 dates, *518, 532, 563-564, 582*
 DAVID, *628*
 David, *628*
 Day, *508-509, 511, 513-514, 519, 521, 523, 526-527, 529, 532-534, 539, 545-546, 551, 555, 557-558, 561, 566-567, 573, 576, 583, 587, 600-601, 603, 605-608, 611-613, 615, 618, 620-621, 623-625*
 day, *504, 513, 533, 539, 559, 562-563, 569, 572, 574, 601, 625, 627*
 days, *499, 527, 544, 547, 582, 598, 601*
 de, *511, 549, 613*
 deal, *502-505, 515, 522, 524, 544, 554, 584, 613*
 dealing, *522, 589*
 dealt, *518, 523, 582*
 Debate, *540*
 debate, *523, 527, 534-535, 540*
 debates, *511*
 decades, *607, 615*
 December, *520, 541, 552, 574, 577-579, 590-591, 597*
 decide, *500, 504, 521, 585*
 decided, *501, 531, 554-555, 586-587, 611-612*
 decides, *585*
 deciding, *500, 585*
 DECISION, *584*
 decision, *521-522, 524, 526, 531-532, 540, 545, 551, 553-555, 560, 571-572, 582, 585-587, 590, 592-593, 611-612*
 decisions, *522, 560, 572*
 decisive, *504*
 DECLARATION, *544*
 Declaration, *520*
 declaration, *502, 541, 544, 552, 584*
 declare, *545, 584, 586-587, 610*
 declared, *535, 582, 585*
 declaring, *584*
 decline, *533*
 declined, *503*
 Defence, *521, 526, 542-544, 551, 608*
 defence, *521, 523, 526-527, 530, 550, 571-572, 574-575, 577, 603, 608*
 defense, *544*
 deficient, *589*
 defined, *539, 607*
 definite, *605*
 definition, *540-541*
 delay, *586*
 delayed, *564*
 delegate, *618*
 delegation, *520, 559-560, 616-618*
 deliberate, *540*
 delimitation, *501*

delineation, 508
Democratic, 558
democratic, 539
demonstrate, 626
demonstrated, 501, 533, 582, 596, 612-613
demonstrates, 603
demote, 557
deny, 519, 603
denying, 617
département, 506
Department, 518, 533, 608-609, 626
department, 624-625
departments, 518
depend, 555, 567
depended, 521-522
Dépendences, 511
Dependencies, 512, 516-517, 542-543
dependencies, 512
Dependency, 505, 510-513, 537-538, 543
dependency, 512, 515
deployed, 621
deposit, 509
depts, 509
describe, 544
described, 510, 512-514, 522, 545, 550, 589, 594
describes, 563
describing, 550
description, 513, 546, 552, 624
designate, 556-557, 607
designated, 547, 609
designating, 566
designation, 580, 608
designed, 620
desire, 553
desired, 566
Despatch, 601
Despite, 511, 578
despite, 500
detach, 513, 538
detached, 519, 538
Detachment, 524, 536
detachment, 500, 506, 518-519, 524, 526, 529, 532-537, 600
detail, 527, 545, 553, 559-560, 565, 582-583, 593-594, 603, 622, 625
detailed, 552, 581, 594, 607
details, 511, 556, 560, 585
determination, 502, 504, 513, 520, 532, 543
determine, 500
determined, 500, 508
detract, 511, 591
develop, 499, 553
developed, 501, 563, 603
Development, 556-557
development, 531, 561, 575, 622
diagram, 546-547
dialogue, 564, 577, 579
Dickson, 520
Dictionary, 513
dictionary, 513
Diego, 507-508, 523, 527-528, 533, 541, 546-547, 569, 580, 594, 597-598, 601, 608
difference, 500, 510, 580, 600
different, 501, 510, 537-538, 541, 568, 585-586, 592, 594, 600, 609
differentiated, 581
difficult, 501, 530, 546-547, 564, 575
difficulties, 502
difficulty, 577, 621
digest, 536
diplomatic, 577
direct, 571, 579
directed, 585
direction, 546, 628
directly, 506, 578
Director, 552, 556-557, 562
Directorate, 557, 559, 561-562, 570
directs, 552
disagree, 501
disagreed, 587
disappointed, 544
disapproved, 566
discharge, 605
disclose, 499
disclosed, 499
discovered, 605
discretion, 530, 603, 608
discuss, 531, 552, 565, 571, 623
discussed, 563, 571, 590, 615-616, 621, 623
discusses, 521
discussing, 503
discussion, 529, 536, 555, 559, 561, 566, 577, 579, 611, 620-621
Discussions, 615
discussions, 524, 551, 554, 563, 573, 580, 587, 593, 596, 615, 622, 625
dispersed, 507
displaced, 605
disposal, 524
disposed, 600
dispute, 503
disputed, 541
disregard, 566
disregarded, 566
dissent, 531
distance, 506-507, 561
distant, 516
distinct, 527, 556, 617
distinction, 513-514, 517, 538
distorted, 534
distorts, 519
distract, 579
distributed, 508
diversity, 548
divide, 537
divided, 504, 595
Divisional, 558-559
divisions, 516
doalos, 509
Document, 570-573, 575, 581
document, 531, 542-543, 547-548,

556-557,
 564-566, 568,
 570, 572, 574,
 580-581, 583,
 586, 590, 598,
 600, 605-606,
 608, 610, 616,
 618, 621
 documentary, 519,
 596, 623
 documentation,
 499, 609
 documents, 499,
 501, 518, 520,
 523-524, 542,
 545, 550, 552,
 557-558, 561,
 563, 578-579,
 582-583, 593,
 596, 598,
 600-601, 603,
 606, 621-626
 doing, 545, 553,
 623
 domestic, 513,
 565, 586-587,
 595-596, 598, 603
 donation, 589
 donations, 589, 592
 done, 516, 520,
 531, 533, 539,
 584, 587, 592
 door, 532
 doubt, 513-514,
 516, 536, 539,
 541, 566, 573,
 590, 623
 doubts, 526
 down, 501, 559,
 566-567, 585,
 593, 600, 606,
 626
 draft, 563, 624
 drafting, 520
 dramatis, 552
 draw, 606-607,
 613, 616-617
 drawn, 504, 509,
 565
 drew, 565
 driven, 586
 driving, 587
 drying, 507
 due, 506-507, 523,
 554
 duly, 556
 duress, 506, 515,
 518-519,
 522-523, 529,
 531, 533, 536-538
 During, 622
 during, 501, 517,
 520, 523,
 526-527, 529,
 533, 536, 546,
 561, 567, 570,
 586, 590-591,
 596, 618, 620
 Duval, 597
 DVD, 589
 DVDs, 549

E

each, 501, 618
 earlier, 537, 543,
 546-547, 555,
 560, 589-590,
 593, 601, 609,
 625
 early, 508, 511,
 517, 596
 easier, 581
 East, 609
 east, 506-507, 540
 echoes, 561
 Ecole, 549
 Economic, 566
 economic, 508,
 514, 520, 529,
 549, 575, 622
 ed, 512, 576
 Edgar, 567
 edition, 507, 509
 educational, 520
 EEZ, 509, 560, 567,
 585
 effect, 499, 514,
 558, 579, 609,
 624
 effective, 520
 effectively, 530,
 551
 efforts, 611
 EGram, 559
 Eight, 596
 eight, 549,
 595-596, 620, 623
 eighteenth, 511
 eighth, 615
 Either, 502
 either, 501, 519,
 526, 546, 566,
 578, 589, 603
 elaborate, 585, 606
 elaborated, 565
 Elasmobranch,
 567-568
 elected, 523, 532
 Election, 522, 593
 election, 536-537,
 539, 564, 585
 elections, 541, 564,
 573, 586
 electoral, 524, 586
 electorate, 536
 element, 500, 548
 elements, 501
 eliminate, 566-567
 elsewhere, 565, 598
 Email, 549-550,
 556-557, 562
 email, 550,
 554-557,
 562-563, 574,
 583-587
 emails, 583, 585
 embassy, 542
 emerged, 519, 603
 emphasis,
 501-502, 505, 608
 emphasize, 549
 emphasized, 527
 employed, 597, 628
 enable, 609
 enabled, 607
 enables, 503
 enabling, 607
 enact, 589
 enacted, 499, 541,
 548
 enactment, 539,
 589
 enclose, 605
 enclosed, 598
 enclosing, 601
 encompass, 575
 encompassing, 556
 Encyclopedia, 512
 end, 510, 536, 553,
 559, 563-564,
 574, 578-579,
 589, 621-622
 endangered, 566
 endeavour, 499
 ended, 529
 endorsement, 537
 enforce, 503, 589
 enforceable, 623
 enforced, 589
 enforcement, 503,
 545, 589-590
 engage, 580
 engaged, 552, 554
 engagement, 552
 English, 558

enjoyment, 575, 622
 Ennals, 533
 enough, 507, 524
 enriching, 509
 ensure, 562, 603, 611, 616, 625
 ensuring, 523, 600
 enter, 511, 555
 entering, 591
 entire, 546-547, 608
 entirely, 500, 518, 540, 600, 607, 612, 620, 622
 entirety, 623
 entitled, 509, 551, 556, 609, 616
 entitlement, 510
 Environment, 546, 549-551, 553, 555, 560, 565, 612
 environment, 548-549, 553, 556-557, 560-561, 571, 575
 Environmental, 549-550, 553, 559
 environmental, 546-547, 549, 551-553, 555, 557, 571-573, 579, 587, 610
 envisaged, 587
 Eparses, 512
 EPPZ, 546
 equivalent, 598
 Ernesto, 589
 erroneous, 596
 errors, 624
 escalating, 545
 Esparses, 512
 especially, 584, 587
 essence, 579
 essential, 528, 532, 538, 551
 essentially, 512, 523, 537, 541, 571
 establish, 501, 550, 560, 580-581, 585, 612-613
 established, 504, 508, 513, 542, 610, 615
 establishing, 567, 607, 609, 617, 620
 establishment, 504-505, 515, 518, 522-523, 532, 534, 536, 550, 571-572, 579, 594, 596
 et, 511, 543, 567, 594
 European, 516-517, 571
 Even, 511, 514, 534
 even, 513, 524, 529, 532, 549, 553, 559, 573
 evening, 593
 event, 519, 530, 535, 541, 608, 613, 626
 events, 523, 534, 545, 552, 607, 612
 eventual, 575, 622
 Eventually, 540
 eventually, 530-531, 560
 everybody, 621
 everyone, 498, 541
 everything, 621
 Evidence, 617
 evidence, 499, 504, 518-519, 524, 534-537, 548, 555, 558-559, 567, 578, 587, 589-591, 594-595, 622-623
 evident, 519, 524, 529, 532, 573, 605
 evidently, 501, 530
 evolved, 550
 exactly, 502, 529, 583, 594
 examination, 559
 examined, 559
 example, 501-502, 511-513, 515-516, 533, 536, 538-539, 541, 549, 559, 587, 603, 606-607, 609-612, 618, 622, 624-625
 examples, 538, 607, 609
 exceedingly, 585
 excellent, 577, 587
 exception, 560
 excerpt, 559
 exchange, 502, 530, 555-557, 583, 590
 exchanges, 564, 575, 586, 615, 617, 620
 excised, 516
 Excision, 513, 532, 534
 excision, 534-535, 542
 excluded, 500, 504, 547, 607-608, 612
 excludes, 546
 excluding, 569
 exclusion, 569, 580, 608-609
 Exclusive, 566
 exclusive, 508
 exclusively, 524
 Executive, 581
 executive, 565-566, 580, 582
 exemplified, 535
 exercise, 534, 577
 exercises, 500
 exercising, 534
 exhibited, 558
 exist, 503
 existing, 503, 548, 589
 exists, 568
 expansive, 596, 598
 expect, 510-511, 593
 expectation, 566, 590
 expected, 502, 510, 527, 607
 expecting, 591
 expeditions, 549
 experts, 560, 565
 explain, 504, 519, 552, 554, 563, 568
 explained, 501, 510, 512, 547-548, 553-554, 560, 562, 576, 589
 explaining, 510, 582
 explains, 531, 553
 explanation, 499, 520, 568, 621
 explanations, 589
 exploit, 554
 exploitation, 596, 612-613, 622
 explore, 503, 551
 explored, 511

exposition, 502
 express, 561, 577, 603, 605
 expressed, 521, 528, 532-533, 539, 561, 565, 573, 579, 586, 603
 expression, 561, 591
 expressly, 500, 598, 600, 613, 624-625
 extend, 603
 extended, 502, 512, 516, 543, 555, 590, 610
 extending, 523, 610
 extensive, 558, 624
 extent, 539, 545, 594, 603, 608
 external, 517, 521, 523, 526, 555
 extra, 581
 extract, 507
 extractive, 550
 extraordinary, 502, 505
 extreme, 499-500
 extremely, 515, 547, 592
 extremes, 499
 eye, 624, 626

F

face, 562, 598
 faced, 545
 faces, 502
 Facilitator, 580
 facilitator, 580-582, 591

facilities, 528, 544, 597, 605
 facility, 524
 fact, 503, 510, 512, 519, 522, 529, 532, 536-537, 542-543, 555, 557, 559, 564, 566, 573, 576, 583, 585, 589, 591-592, 598, 607-609, 611-613, 620-626
 facto, 610
 FACTS, 544
 facts, 504, 534, 550, 595, 626
 factual, 511, 515, 595
 fail, 505, 566
 failed, 529, 540, 558
 failing, 589
 failure, 609
 fair, 517
 Fairclough, 603
 fait, 551, 555
 faith, 603, 611
 fall, 508
 falls, 502
 familiar, 523, 529-530, 554
 family, 589
 fanciful, 502, 515
 far, 502-503, 506-507, 513, 537, 548, 580, 597, 608
 fashion, 501
 fasten, 513
 favour, 501, 517, 526, 567
 favourite, 526
 FCMZ, 546, 556-557, 610

FCO, 508, 533, 550, 557, 562, 567, 570, 594
 fear, 533, 535
 fears, 524, 533
 Feasibility, 522
 feasibility, 510
 feasible, 508, 563, 584
 feature, 501, 593
 features, 508, 510, 567
 February, 551, 553, 555, 567, 578-579
 Fédérale, 549
 fee, 609, 611
 feel, 520, 531
 feeling, 531
 fees, 528, 615, 617, 620
 feigns, 511
 fellow, 531, 535
 felt, 531, 533
 few, 498-499, 503, 531, 533, 542, 572
 fields, 520
 fifteen, 519-520
 Fifteenth, 520
 fifty, 511
 fighting, 534-535
 Figure, 506-507, 613
 figure, 613
 figures, 613
 File, 608
 filed, 549
 files, 624-625
 FINAL, 584
 Final, 598
 final, 530, 532, 565, 572, 590, 592, 598, 605, 612, 615-617, 624-625

finalised, 553
 finalize, 510
 finalized, 510
 Finally, 503, 505
 finally, 531, 547
 Finance, 597
 finances, 552
 financially, 628
 Financing, 587
 find, 499-500, 504, 509, 518, 533, 553, 556-557, 563, 574, 584, 591, 616, 624
 findings, 559, 565, 580-581
 fine, 515, 589
 finer, 511
 fines, 503
 firm, 504
 firmly, 509
 First, 501, 505, 531, 551, 562, 564, 583, 590, 593, 600, 603, 606, 615, 625
 first, 498-501, 503-504, 509, 515, 530, 532, 537, 539, 544, 546, 549-550, 552, 554, 556, 558, 561, 563-564, 567, 572-576, 578-579, 589-590, 593, 596, 598, 600, 607, 612, 616-618, 621-622
 fish, 502, 556-557, 568, 594, 596, 607, 609, 621, 626

fished, 613
 Fisheries, 499, 546, 552, 566, 607, 610, 612, 615
 fisheries, 545, 548, 554, 557-558, 566-567, 575, 607, 609, 620-622, 626
 fishermen, 503, 596-597, 607-608, 625
 Fishery, 556, 607
 fishery, 554, 556, 607, 610, 616, 623, 626
 Fishing, 610
 fishing, 502-505, 547-548, 550, 554-558, 560, 566-567, 570, 572, 581, 589, 591-592, 595-598, 600-601, 603, 605-613, 615, 618, 620-626
 fit, 501
 Five, 596
 five, 501, 523, 536, 567, 585, 589, 601, 607
 fixed, 589
 flagged, 550, 556, 558, 562, 613, 620
 flawed, 558
 floor, 505
 flow, 624
 fly, 585
 focus, 500-501, 521, 524, 528, 535, 545, 551, 565, 583, 621-622
 focused, 569, 623
 focusing, 624
 Folder, 547, 553, 556-557, 559, 561-565, 567, 572, 574, 577, 579-581, 586
 folder, 499, 552, 570, 572, 583, 598, 605, 608, 615-617, 621-622
 folders, 504, 506-507, 520, 524, 530, 553, 577
 follow, 509, 515-516, 547, 567, 579, 594
 followed, 520, 536, 555, 568, 582, 592
 Following, 539, 582
 following, 523, 528, 536, 541, 571, 573, 578, 585, 603, 627
 follows, 528, 563, 595, 597, 605, 622
 Footnote, 545
 footnote, 578, 607
 footnotes, 520, 524, 565
 footwork, 563
 for, 521
 force, 541
 forced, 524
 forces, 550
 forego, 528
 foregoing, 628
 Foreign, 502, 518, 522, 533, 542, 548, 551, 553-555, 558-562, 564, 572-574, 576-580, 582-587, 590-593, 605, 607, 609, 612, 622
 foreign, 528, 607
 foresaw, 531
 forever, 554
 forewarn, 608
 Forget, 597-598
 forgive, 617
 form, 502, 510, 519, 527, 539, 550, 593, 605-606, 617, 628
 forma, 612
 formal, 553-554, 556, 559
 formally, 554
 formed, 518, 600
 former, 500, 502, 535, 538
 Formesan, 597
 forming, 540
 formula, 615
 forth, 499
 forthcoming, 529, 573, 603
 fortune, 552
 forum, 573, 577, 617
 forward, 500, 503, 532, 554, 568, 578, 594, 600, 616
 forwarding, 550
 found, 507, 548, 552, 556, 559-560, 565, 567, 582, 591
 Foundation, 549, 552, 589, 592
 foundation, 589
 founded, 548, 594
 Four, 595
 four, 504-505, 514, 547, 607, 609, 611, 621
 Fourth, 502
 fourth, 506, 528, 539, 590, 598, 611, 616-617
 framework, 524, 579, 585, 589
 France, 506, 511-512, 540, 546
 frank, 564
 frankly, 514
 free, 528, 531, 550, 554, 596, 610-611, 615, 622, 626
 freely, 533, 607
 frequently, 537
 Friday, 508, 568, 576, 595, 606, 612, 626
 Friend, 536
 Friendly, 520
 friends, 503, 510, 524
 front, 504, 544, 578, 606
 frontiers, 541
 FS, 584-585
 full, 503, 515, 520, 535, 547, 551, 555-557, 566-567, 570-571, 584-586, 589-591, 594, 596, 605, 618, 623, 625-626
 fuller, 538, 618
 fully, 501-502, 523, 537, 564, 566-567
 fundamental, 505
 funded, 589
 funding, 589-590,

592-593
further, 521-522,
531, 533, 535,
541-543, 549,
552-553, 565,
568, 573,
577-579,
585-586, 589,
591, 593-594,
625-628
futile, 502
future, 498, 520,
522

G

gain, 528
gained, 535
gap, 531, 549
Garcia, 507-508,
523, 527-528,
533, 541,
546-547, 569,
580, 594,
597-598, 601, 608
gather, 546
gave, 506, 512,
518, 554, 559,
626
General, 498, 501,
508, 520, 522,
532, 540-541,
545, 565, 567,
576, 593, 601
general, 500, 508,
512, 519,
536-539, 560,
578, 585
generally, 548
generation, 589
generis, 500
generous, 543

gentlemen, 498
genuine, 533,
576-577
Geographical, 505
geographical,
504-505, 509-510
Geological, 551
Germany, 514
geste, 541
getting, 538, 584
Giant, 551, 553
Giddens, 608
gift, 586
Gillian, 553
give, 505, 515, 520,
524, 538, 552,
559, 574, 583,
585, 592
given, 499-501,
508, 513,
517-518,
523-524,
532-534, 538,
571, 575-576,
584, 586, 592,
595, 601, 606,
620-621
gives, 566
giving, 506, 538,
558, 613
Global, 549, 567,
586
global, 550
goal, 578, 584
Gollock, 567
GoM, 563
Gordon, 502, 573,
575-576
got, 536, 547, 578,
592, 595
governance, 510,
512, 584
governed, 511
Government,

501-502,
508-509, 519,
521, 523, 529,
532, 535, 537,
540-541, 543,
550, 553,
561-563, 571,
573, 577, 580,
584, 587, 589,
591-592,
595-596, 601,
605-606,
608-611, 618,
622, 624, 626
government, 520,
528, 549, 551,
560, 570-571,
585, 603
governmental, 592
Governments, 530,
592
governments, 530
Governor, 527,
597, 601
gradual, 520
grant, 521, 542,
544, 603, 626
granted, 516, 519,
595, 598,
600-601, 626
granting, 523, 626
grappling, 568
grasp, 624
grateful, 505, 586,
591-592, 595
Gray, 551, 553
Great, 507, 509,
511, 534, 541,
556
great, 498,
501-502, 506,
524, 581, 583,
596
greater, 553, 580
greatly, 534
Greenland, 581

GREENWOOD,
509-510,
516-517, 521,
542-544,
546-547, 568,
578-579, 582,
593, 617-618
Greenwood,
516-517, 523,
542-543, 568,
590-591
Grieve, 508, 545,
567, 576
ground, 618, 623
grounds, 537, 551,
554, 558, 560
Group, 549
groups, 505-507
guarantee, 530
guaranteed, 617
guarantees,
523-524
Guernsey, 512
guess, 542
guided, 521
guidelines, 570
guiding, 519

H
habitat, 568
habitation, 508
habitual, 603
half, 506, 585
halfway, 566, 572
halt, 576
halted, 590
hammer, 585
hand, 528, 547,
556, 566, 583,
591-592, 594,

597, 600, 621
 handed, 552
 handwriting, 592
 handwritten, 598, 600, 606
 happen, 564, 577
 happened, 504
 happens, 518
 hard, 536
 Harding, 567
 hardly, 529, 533, 540, 621
 Harold, 534-535, 541
 Harrison, 567
 Haskoning, 508
 hastily, 582
 haven, 567
 Head, 509, 533, 549-550, 579, 618
 head, 559, 618
 headed, 616
 Heading, 514
 heading, 559, 566, 570-571, 616
 Heads, 592
 heads, 591
 hear, 542, 546, 626
 heard, 502, 523, 531, 540, 545, 549
 hearing, 501, 517, 568-569, 589, 627
 hearings, 517
 heart, 504
 heated, 519, 527, 534
 Heather, 550
 held, 523, 529, 533, 562, 565, 580, 621
 Helena, 516
 help, 516, 521, 530, 563-565, 567-568
 helpful, 518, 596
 helpfully, 501
 Hendry, 520
 Henry, 587
 hereby, 628
 Heritage, 513
 herring, 529
 herself, 583
 hesitate, 515
 High, 559, 562-564, 572-574, 578-580, 583, 586, 605-606, 608-610, 612, 618
 highlighted, 548, 553, 556, 560, 567, 598, 608
 highlighting, 574
 highly, 534, 540, 550, 566-567
 Hill, 565
 hint, 536
 hints, 499
 historical, 504-505, 534, 557, 626
 historically, 626
 history, 510-511, 518, 539, 555-557
 HMG, 600, 620, 626
 hoc, 516
 HOFFMANN, 569
 Hoffmann, 569
 hold, 502, 575-576, 578-579, 590, 607, 609
 Holding, 584
 holding, 523
 hole, 616
 hon, 536
 Honduras, 558
 honour, 505, 544, 595
 hoof, 545, 582, 585, 591
 hope, 498, 508-509, 517-518, 523-524, 538, 544-545, 547, 577, 584, 591
 hoped, 527, 572-573
 hopeless, 526
 hoping, 517
 hotel, 598
 House, 526, 529, 531-532, 571, 605-606, 608-609, 617
 house, 557-558
 However, 538, 560, 571, 574, 616
 however, 529, 534, 543, 563, 581-582, 617, 624
 html, 549
 http, 509, 549-550
 hub, 613
 Human, 516-517, 571
 human, 508
 Humphries, 550
 hundred, 511
 hurdle, 502
 hurry, 593
I
 Ian, 520
 Ibid, 514, 520, 523, 527-531, 534-535, 539-541, 562, 565, 582
 ibid, 583
 id, 550
 idea, 519, 527, 550-551, 564, 569, 572-573, 585
 ideal, 584
 ideas, 553, 560, 563, 584-585, 621
 identified, 554, 565
 identify, 500, 549
 identifying, 501
 ignored, 554
 ignoring, 524
 II, 504, 507-508, 510, 512
 ii, 529, 570, 616
 III, 512, 518-519
 iii, 529, 570
 Île, 511
 illegal, 589
 illegally, 503
 illuminating, 512
 illusion, 620
 illustrate, 615, 621-622
 illustrated, 546, 549, 622
 illustrates, 611
 illustration, 501, 546-547
 illustrations, 547
 image, 547
 immaterial, 600
 immediate, 515, 571, 589
 immediately, 539, 566
 Impact, 570
 impact, 571, 573, 577
 impacting, 596, 606
 implement, 503, 520, 589
 Implementation, 587

implementation, 545, 587, 589-590
 implemented, 503, 548, 589, 607
 implementing, 545
 implication, 585
 implications, 584, 595
 implicitly, 624
 implied, 514-515, 545, 560
 implies, 514
 import, 626
 importance, 523-524, 535, 545, 549, 623
 important, 500, 505, 511, 519, 521, 523, 528, 538, 565, 572-573, 577, 596, 618
 impose, 526, 589
 imposed, 545
 impossibility, 534
 impossible, 526
 impression, 521, 535
 improve, 503
 in, 613
 inaccuracies, 513
 inaccurate, 513, 625
 inadequate, 519, 532, 582
 inappropriate, 574-575
 incidental, 501
 inclined, 583, 603
 include, 506, 539-541, 549, 555, 565
 included, 502, 516, 520, 522, 524, 530, 541, 546, 550, 554, 567, 574, 579-581, 586, 594
 includes, 506, 546, 557, 570, 589
 including, 535, 537, 541, 547, 557, 561, 576-577, 589, 601, 626
 inclusion, 540
 inclusive, 613
 income, 528
 incoming, 587
 incompatible, 572, 574, 622
 incomplete, 566
 inconsistency, 539, 615
 inconsistent, 539, 605, 609, 612, 621, 625
 incorporates, 548
 incorrect, 503, 573
 Indeed, 537-538, 558, 574, 587, 625
 indeed, 499-500, 511, 517, 519, 530, 547, 590, 607, 626
 Independence, 506, 536, 539
 independence, 512, 519-524, 526-527, 532-538, 540-541
 Independent, 551, 553
 independent, 518, 520, 524, 530, 538-541, 555, 565
 independently, 521
 Indian, 499, 505-507, 533, 548, 554-555, 567, 571, 578, 580-581, 587, 610, 616
 indicate, 512-513, 538, 569, 594-595, 613, 615
 indicated, 531, 548, 573, 609, 616
 indicates, 536, 605
 indicating, 509, 523, 597
 indication, 519, 573, 597
 indications, 574
 individual, 508, 595, 598, 626
 individuals, 576
 Indonesia, 506
 inducements, 620
 industry, 552
 influence, 593
 inform, 529, 621
 informal, 498
 informally, 498
 Information, 515, 561
 information, 510, 549, 553, 556, 566, 589, 621
 informed, 529, 563, 596, 606, 608, 611-612, 617
 informing, 610
 ing, 541
 inhabit, 500
 inhabitants, 595-596, 598, 603, 624
 inherited, 541
 initial, 550-551, 572, 584, 587, 589
 initially, 529, 574
 initiated, 508, 552
 initiative, 552
 input, 565
 insertion, 595, 598
 inshore, 550, 610-611, 613, 616
 inside, 557
 insist, 576
 insisted, 527
 insisting, 575, 584
 inspired, 514
 installations, 603
 instalments, 527
 instances, 538
 instead, 556
 Institute, 549
 institutions, 517
 instruct, 586
 insular, 512
 integral, 511-513, 537, 610
 Integration, 551, 580
 integrity, 527, 532
 intend, 515, 545, 583
 intended, 558, 589, 596, 623, 625
 intention, 548, 571, 609-610, 612
 inter, 523, 535, 592
 interest, 530, 534, 536, 549, 560, 596, 612-613
 Interested, 551
 interested, 529, 551, 574, 577, 620, 628
 interesting, 536, 560
 interests, 501, 523, 526-527, 537, 563, 577, 581, 608

- interfere, 593
interference, 502
intergovernmental, 577
internal, 499, 512, 516-517, 521, 523, 526, 530, 542, 546, 558, 582, 595, 600, 610-611, 621, 623-626
internally, 623
International, 507, 509, 512, 558
international, 500, 511, 513-514, 516, 537-538, 549, 553, 557, 570, 580, 597
internationally, 500, 533
interpret, 626
Interpretation, 540-541
interpretation, 500, 504, 596, 626
interrupt, 515, 546, 552, 568, 578, 581
interrupted, 547
interruptions, 617
interview, 536
introduce, 503, 617
introduced, 498, 609-610
Introduction, 505, 544
introduction, 498
Introductory, 498
introductory, 499, 505
investigation, 534, 568
invite, 515, 541, 589
invited, 559, 565, 589, 596, 618
invites, 500
invoked, 575
involve, 517, 526
involved, 517, 528, 549, 568
involvement, 560, 562, 564
ipso, 610
ircumstances, 571
Ireland, 509
irrelevant, 513, 527
irrespective, 510
Island, 506, 516, 548-549, 608
island, 505-507, 540-541, 547, 562
Islanders, 571
Islands, 511-512, 516, 538-541, 548, 593
islands, 505-511, 514-515, 527, 530, 535, 542-544, 546-548, 556, 569, 575, 594-596, 598, 603, 622
islandweb, 549
Isle, 512
isn, 549
isolated, 507, 542
issue, 500-501, 519, 521, 527, 533, 536, 540-541, 570, 573, 575, 590, 593, 595-596, 612, 620-621, 623-624, 626
issued, 611, 613, 622
Issues, 559, 566
issues, 499-501, 504-505, 527, 548, 550, 553-554, 557, 567-568, 570, 575, 579, 590, 594, 622-623
issuing, 548, 550, 621-622
item, 598, 620-621
items, 612
itself, 506, 512, 514, 516, 520, 524, 534, 536, 561, 594, 605, 607, 613, 623-625
IV, 505, 539
iv, 605, 621
Judge, 499, 501, 503, 507-509, 515-517, 522, 537, 542-543, 545, 547-548, 568-569, 581, 590-591, 594
judgment, 516, 558-559
judicial, 552, 557-558, 563, 570, 622
Jugnauth, 540
July, 536, 541, 550-551, 555-557, 559, 561, 566, 571, 577, 581, 596, 608, 612, 620-622
June, 513, 532, 534, 540, 559, 565, 601, 608
jurisdiction, 500-504
jurisdictional, 500, 502
Justice, 558
justification, 545, 565
justified, 583
J
Jamaica, 538
January, 549, 554, 577-578, 618, 620, 622
Japanese, 597
jargon, 568
Jersey, 512
Joanne, 549-550, 552, 554-557, 562, 564, 586-587
John, 548, 556, 559, 585
join, 513, 559
joined, 550
Joint, 561, 615-616, 618
joint, 503, 554, 559, 571, 620-622
jointly, 563, 622
journals, 594
K
Kacz, 618
Kailash, 564
Kailesh, 563
KASDAN, 628
Kasdan, 628
keen, 562, 579
kept, 551, 564
key, 516, 523, 528,

532, 552, 555,
 565-567,
 580-581, 583,
 595, 626
 kilometres,
 506-507, 546
 kind, 503, 516-517,
 591, 594
 kinds, 590
 Kingdom, 498, 503,
 505, 508-512,
 514-517,
 519-524, 527,
 530-532,
 534-537, 540,
 544, 548-549,
 559, 572, 574,
 576-577,
 579-580, 587,
 591-593, 595,
 603, 605-606,
 608, 613,
 616-618, 623, 625
 knowledge, 626
 known, 506, 511,
 543, 592
 Koenig, 528, 531
 Koldewey, 567

L

label, 606
 labelled, 523
 lack, 499, 590, 606,
 626
 ladies, 498
 lagoon, 547
 Lancaster, 526,
 529, 531-532,
 605-606,
 608-609, 617
 land, 501, 507-508,
 546, 548
 language, 499,
 519, 568, 625
 large, 549-551,
 554, 556, 558,
 570, 580, 596
 larger, 566
 Largest, 554-555
 largest, 507
 last, 498-499,
 501-504, 508,
 510, 512-513,
 516, 518, 520,
 523-524,
 526-528,
 539-540, 545,
 548, 554, 557,
 576-577, 584,
 590-591, 595,
 603, 606-608,
 612, 615, 618,
 621, 623-624
 lastly, 519
 late, 621
 later, 502-503,
 519-521, 533,
 536, 542, 547,
 573, 580, 600,
 608, 617-618
 latest, 499, 507,
 509
 latter, 512, 535, 608
 launch, 553,
 564-565, 570,
 572, 574, 622
 launched, 550,
 564, 593
 launching, 559,
 561, 577
 Lausanne, 549
 Law, 505, 507-509,
 512, 515, 520,
 539
 law, 506, 511,
 513-516, 520,
 530, 537-541,
 557, 571
 laws, 512, 543
 lawyer, 594
 lawyers, 541, 568,
 570
 Leader, 540
 leaders, 527, 534
 LEADING, 544
 Leading, 537
 leading, 534, 536,
 541, 544,
 549-550, 552, 613
 leadings, 544
 leads, 585
 leapt, 561
 learn, 544, 551
 lease, 527-529, 600
 least, 512, 517,
 540, 589, 594,
 617
 leave, 509, 530,
 537, 568-569,
 591, 595, 618
 leaves, 568, 623
 Leaving, 509
 led, 534, 545, 549,
 551
 left, 501, 517, 561,
 621, 625
 Legacy, 549
 legacy, 550
 Legal, 557, 570
 legal, 502,
 513-515, 519,
 534, 538,
 540-543, 550,
 557, 559, 570,
 595, 606, 623-624
 légal, 541
 legally, 530, 542,
 595-596, 606,
 615, 617,
 622-623, 625
 legislation, 503,
 537, 545, 548,
 557, 589-590,
 607-608, 610, 617
 Legislative, 513,
 532, 534-537,
 540-541, 597
 legislative, 589
 legislature, 527
 length, 577
 less, 502, 507, 532,
 603, 605
 Letter, 553, 565,
 574, 577, 579
 letter, 521, 553,
 577-579,
 590-592, 601,
 605-606, 608,
 610, 612, 624-625
 letters, 578, 590
 Level, 561
 level, 549, 618
 licence, 609-611,
 613, 615, 620-621
 licences, 548, 550,
 554, 610-613,
 621-622, 626
 licencing, 626
 license, 613
 licenses, 610, 613,
 626
 licensing, 554,
 608-609, 612,
 615-617
 lie, 506-507
 lies, 504, 506-507,
 516
 Life, 548
 life, 508
 light, 521, 532,
 576, 586, 610
 likelihood, 562
 likely, 509, 564, 577
 Limit, 607
 limit, 610
 limitations, 504
 Limited, 547, 556

limited, *512, 547, 549, 581, 595-596, 598, 603, 607, 610-611*
 Limits, *503, 515*
 limits, *508, 607*
 line, *509, 522, 524, 551, 556, 561, 587, 596-597, 600, 610, 613, 620*
 lines, *508, 519-520, 529, 601, 606*
 link, *513*
 linked, *530, 579*
 links, *514*
 list, *552, 563, 565*
 listed, *567, 581, 622*
 listened, *498*
 listing, *518*
 lists, *509, 549*
 litigation, *558, 628*
 little, *524, 536, 538, 561*
 ll, *510, 517, 520-522, 546, 568, 577, 585, 594, 617*
 lobby, *552*
 local, *597, 603*
 locally, *563*
 Loewenstein, *576*
 logical, *563*
 London, *517-519, 524, 526, 549, 561-563, 568, 578*
 long, *510, 513, 548, 566, 575, 610, 613, 623*
 longer, *550, 568, 571-572, 574-575, 577*
 look, *503, 515, 517, 522-523, 538, 543, 547, 553, 563, 566, 568, 578-579, 581, 618, 622*
 looked, *513, 542, 550, 592, 605*
 looking, *508, 517, 526, 589, 600, 617, 624-625*
 looks, *509, 577*
 Lords, *571*
 LOS, *509*
 los, *509*
 LOSBulletins, *509*
 lose, *592*
 losing, *554, 592*
 lost, *587*
 lot, *517*
 loud, *531*
 Louis, *524, 531-532, 559, 561, 563-564, 572, 577-578, 580, 583, 608*
 low, *531, 613*
 lower, *529*
 Ltd, *597*
 lump, *527-529*
 luncheon, *568-569*
 lying, *540*
M
 MacDonal, *511, 513-514, 519, 523, 532*
 Macdonald, *510, 520-521, 523-524, 532, 545-546, 551, 555, 560-561, 573, 576, 583, 612, 615, 621*
 machines, *595*
 Madagascar, *506, 512, 540*
 made, *502-504, 510-512, 516, 526-529, 540, 542-543, 546, 551, 555, 560, 568, 571-572, 576, 578, 580, 582, 587, 590-593, 596-597, 600, 609, 611-612, 616, 618, 620, 622-623*
 magazine, *536*
 magistrates, *512*
 mails, *552*
 main, *505, 510, 536, 580*
 mainly, *597, 626*
 maintain, *568*
 maintenance, *526*
 Majesty, *606*
 major, *526*
 majority, *523, 526, 532, 581*
 Maldives, *506-507, 509, 522*
 Man, *512*
 man, *533*
 manage, *556, 558, 562*
 managed, *584*
 Management, *546, 610*
 management, *584-585, 587, 620, 622, 626*
 mandate, *514*
 mandatory, *514*
 manner, *514, 575, 620, 622*
 Manta, *549*
 manuscript, *601*
 Many, *514*
 many, *506, 514, 520, 528, 537, 543, 552, 558, 560, 603, 626*
 map, *506-507, 509, 522*
 March, *509, 539, 541, 551-554, 576, 579-580, 582-583, 586-587, 591-593, 603, 625*
 margin, *553*
 margins, *575, 590*
 Marine, *541, 549, 551, 554-555, 564, 566-567, 577, 587, 593-594*
 marine, *546-551, 553, 556-557, 560, 567, 571, 574-575, 578, 580-581, 587, 622*
 Maritime, *508*
 maritime, *501, 509-510, 522, 610*
 Markand, *618*
 marked, *546, 621*
 marks, *613*
 material, *596*
 matter, *500, 511-513, 515-516, 518, 520-522, 527, 531-532, 536-538, 565, 568, 573, 618, 624-625*
 mattered, *526*
 matters, *504-505, 517, 527, 536, 544, 557, 621, 626*

Mauritian, 500,
 502, 506, 515,
 518-519, 524,
 527-529,
 531-537, 545,
 550, 554-557,
 559-564,
 570-572,
 574-575, 577,
 579, 581-584,
 586-587, 590,
 595-598,
 600-601, 605,
 607-610,
 612-613,
 615-618,
 620-622, 625-626

Mauritians, 521,
 523, 526, 535,
 554, 560, 571,
 584, 596,
 612-613, 620

Mauritius, 498-519,
 521-524,
 526-537,
 539-542,
 544-546, 548,
 550-552,
 554-555,
 557-566,
 570-587,
 589-590,
 592-593,
 595-598,
 600-601, 603,
 605-613,
 615-618, 620-626

Max, 512

maximizing, 566

McManus, 556

mean, 514, 555,
 582

meaning, 500, 508,
 513, 515, 520,
 539, 544, 573-574

means, 513, 551

meant, 502, 538,
 608, 625-626

meantime, 498

measures, 538,
 596, 606

mechanism, 622

mechanisms, 590

median, 509, 522

meet, 561

Meeting, 561, 592

meeting, 502, 524,
 526-532, 543,
 550, 559-564,
 571, 574-575,
 577, 591, 595,
 598, 600-601,
 605-606,
 616-617, 620-621

Meetings, 520

meetings, 523,
 531-532, 552,
 559, 561, 563,
 612, 615

member, 534,
 549-550

Members, 498,
 503, 505, 536,
 541, 544, 547,
 595, 626

members, 500,
 524, 532, 549,
 618

memorandum, 625-626

memorandums, 511

Memorial, 498,
 502, 512, 545,
 547, 550, 559,
 565, 576, 578,
 580, 589, 601,
 609, 613

memory, 542

mention, 518, 527,
 529, 572

mentioned, 512,
 552, 577, 583,
 592

mentioning, 587

mere, 595, 601

merely, 509

merger, 518

merit, 546, 555

merits, 501, 503

Merron, 553

message, 557, 563,
 584

messaging, 562-563

met, 504, 519, 527,
 530, 562-563,
 589, 620

meteorological, 605

method, 520, 613

methods, 589

metropolitan, 512,
 516

MICHAEL, 509-510,
 515, 517,
 521-522,
 537-539, 542-544

Michael, 502,
 504-505,
 509-510,
 515-517,
 521-522,
 537-538, 542, 626

middle, 533, 564,
 600

might, 501-504,
 509, 517, 526,
 547, 554, 559,
 563-564, 566,
 569, 571-572,
 578, 583,
 585-586, 590, 603

mildly, 543

mile, 507, 522,
 546, 567, 607,
 609

mileage, 589

miles, 506-508,
 597, 610

Miliband, 578, 591

military, 535, 547

million, 506, 529,
 580

mind, 519-520,
 528, 535, 539,
 593, 598,
 600-601, 605, 608

minded, 560, 584

minds, 536, 543

mineral, 503, 605

minerals, 502, 605

minimal, 499, 596,
 612-613

minimis, 613

Minister, 502, 522,
 524, 526-528,
 531-534, 537,
 541, 553, 559,
 561-565,
 572-579, 583,
 586-587,
 590-591, 593,
 597, 605, 609,
 625

Ministers, 506,
 515, 518-519,
 523-524,
 527-535, 537,
 553-554,
 575-577, 582,
 591, 595-596,
 600-601

ministers, 528,
 532, 582

Ministry, 521, 551,
 579-580, 622

minorities, 524

minority, 523, 526,
 582

Minute, 532

minute, 521, 586,

- 603, 616
- minutes, 522
- misapprehension, 578
- misconceptions, 624
- misleading, 566
- misread, 558
- misreading, 557
- missed, 592
- missing, 515, 591
- misunderstanding, 502, 573, 576-577
- misunderstandings, 577
- mitigate, 584
- mixed, 625
- MM, 511, 524, 526-531, 533, 535-536, 551, 553, 561, 563, 574, 577-580, 590, 597-598, 605, 607-612, 622
- MMM, 586
- mobile, 567
- modest, 608
- Mohamed, 528, 530
- moment, 509, 521, 541-542, 552, 576, 583-584, 592, 595, 617
- monetary, 529
- money, 529
- month, 523, 584, 612
- months, 536, 555, 584-585, 600
- moor, 547
- mooted, 560
- Moreover, 533
- morning, 498, 527, 539, 541-542, 545, 556, 577, 627
- most, 500, 505-507, 513, 520, 528, 535, 545, 548, 571
- mostly, 546
- Moulinie, 597, 603
- move, 521, 554, 583-584, 600, 613
- moved, 538, 541
- Moving, 570, 581
- moving, 527, 532, 547, 554, 570
- MP, 553
- MPA, 499, 502-504, 522, 544-548, 550, 552-557, 559-563, 565-587, 589-590, 594, 596, 620-623
- MPAs, 566-567, 612, 615, 617
- MRAG, 556-557, 566-568, 570, 581
- MS, 540-541, 547, 552, 568-569, 578-579, 581-582, 590, 593-595, 600, 606, 616-618
- Ms, 510, 520-524, 532, 541-542, 544, 546, 550-552, 554-560, 562-563, 565, 568-570, 576, 578, 582-586, 591-595, 606, 615-618, 620, 622, 626
- much, 500-501, 503, 505, 509-510, 515-516, 520, 524, 529, 531, 535, 542-543, 547-548, 551, 568, 605, 612, 625-627
- multiple, 574
- murmur, 499
- Murton, 559, 585
- must, 502, 508, 513, 520, 523, 532, 534, 575, 584, 603
- mutual, 562
- mutually, 519, 561
- necessary, 524, 526, 536, 560, 593-594, 608, 621
- neck, 534-536
- need, 504, 517, 530, 537, 543, 550, 560, 568, 570, 581-582, 584-585, 589, 603, 622, 624-625
- needed, 520, 522, 530, 535, 538, 553, 560, 571, 575
- needn, 500
- needs, 595-596, 598, 603, 608
- negative, 585
- negotiated, 530, 536
- negotiating, 585
- negotiation, 522, 570
- negotiations, 530, 537, 624
- Neither, 536, 558, 570
- neither, 512, 555, 628
- Nelson, 548
- net, 549, 597
- Network, 550-551, 553, 555, 560, 565
- Never, 600
- never, 501, 561, 576, 621, 625-626
- Nevertheless, 527, 547, 584
- nevertheless, 516, 530, 579, 583
- NEVILL, 547, 552, 568-569, 578-579, 581-582, 590,

N

- name, 554
- named, 511
- namely, 504, 620-621
- narrator, 549
- narrow, 543
- National, 551, 565
- Nations, 511, 514, 520
- Natural, 551
- Nature, 547, 567
- nature, 534, 548, 563, 597-598
- nautical, 506-508, 546, 597, 610
- navigation, 605
- nb, 578
- nd, 550, 563
- near, 498, 506-507, 568, 605, 608
- nearby, 530
- nearest, 506-507
- nearly, 555, 575, 607
- necessarily, 511, 603

- 593-594
- Nevill, 504,
521-522,
541-542, 544,
546, 552,
568-569, 578,
582, 591-594
- Neville, 618
- New, 520
- new, 500-503, 511,
520, 538, 583,
587, 596, 606,
608-609
- news, 586
- Next, 583
- next, 499, 508,
510, 515,
517-518, 522,
529, 550,
559-560,
562-564, 567,
570-574, 577,
582, 584-586,
589-590, 610,
622-623
- nexus, 513
- NGO, 549
- NGOs, 577
- Nicaragua, 558
- night, 621
- nil, 597
- nine, 607, 609
- nineteenth, 516
- NOC, 565-566, 570
- noise, 500
- non, 504, 566, 616
- None, 514-515, 545
- none, 578
- noon, 542
- noose, 534-536
- Nor, 513, 558, 591
- nor, 504, 512, 555,
559, 570, 576,
578, 587, 628
- normally, 520, 544,
595
- north, 506-507, 509
- Northern, 509
- northern, 506, 509
- notable, 611
- Notably, 587
- Note, 509, 515,
542, 544, 551,
554, 563, 572,
574-575,
578-580, 590,
608, 610, 622
- note, 498, 501,
531-532, 534,
542, 545, 550,
552, 558, 568,
586, 597-598,
600, 615, 617,
620, 622, 624,
626
- noted, 501, 508,
527, 550, 554,
570-571, 578,
598, 615, 623
- Notes, 578, 586
- notes, 524, 567,
584, 626
- nothing, 501, 512,
532-533, 552, 597
- notice, 591-592
- noticeable, 625
- noticed, 570
- noticing, 516
- Notification, 502
- notified, 553,
608-609
- notion, 538, 543
- Notwithstanding,
523, 583
- notwithstanding,
579
- November, 502,
523-524,
530-533, 536,
558, 561-563,
570, 572-575,
579, 593, 597,
600-601, 622
- nowhere, 574
- number, 502, 506,
549, 558, 565,
580, 583,
610-611, 613
- numbered, 583
- numbering, 551,
557, 565, 583
- numbers, 547,
556-557, 596,
600, 621
- numerous, 538
- O**
- OAU, 541
- object, 532, 615,
623
- objection, 530,
611-612, 616
- objections, 503,
561, 575
- objective, 584
- obligation, 595,
606, 624-625
- obligations, 528,
547, 557, 617
- observations, 498,
618
- observed, 626
- observer, 616
- obtain, 499
- obtained, 532
- obvious, 500, 624
- Obviously, 499
- obviously, 498,
510, 521, 573,
603, 618
- occasion, 543
- occasional, 513
- occasionally, 597
- occasions, 537
- occupied, 511
- Ocean, 499,
505-507, 533,
548-549,
554-555, 567,
571, 578,
580-581, 587,
610, 616
- ocean, 507, 546,
550
- Oceana, 549
- oceanic, 567
- Oceanographic,
551
- Oceanography, 565
- oceans, 506, 545,
552
- ocks, 508
- October, 533, 549,
555, 561-565,
573, 587, 598,
601
- of, 556, 613
- offer, 499,
530-531, 577,
610-611
- offered, 503, 531,
564, 610
- offering, 579
- offers, 536, 580,
587, 590
- Office, 516, 518,
521-522, 524,
533, 542, 551,
553, 576, 583,
601, 603, 605
- office, 586, 612
- offices, 530, 603,
608
- Official, 520
- official, 575,
605-606
- Officials, 561, 564

officials, 532-533,
 550, 552-555,
 557, 559-561,
 566, 570,
 576-577,
 582-584,
 586-587,
 590-591, 594, 618
 often, 513-515,
 518, 521, 524,
 625
 oil, 502
 oils, 605
 Okay, 539, 569, 617
 omission, 545, 574,
 623
 omnibus, 548
 Once, 555
 once, 502, 529,
 580, 603
 One, 510, 538, 551,
 592, 595
 one, 501, 504-507,
 509-513,
 515-518, 521,
 524, 527, 529,
 531, 535,
 537-538, 541,
 543, 548-549,
 560, 569-570,
 575, 579, 581,
 585, 589-590,
 592-594, 600,
 610, 612, 618,
 620-622, 624-625
 ones, 547, 581, 586
 ongoing, 561, 574,
 577
 online, 513, 549
 Only, 613
 only, 500, 506-507,
 515, 517, 520,
 524, 528, 530,
 533, 535, 539,
 541, 547, 551,
 566, 570, 572,
 574-575,
 589-592, 594,
 596-598, 603,
 607-609, 620,
 623-624
 onwards, 587
 open, 577, 597
 opened, 499
 opening, 498, 501,
 532
 operated, 597
 opinion, 526, 600
 opponents, 503
 opportunity, 499,
 517, 533, 577
 opposed, 504, 523
 opposite, 502-503,
 510, 518, 524,
 545
 Opposition, 534,
 540-541
 opposition, 540,
 554, 562, 586
 opt, 535
 optics, 565
 option, 533, 551,
 581, 583-584, 586
 options, 551, 570,
 581, 586
 oral, 498, 503, 545,
 561, 566, 580,
 583, 595
 Order, 526, 537,
 539-540
 order, 503-504,
 520, 583, 607
 Ordinance, 499,
 548, 607-609
 ordinary, 500, 513
 org, 509, 550
 Organisation, 549
 original, 551, 565,
 598, 600
 ot, 549
 other, 499, 505,
 508-509,
 516-517, 524,
 526-531, 535,
 537-538, 541,
 543-544, 550,
 555, 557, 559,
 566-567, 569,
 577, 581,
 592-594,
 597-598, 603,
 606, 609, 611
 others, 507, 523,
 531, 538, 594
 Otherwise, 547
 otherwise, 536,
 539, 544, 591,
 601, 623, 628
 our, 512
 out, 507-508, 512,
 520, 522, 524,
 526, 530-532,
 534-536, 543,
 546, 548,
 551-553,
 555-556, 558,
 561, 563,
 565-566, 568,
 570, 572, 577,
 579-580,
 582-585,
 589-590, 592,
 595, 600,
 605-606,
 612-613,
 615-616,
 620-621, 625
 outcome, 498, 521,
 555, 566, 580,
 628
 outcomes, 567, 580
 outer, 508, 547
 outline, 504, 570
 outlined, 524, 531,
 559-560, 563, 623
 outlining, 498
 outset, 543
 outside, 546,
 573-575, 597
 Over, 580, 612
 over, 499-500, 504,
 506, 510-511,
 514, 518,
 523-524, 527,
 529-531, 533,
 541-542, 546,
 555-556,
 561-562,
 566-567, 570,
 575, 577,
 580-582, 585,
 589, 591, 594,
 596, 610-611,
 613, 622-623,
 625-626
 overall, 581
 overfishing, 613
 overlaps, 507
 overlooked, 513,
 532
 Oversea, 526
 Overseas, 516,
 520, 542-544,
 548, 551, 559,
 561-562, 626
 overseas, 506, 512
 oversight, 609
 oversimplified, 543
 overtake, 579-580
 overtures, 579
 own, 499, 506,
 508, 514-515,
 552, 597, 603
 owned, 556, 597
 owner, 597, 607,
 620

P

- Pacific, 506
package, 531, 600
Page, 540-541, 568, 613, 616, 621
page, 507, 524, 530, 533, 554, 556-557, 559-560, 564, 566-568, 570-574, 577, 580-581, 583, 585-586, 596, 598, 600-601, 616-617, 620-622, 624, 626
Pages, 596
pages, 566-567, 583
paid, 533, 542
painted, 523
Paper, 561
paper, 518, 543, 566-567, 621, 624
papers, 521, 543
Para, 613
para, 502-503, 511-514, 519, 521, 523, 526-527, 530-535, 540, 546, 548, 550-551, 553-559, 562-565, 572, 578, 581-582, 587, 597-598, 601, 603, 613, 621, 626
Paragraph, 560, 581, 592-593, 616-618
paragraph, 508, 530-531, 533, 553, 559-560, 562-564, 567-568, 571-573, 577, 579, 581, 584-586, 590-591, 598, 600, 603, 605-606, 608-610, 613, 615, 617, 620-622, 624-625
paragraphs, 580, 582, 589, 603, 617-618, 622
parallel, 592
paras, 506, 509, 511-512, 514, 519-520, 523-524, 529, 534, 547-548, 550, 552, 559, 561, 563, 565, 596, 598, 607, 615
Paris, 511
Park, 551
park, 539, 549-551, 553, 560
parlance, 568
Parliament, 522-523, 539
Part, 500, 504-505, 519
part, 502, 504, 506, 508, 511-515, 517, 523, 529, 534, 537-540, 543-544, 547, 549, 554, 567, 570, 576, 600, 610, 617, 620-622
partake, 527
participants, 529, 531, 567, 570
participation, 520
particular, 500, 505, 524, 527, 532, 534, 536, 545, 552, 555, 558, 585, 595-596, 605, 611, 623-624
Particularly, 516
particularly, 504, 517, 543, 567, 581, 608
Parties, 498, 508, 510, 592-593, 615
parties, 508-509, 520-521, 524, 550, 561, 593, 615, 628
partly, 538, 566
parts, 504, 542, 547
party, 523, 530, 534, 540, 573
pass, 515
passage, 534, 540, 553, 560-561, 567, 570, 576
passages, 520, 564, 574, 589, 596, 623
passed, 541, 563
past, 516, 520, 603
patrol, 589
Paturau, 531
pause, 583, 597
paves, 542
pay, 528
payable, 609
Payment, 605
pdf, 509
peculiar, 514
pelagic, 567, 570
penalty, 589
Penelope, 504, 541, 544
people, 520-522, 538-539, 552, 563, 580, 597, 618
per, 529
perceived, 502
peremptory, 532
Perhaps, 617
perhaps, 537-538, 547, 569, 581, 592, 618
period, 511, 518, 523, 529, 555, 582, 584, 589-591
permanent, 508, 568
permission, 537, 558
permit, 547
permitted, 603, 609
Peros, 547-548
perpetual, 609
perplexing, 499
person, 607
personae, 552
personality, 552
personally, 564
persons, 605
perspective, 594
persuade, 543
persuaded, 567, 584
persuasive, 514
Pew, 549-552, 554, 560
pewenvironment, 550
phase, 551, 607
phased, 566, 585
phonetic, 618
picked, 570
picture, 504-505, 523, 566
piece, 518

pieces, 503
 pin, 501
 Pitcairn, 549-550
 place, 513, 518,
 544, 555,
 561-562, 564,
 569, 573-575,
 597, 615
 placed, 532, 620
 places, 514, 624
 plain, 499, 573-574
 Plaisance, 524
 Plan, 551
 plan, 551, 553, 566
 Planck, 512
 planet, 548
 plank, 502
 planned, 561
 planning, 589
 plans, 503,
 553-554, 577,
 613, 617
 plantations, 597
 play, 502, 564, 600
 played, 536
 pleadings,
 498-499, 501,
 503, 510-512,
 517, 523-524,
 545, 566, 583
 Please, 579
 please, 592, 605
 pleased, 574
 Plenary, 520
 plenty, 574
 PM, 563, 585
 PMs, 590
 PMSD, 535-536
 podium, 505, 594
 point, 499-502,
 504, 507-508,
 510-511,
 515-516, 518,
 522, 524, 526,
 531, 533, 535,
 538-539,
 542-543, 545,
 548-549, 558,
 565-566,
 568-570, 587,
 589-594, 596,
 598, 601,
 606-607, 613,
 615, 617-618,
 621-622, 625-626
 pointed, 526, 546,
 548, 577, 585,
 620
 pointing, 546
 points, 499,
 504-505, 511,
 515, 532, 535,
 543, 545, 563,
 565, 567, 570,
 585, 592-593,
 595-596, 598,
 600, 606, 623-624
 Policy, 526, 542-544
 policy, 508, 519,
 532, 537-538,
 545, 551, 554,
 561, 571, 573,
 575, 585, 587,
 589, 609
 polished, 513
 political, 514,
 519-520, 524,
 527, 531-532,
 534, 537-538,
 550, 554, 563,
 565, 570,
 585-587, 591,
 593, 618, 624
 politically, 538
 politicians,
 534-535, 537, 540
 politicized, 534
 politics, 538, 540,
 586
 Pollution, 567
 Polytechnique, 549
 population, 508,
 597
 populations, 568
 Port, 524, 531-532,
 559, 561,
 563-564, 572,
 577-578, 580,
 583, 608
 portray, 562
 portrayed, 517
 portraying, 517
 Portuguese, 511
 posed, 499, 597,
 612
 Posford, 508
 position, 500-504,
 509, 511-515,
 517, 528,
 530-532, 535,
 538, 540-541,
 543, 553-554,
 564, 571,
 573-574, 576,
 583, 586-587,
 591, 593, 595,
 611, 617
 positions, 552, 615
 positive, 560, 563,
 573
 positively, 574
 possibility, 501,
 555, 559, 561
 possible, 503, 532,
 537-538, 570,
 586, 601
 possibly, 533, 561,
 594
 Post, 622
 post, 513, 517, 558
 pot, 499
 Potential, 567
 potential, 550, 554,
 566, 580
 potentially, 535,
 557
 Power, 520
 powerful, 560
 Powers, 514
 powers, 503, 534,
 609
 pp, 508, 512-514,
 519, 521, 523,
 527, 529, 534,
 545, 557-558,
 561, 566-567,
 576, 583, 587
 practicable, 608
 practical, 512, 589
 practice, 500, 511,
 520, 536, 550,
 608
 practices, 598
 practised, 597, 607
 pre, 536
 precise, 501,
 523-524, 591, 613
 Precisely, 625
 precisely, 527, 544,
 587, 590, 592,
 624-625
 preclude, 579-580
 preconditions, 504
 predecessors, 516
 predetermined, 524
 prefer, 524, 528
 preference, 528,
 546, 600-601, 611
 preferences, 608
 Preferential, 610
 preferential, 558,
 595, 598, 600,
 603, 612
 preferred, 527, 583
 prejudice, 571-572,
 575, 577,
 615-616, 622
 Preliminary, 515
 Premier, 519,
 523-524,

526-529, 531,
 536, 595,
 597-598, 600-601
 premise, 520
 preparation, 510,
 520, 558, 593
 Preparations, 555
 preparations, 555
 prepared, 524,
 528, 552, 558,
 563, 583, 596
 present, 503, 553,
 563, 603, 618
 presentation, 498,
 504, 626
 presentations, 627
 presented, 553,
 555, 625
 presenting, 591
 Preservation, 546,
 548, 612
 preservation, 553
 preserving, 575
 PRESIDENT, 498,
 505, 515-516,
 521-522, 542,
 544, 552,
 568-569, 591,
 594, 600, 626-627
 President, 498-508,
 510-511,
 515-518,
 520-522,
 536-537,
 541-544, 569,
 595, 626
 press, 533, 551,
 553, 559
 pressure, 529,
 532-533, 537, 593
 presumably, 542
 pretend, 534
 pretty, 516, 524,
 534
 prevent, 611, 613
 previous, 584, 607,
 615, 620-621
 previously, 510
 Prime, 502, 524,
 526-527,
 532-534, 537,
 559, 561,
 563-565,
 572-578,
 586-587, 591,
 605, 625
 prime, 549
 principle, 520, 527,
 531, 535, 541,
 571-572, 580
 Principles, 507, 509
 principles, 623
 printouts, 547
 prints, 585
 prior, 527, 532, 612
 priority, 527
 pristine, 548, 568
 Private, 554,
 583-584, 587
 private, 502, 586,
 589, 592
 privilege, 498
 privileged, 620
 prize, 519
 pro, 523, 562, 612
 probably, 546, 568,
 593-594
 problem, 572, 589
 problems, 545,
 567, 572
 proceed, 502, 555,
 590, 612
 proceeding, 628
 proceedings,
 498-499, 503,
 505, 511, 531,
 552, 557-558, 628
 proceeds, 606, 610
 process, 550, 553,
 560, 563, 575,
 593-594, 616, 622
 568, 570, 600
 propose, 505, 529,
 545, 562, 601,
 620
 Proposed, 555, 564
 proposed, 531,
 540-541,
 563-564, 574,
 577, 579, 582,
 595, 598, 617
 proposing, 538, 556
 proposition, 500,
 535, 543
 propositions, 574
 prospect, 562, 577
 prospecting,
 605-606
 prospection, 605
 prospective, 503
 protagonists, 536
 protect, 515, 556,
 570, 608
 Protected, 542,
 555, 564, 566,
 577, 587, 593-594
 protected,
 547-548,
 550-551, 560,
 566-567, 571,
 575, 580-581, 587
 protecting, 567
 Protection, 546,
 548, 612
 protection, 546,
 551, 555, 557,
 561, 571-573,
 578-580, 587, 626
 protest, 502, 560,
 574, 578, 596,
 606-607, 610, 612
 protestations, 500
 protested, 508,
 531, 578
 protesting, 578
 protests, 575, 607
 provide, 547, 553,
 Proclamation, 607
 proclamation, 545
 produce, 625
 produced, 518,
 570-571, 590
 produces, 624
 production, 558
 productive, 498
 professed, 500
 Professor, 499,
 527, 549-550,
 565-566, 568, 613
 program, 590
 programme, 616
 progress, 520, 551,
 575, 623
 progressive, 520
 prohibit, 534
 prohibited, 547,
 550, 610
 prohibition, 607
 prohibits, 607
 project, 560,
 574-575, 590,
 622-623
 prominently, 593
 promise, 523
 promised, 575-576
 promote, 560-561
 promoted, 551
 pronunciation, 618
 proof, 620
 proper, 505, 554,
 623
 properly, 521, 583
 proponents, 541
 proposal, 527, 540,
 546, 549-551,
 553-557,
 559-562,
 565-566, 575,
 578-582, 584,
 587, 620-623
 proposals, 533,

556, 565, 568,
589, 591
provided, 545,
548-549, 556,
566, 572, 590,
603, 610, 613,
625
provides, 589, 615
providing, 503,
523, 541, 567
provision, 600
provisions, 505,
508, 512, 524
prudent, 611
Public, 512, 555,
564, 580
public, 527, 536,
548, 553, 555,
558-565,
570-575,
577-582, 587,
590, 592-593, 600
publication, 498
publications, 509,
549
publicly, 551, 584
published, 509,
515, 549, 551,
553, 567, 582
pulling, 580
pulls, 499
punch, 616
purchase, 507
pure, 537-538
purely, 569
purported, 506,
509, 539, 541,
559
Purpose, 595
purpose, 530, 544,
573, 577, 607,
621
purposes, 508,
511-513, 516,
543, 550, 558,
571-572,

574-575, 577
Purse, 556
purse, 610, 613
pursuant, 596,
609, 615, 622-623
pursue, 503, 530,
553-555, 577
pursued, 550
pursuing, 554
put, 499-502, 513,
517-518, 522,
524, 530, 543,
553, 574-576,
578, 584,
590-594, 616-617
puts, 499
putting, 500, 537
puzzled, 515
Q
qualification, 608
qualify, 537, 594
quarter, 580
quarters, 540
Queen, 539
question, 501,
507-510,
515-517, 519,
521-523, 530,
534-535,
537-539, 542,
544-545, 558,
568-569, 580,
589-592, 594,
612, 618, 625-626
questioned, 506,
556, 566
Questions, 570
questions, 499,
503-504, 515,
522, 537,

541-542,
546-547, 557,
560, 590-591,
593-594, 597, 626
quick, 510, 557, 577
quicker, 569
quickly, 517, 530,
547
Quite, 513, 515
quite, 500-502,
507, 514, 517,
523, 537-538,
557, 573, 577
quota, 528, 532
quotas, 529
quotation, 535
quote, 519-520,
522, 526, 528,
532-535, 540,
574, 597,
600-601, 607,
609, 611, 624
quoted, 515, 524,
532, 534, 544,
600
quotes, 534, 600
quoting, 512, 520,
600, 606, 610
R
radical, 501
raise, 505, 508,
533, 573
raised, 504, 511,
527, 536, 545,
550, 555,
559-560, 570,
578, 587, 589,
591, 615-616, 623
raises, 572, 611
Ramgoolam, 502,

523, 526-529,
531, 533-536,
561, 564,
572-573,
575-576, 585-586
ramifications, 500
RAMSAR, 547
ran, 580
range, 546, 562
Rather, 545
rather, 499, 517,
521, 527, 538,
542, 551, 562,
566, 593-594, 617
rd, 531, 554,
556-557, 559
RDR, 628
re, 498, 517, 521,
523, 529, 537,
543-544, 606
reach, 508
reached, 568, 605,
609
reaches, 507
reaching, 527, 584
reaction, 569, 575,
584
Read, 583
read, 509-510, 516,
531-532, 534,
585-586, 592,
594, 606,
617-618, 623-624
readiness, 521
Reading, 540
reading, 500-501,
521, 524, 583
reads, 597, 605,
622-623, 625
ready, 527, 530
reaffirmation, 606
reaffirmed, 610-611
real, 500, 520, 530,
535
reality, 510, 519,
551

really, 516, 543, 585
reason, 535, 537, 548, 564, 611
reasoning, 562
reasons, 504, 511, 537-538, 596, 610
reassembled, 583
reassurance, 577
recall, 505, 601, 605
recalled, 508, 559
receive, 527, 570
received, 498, 545, 554-555, 558-559, 562, 565-566, 573, 580-582, 596
recent, 503, 571
recently, 522, 549
receptive, 550
recess, 522, 544
recognise, 577
recognised, 514, 541, 550
recognition, 503, 514-515
recognized, 532, 571
recollection, 576, 578, 605
recommend, 564
recommended, 585
recommending, 564-565
recommends, 583
reconsider, 532
reconsidered, 587
Record, 563-564, 572, 574
record, 502, 508, 524, 527, 530, 532, 536, 545, 555, 559-564, 572, 574, 584, 595-596, 598, 600-601, 605-606, 617, 620, 628
recorded, 531, 535, 550, 554, 556, 559-560, 563-564, 572, 574, 581, 584, 587, 616, 628
recording, 583, 608
Records, 520
records, 524, 536, 560-562, 571, 576, 579, 585, 587, 601, 615, 617-618, 621
recovery, 566
recreational, 547
red, 529, 548, 620
reduce, 567
reduced, 611, 628
Reduction, 611
reef, 570
reefs, 556, 594
refer, 501, 505, 513, 534-535, 547, 550, 554-555, 558, 565, 568, 573, 589, 596, 598, 613, 618, 621, 623
reference, 510, 535, 542, 551, 580, 592-593, 595-596, 598, 607, 611-613, 615-617, 620, 622-623
referenced, 524
references, 513, 518, 520, 524, 537, 545, 563, 565, 574, 578, 580, 596, 603, 607, 621
referendum, 526, 535-536
Referred, 564
referred, 508, 512-513, 515, 518, 520, 533, 535, 540-541, 543, 552, 555, 557-558, 565-570, 575, 579, 592-593, 595, 598, 600, 603, 609-610, 613, 616, 621, 624
referring, 514, 524, 526, 529, 531, 536, 551, 554, 556, 573, 575, 577, 590, 598, 600, 606, 609, 622
refers, 513, 544, 556, 600, 603, 621, 625
reflagging, 611
reflect, 519, 522, 542
reflected, 564, 579, 581, 608
reflecting, 595
reflects, 549
refusal, 579
refused, 531, 590
regard, 519, 536-538, 605
regarded, 515, 538, 543
Regarding, 593, 613
regarding, 498, 527, 545, 605, 615, 623-624, 626
regards, 504, 518, 532, 601, 609, 611
regime, 608-609, 611-612
region, 622
Regional, 551, 580
regret, 577
regular, 612
regulated, 615
regulation, 547
Regulations, 508
Reichler, 557-558, 600-601, 603, 605-606, 608, 611-613, 618, 620, 623-625
reinforce, 504
reiterate, 621
reiterated, 573, 576, 580, 622
iteration, 572
reject, 531
Rejected, 563
rejected, 527, 540, 596, 605, 625
rejects, 558, 611
Rejoinder, 498, 502, 549, 552, 554, 558, 565, 576, 582, 587, 589, 596-598, 600-601, 603, 607, 609, 611, 613, 615-616, 618, 620-621, 626
rejoinder, 583
related, 538, 548, 552, 626, 628
relates, 538, 607, 609, 612
relating, 504, 524, 550, 579, 591, 595, 601
relation, 503, 509, 589, 607
Relations, 518, 520
relations, 518

relationship, 519, 585, 592-593
 relatively, 571, 574, 577, 596
 relayed, 601
 relevance, 532, 600, 623
 relevant, 503, 518, 538, 574, 583, 591, 595, 601, 617, 624-625
 Reliance, 515, 623
 reliance, 534, 623
 relied, 559, 624
 relies, 545
 remain, 512, 546, 577
 remained, 540, 621
 remaining, 520
 remains, 548, 613
 remarkably, 625
 remarked, 548
 remarks, 505, 592, 623
 remember, 537, 578
 remote, 505-507, 530, 535
 remotely, 529
 removed, 517
 rental, 529
 repeat, 504, 528, 545
 repeated, 502, 549, 590
 repeats, 518
 replace, 548
 replaced, 511, 540
 replied, 536, 563
 replies, 580
 Reply, 512, 518, 520-521, 542, 558-559, 582-583, 598, 620, 624-625
 reply, 517, 523, 534, 578
 replying, 517
 Report, 513, 532, 534-535, 548, 565-566, 570, 580-581, 589, 601
 report, 508, 526, 557, 565, 567-570, 580-582, 586, 591, 594, 597
 reported, 513, 533, 535, 609
 REPORTER, 628
 Reporter, 628
 reports, 551, 563, 594
 represent, 502
 representation, 618
 representations, 601
 representative, 520
 representatives, 511, 519-520, 523-524, 538, 566
 represented, 523, 527, 624
 representing, 523, 618
 represents, 544
 Republic, 506-507, 509, 540, 558, 611, 616-617, 622
 request, 556, 600
 requested, 556, 562
 requesting, 498, 536
 requests, 499
 require, 529, 551, 563
 required, 519, 529, 547, 550, 572, 574, 577, 590, 609, 613, 621
 requirements, 538, 600
 requires, 502
 Research, 551
 research, 517, 549, 552, 582, 624
 resemblance, 558
 resemble, 558
 Reserve, 547, 554-555
 reserve, 547, 555-557, 567, 581
 reserved, 616, 624-625
 Reserves, 547
 reserves, 548, 550, 567
 reserving, 605
 resettlement, 508, 510, 522, 571-573, 575, 580, 584, 622, 624
 resident, 607
 residents, 527
 residual, 501
 resolution, 520, 575, 623
 resolved, 570
 resource, 560
 resources, 503, 575, 620, 622-623
 respect, 500-502, 509, 597, 610
 respective, 564, 590, 615
 respectively, 613, 618
 respects, 519, 543, 546
 respond, 503, 507, 517, 521, 587, 609
 responded, 572, 580
 Respondent, 501
 respondents, 570
 responding, 556, 585, 594
 responds, 557, 583, 585
 Response, 586
 response, 498, 502, 508, 510, 545, 550, 553, 560, 562, 569, 576, 578-581, 583-587, 590-591, 593, 596-598, 610-611, 623
 responses, 499, 572, 580-582, 587
 responsibility, 591
 responsible, 518
 rest, 527, 551, 620
 rested, 596, 622
 restricted, 596, 606-608, 610, 616
 restriction, 608, 611
 restrictions, 603
 restrictive, 612
 rests, 611
 result, 526, 530, 553
 results, 580
 resume, 579
 resumption, 498
 Resurgent, 548
 retained, 603
 retaining, 527
 retention, 533
 retract, 532
 retrospectively, 514
 return, 515, 519, 527, 535-536, 565, 568-570, 590
 returned, 535
 Returning, 551

returning, 498, 553
returns, 547
Réunion, 506
reveals, 515
revenue, 554
reverse, 519
reversionary, 502
reverting, 605
review, 508, 552,
557-558, 563,
570, 622
reviews, 567, 607,
611
revise, 591
rewrite, 539
rewriting, 518
Rica, 581
richest, 548
Rights, 516-517,
571
rights, 499-505,
550, 556-559,
570, 591,
595-596, 598,
600-601, 603,
605-613,
615-616, 618,
620-626
rior, 519
rise, 522, 569
risk, 554, 584, 592
risks, 554, 585
roadmap, 596
Robert, 585, 620
Roberts, 546, 551,
553-559,
564-565, 570,
584-587, 593,
618, 621-622
Robin, 509
Rodrigues, 541
role, 527, 536, 545
room, 537, 598
Rosemary, 580

roughly, 509-510,
546
round, 498, 503,
555, 561-564,
577, 590, 618,
620-622
Ruhee, 563
rule, 532
ruled, 571
ruling, 571
run, 545, 557, 564,
592, 603, 625-626
runs, 560
rush, 593
rushed, 545

S

Sadie, 551, 553
safeguards, 526
sailing, 548
Saint, 516
Salomon, 547
Sam, 504-505
same, 501-502,
510, 514, 516,
527-531, 533,
538, 552, 557,
563, 569-570,
572, 574, 583,
606, 624-625
SANDER, 595, 600,
606, 616-618
Sander, 504, 550,
554, 591,
594-595, 606,
616-617, 626
Sands, 499,
508-509, 513,
524, 526, 546,
576, 587, 607,

613
Satcam, 535
satisfaction, 533
satisfied, 576
Save, 549
Savill, 626
saw, 522, 534, 582,
593
saying, 499, 516,
518, 523,
534-535, 551,
555, 573-574,
580, 616
says, 499-501,
542-543, 566,
571, 573-574,
577, 590, 606,
624
scale, 529,
549-551, 554, 570
scan, 557
scarcely, 621
scattered, 506
scenes, 527
Schedule, 539
scheduled, 559, 572
Science, 549
science, 564
scientific, 499, 545,
549, 553, 555,
560, 565-566,
568-569,
580-581, 585,
587, 589-590, 594
scientifically, 583,
594
scientists, 549,
566-568, 577
scope, 574
scoping, 551, 553
screen, 506-507,
548
screens, 546-547
scrupulous, 515
Sea, 505, 508-509,

515, 567
sea, 546, 597,
607-610
seabed, 503
seafood, 613
Seas, 549
seas, 546, 552
seats, 523
Second, 505, 561,
603, 615
second, 504, 522,
532, 537-538,
542, 553,
555-556,
558-559,
562-564,
566-568, 572,
577-579, 590,
592-593, 598,
608-610, 617,
621-622, 625-626
Secondly, 501
secondly, 600
Secretary, 502,
518, 521-523,
526-533,
542-543,
553-555,
558-561,
563-564,
572-574,
577-579,
582-587,
590-593, 597, 601
Section, 549-550,
607, 609
section, 560, 570,
600, 612
secure, 513, 524,
528
secured, 523
security, 523, 526,
608
See, 548, 607-609
see, 498-500,
503-504, 506,

514, 518-519,
 522, 527,
 530-531, 536,
 538, 541,
 546-548, 553,
 556, 559-560,
 563-566, 568,
 570, 572, 574,
 578, 581,
 583-584,
 586-587, 598,
 603, 607, 609,
 611-612, 616,
 618, 622,
 624-625, 627
 Seeballuck, 559
 seeing, 623
 seek, 503, 532,
 555, 562, 576-577
 seeking, 503, 537,
 551, 562, 595,
 620
 seeks, 505, 514,
 574, 589
 Seeballuck, 579
 seem, 534, 541,
 547, 582, 591
 seemed, 533, 541
 seems, 513, 519,
 536, 541, 592
 seen, 499, 501,
 507, 511, 516,
 531, 535, 540,
 543, 547, 549,
 558, 572-573,
 585, 593-594,
 597, 605, 607,
 611-613, 624-625
 sees, 625
 Seewoosagur,
 534-536
 Seine, 556
 seine, 610, 613
 Select, 513, 532,
 534, 601
 selective, 534
 self, 504, 513, 520,
 530, 532, 543
 sell, 534
 send, 551
 sending, 572
 sends, 562, 583
 Senior, 561
 sense, 543
 sensitivities, 586
 sent, 553, 556,
 564, 566, 574,
 579, 597, 606,
 610, 612
 sentence, 515,
 532, 537, 612,
 617, 624
 sentences, 515
 separate, 504, 512,
 515-516, 540,
 542, 571, 579,
 593
 separated, 538
 separately, 512,
 543, 579,
 593-594, 596, 623
 September, 520,
 523-524,
 526-527, 531,
 533, 539, 562,
 587, 595, 598,
 600-601,
 605-606, 608, 623
 series, 561, 595,
 597, 620
 serious, 500, 504,
 515, 518,
 531-532, 586, 612
 seriously, 499, 541
 serve, 549
 serves, 542
 Service, 579
 Session, 520
 set, 502, 512, 520,
 522, 535, 547,
 553, 558, 560,
 565-566, 570,
 579, 585, 589,
 595, 600,
 605-606,
 612-613, 625
 sets, 615, 621
 setting, 530, 556,
 622
 settlement, 571,
 605
 Seven, 596
 seven, 536
 seventh, 613
 several, 552, 575
 severed, 516
 Seychelles, 532,
 541-542, 544,
 580, 597
 shall, 503-505, 515,
 517, 547, 595,
 610, 616
 sham, 546
 shape, 538, 564
 share, 520, 578,
 620
 sharing, 554, 615,
 617, 620
 SHEARER, 498,
 505, 515-516,
 521-522, 542,
 544, 552,
 568-569, 591,
 594, 600, 626-627
 sheer, 549
 Shelf, 503, 515
 shelf, 503, 508-509
 Sheppard,
 549-550, 589
 shift, 573
 shifted, 587
 short, 518,
 520-521, 531,
 542, 563, 583,
 586, 620
 shorthand, 565
 shortly, 554
 shots, 499
 show, 504-505,
 507, 514,
 523-524, 545,
 554, 564, 576,
 583, 587, 590,
 592, 601, 606,
 616
 showed, 512, 515,
 531, 537-538, 582
 showing, 501, 504,
 547, 623
 shown, 523, 532,
 546, 548
 shows, 534, 550,
 555, 561, 564,
 574, 584-585
 shred, 518
 side, 518, 535, 554,
 559, 561, 566,
 622, 627
 sides, 536, 564
 sign, 533
 signalled, 553, 563
 signally, 529
 signature, 618
 signatures, 618
 signed, 563
 significance, 595,
 600, 606
 significant, 510,
 533, 585, 589
 signs, 531
 silence, 533
 silent, 533
 similar, 499, 510,
 533, 535, 538,
 579, 603, 623,
 626
 similarly, 598, 613
 simple, 500, 616
 simply, 518, 554,
 557, 561, 573,
 583, 591, 607,
 611, 616-618,

623, 626
 Since, 536, 625
 since, 498, 505,
 531, 533-534,
 536-537, 549,
 561, 577, 594
 SIR, 509-510, 515,
 517, 521-522,
 537-539, 542-544
 Sir, 505, 509-510,
 515-517,
 521-522,
 533-538,
 541-542, 626
 sir, 517
 site, 547
 sites, 547
 situated, 507
 situation, 530, 537,
 594
 Six, 596
 six, 530, 532, 606,
 611, 617, 624
 sixteenth, 511
 sixth, 606
 size, 546
 skeletal, 542
 sketch, 506-507
 slight, 524
 slightest, 536
 small, 507, 540,
 546-547
 Soap, 552
 social, 514, 520
 solid, 518
 solution, 526
 somebody, 537,
 581, 617
 somehow, 515, 592
 sometime, 582
 sometimes, 597,
 609, 615
 somewhat, 515,
 575
 soon, 601
 Sorry, 515, 542,
 547, 552, 592
 sorry, 516, 521,
 546, 568, 578,
 582, 617
 sort, 584
 SoS, 563
 sought, 529, 532,
 557, 570,
 572-573, 578,
 590, 598, 600,
 620
 south, 506-507
 Southampton, 565
 southernmost, 507
 southwest, 506
 Sovereign, 538
 sovereign, 503,
 511, 516, 539
 sovereignty,
 500-502, 504,
 511-512,
 514-516,
 527-529, 531,
 533, 535,
 540-542, 551,
 554, 560, 562,
 573, 575, 579,
 584, 587, 596,
 609-611, 615,
 617, 620-623
 spatial, 567
 speaking, 509,
 530, 589, 591,
 600
 special, 549
 specialist, 556
 species, 547,
 566-567, 570
 specific, 510, 512,
 548
 specifically, 621
 speculative, 518
 speech, 501, 505,
 521, 542,
 544-545, 550,
 552, 557, 568,
 595
 speeches, 575
 spend, 584
 spirit, 611
 spoke, 541
 spokesman, 541
 sponsors, 520
 spot, 503
 spread, 529, 546
 spring, 564
 spurious, 499
 square, 506-507,
 546
 squarely, 591
 St, 549
 st, 546, 550-553,
 562, 567, 582,
 591, 593
 stable, 549
 Staff, 563
 staff, 564
 stage, 560, 591,
 607
 stake, 529
 stakeholders, 551,
 555, 577
 stance, 596, 609,
 611, 618, 621-623
 standard, 519, 560
 standing, 502, 596,
 615, 622
 Stanford, 549
 start, 585, 623
 started, 551
 starting, 567
 starts, 570
 State, 500-502,
 504, 510, 518,
 520-521,
 528-530,
 532-533, 539,
 541-543, 553,
 558, 563, 597,
 601
 state, 533, 606, 610
 stated, 520, 522,
 530-531, 534,
 548, 554,
 575-576, 597,
 600-601, 603,
 608-609
 Statement, 537,
 559, 592-593,
 615, 618
 statement, 502,
 528, 537, 546,
 548-559, 603,
 605, 609, 620-621
 statements, 514,
 543, 558-559,
 563, 570, 618
 States, 517, 520,
 527-530,
 543-544, 546,
 552, 554-555,
 558, 603, 608,
 613, 618
 states, 509, 564,
 567, 605, 611,
 616-618, 620, 625
 stating, 535, 600
 status, 508, 513,
 542-543, 594, 618
 stay, 527
 stayed, 531
 stdeclaration, 544
 steady, 528, 625
 steer, 585
 stemmed, 621
 stenographically,
 628
 step, 585
 STEPS, 544
 steps, 520, 541,
 544-545, 552, 582
 Sternbeg, 512
 Stevenson, 580
 stick, 562
 still, 500, 511, 515,

517, 541, 553,
 560, 573, 578,
 592, 601
 stock, 499, 566
 stocks, 594, 616
 stop, 562, 568,
 583, 613
 stopped, 592
 stopping, 548
 straddle, 501
 straddling, 502
 straight, 502
 strange, 542
 Strasbourg, 571
 strategic, 535
 stream, 625
 strengthen, 503
 strengthening, 551
 stress, 510, 623
 stressed, 534, 562,
 589
 Strict, 547
 strict, 547-548
 strictly, 615
 stride, 564
 strikes, 509
 striking, 609
 strong, 533, 561
 strongly, 566, 582,
 587
 structure, 498, 504
 stSecretary, 583,
 587
 stThen, 583
 studies, 567
 Study, 522
 study, 507, 510,
 522, 567-568
 subcontinent, 506
 Subject, 509
 subject, 504, 534,
 537, 541, 547,
 566, 571-573,
 592, 605,
 607-608, 616
 Submission,
 554-555, 564, 587
 submission, 503,
 505, 523, 545,
 553-555, 558,
 564-565, 576,
 581-583, 586,
 590, 592, 595,
 625
 submissions, 498,
 504, 545, 548,
 551, 554-555,
 561, 565-566,
 570, 583,
 585-586, 591
 submits, 590
 submitted, 499,
 548, 578, 589,
 593, 600
 Subparagraph, 616
 subscribes, 520
 subsequent, 534,
 558
 Subsequently, 611
 subsequently, 532,
 558, 563
 Subsistence, 548
 substance, 527
 substantial, 501,
 528, 591, 611
 substantive, 505
 subtle, 515
 successively, 518
 Such, 514
 sufficient, 503,
 522-524, 566
 sufficiently, 553
 sugar, 528-529, 532
 suggest, 502, 507,
 517, 519, 539,
 560, 569, 576,
 585, 591, 593
 suggested, 510,
 513, 523, 529,
 545, 568, 576,
 584, 606, 617
 suggesting, 592
 suggestion, 529,
 585-586
 suggests, 516, 551,
 572, 584
 sui, 500
 sum, 527-529, 531,
 605
 Sumatra, 507
 summarised, 571,
 580
 summarize, 514,
 585
 Summary, 556, 581
 summary, 516,
 534, 557,
 565-566, 580,
 582, 615
 summed, 528
 Summing, 528
 Sunday, 578
 Sunlight, 552
 supersede, 606
 supervision, 628
 supply, 589
 support, 500,
 523-524, 551,
 558, 561, 563,
 565, 567-568,
 575, 581, 583,
 587, 589, 612
 supported, 545,
 580-581, 583, 587
 supporting, 545,
 564, 617
 supportive, 559
 supports, 589
 supposition, 518
 suppressed, 499
 supreme, 539
 surely, 536
 surfaced, 551
 surprise, 511, 573
 surprising, 529
 surprisingly, 560
 surrounding, 610
 surveillance, 589
 Survey, 551
 surviving, 548
 Susan, 520
 sustain, 508, 514
 sustainable, 561,
 566
 Swansea, 549
 swiftly, 613
 switching, 537
 symbolic, 541
 sympathetically,
 600
 system, 550, 570,
 606, 608, 617

T

Tab, 499, 503,
 506-507, 509,
 522, 530, 533,
 547, 553,
 556-557, 559,
 561-565, 567,
 570, 572, 574,
 577, 579-583,
 586, 612,
 616-618, 621
 tab, 557, 566, 583,
 598, 600, 605,
 608, 612,
 615-616, 621-622
 table, 520, 577, 613
 tabled, 554-555
 tables, 556
 tackled, 580, 594
 Talbot, 620-621
 talked, 587
 talks, 533, 545,

554-555, 559,
 561-564, 571,
 573-575,
 577-580, 590,
 592-593, 596,
 615, 617-618,
 620-623
 Tanzania, 507
 targeted, 566
 team, 500, 593
 teams, 592
 technical, 568, 618
 Telegram, 542
 telegram, 532-533,
 597, 601
 telephone, 561,
 564, 572, 583,
 586
 telephoned, 572,
 586, 593
 temporal, 567
 temporary, 548
 tendency, 624
 tends, 499
 tensions, 524
 term, 512, 542,
 566, 568, 575,
 606, 608-609, 623
 termed, 547, 613,
 615
 terminology, 511
 terminus, 501
 terms, 499, 501,
 510, 517,
 520-521, 527,
 530-531, 536,
 577, 579, 592,
 600-601, 603,
 605, 609-610,
 616, 626
 Terrell, 521
 terribly, 546
 territorial, 500,
 504, 511-514,
 527, 532, 543,
 546, 597, 607-610
 Territories,
 516-517, 520,
 538, 542, 548,
 551, 559, 561-562
 territories, 512,
 520, 522, 537,
 539-540
 Territory, 499,
 505-507,
 515-516, 522,
 554-555, 560,
 567, 571, 575,
 580-581, 587,
 610, 616, 626
 territory, 500-501,
 506, 508,
 512-516, 533,
 538-541, 546,
 548, 571-572,
 577, 610
 tête, 559
 text, 499
 th, 520, 526-527,
 531, 539, 553,
 562, 572, 579,
 582, 590-593
 thannouncement,
 553
 The, 511
 the, 511, 530, 550,
 556-557, 565,
 579, 598
 theme, 625
 themes, 519, 522,
 615
 themselves, 516,
 520-521, 528, 584
 thereafter, 529,
 592, 628
 thereby, 509, 566
 therefore, 516,
 540, 581
 thereunder, 539
 thesis, 500
 thin, 499
 Third, 506, 592,
 603, 615
 third, 502, 504,
 529, 533, 554,
 557-558,
 561-564, 566,
 570, 573, 585,
 590, 592, 601,
 605-606, 610,
 613, 625
 thirds, 567
 thirteen, 620
 though, 504, 509,
 597
 threaten, 566
 Three, 527, 548,
 595
 three, 502, 506,
 512, 518, 527,
 532, 547, 564,
 567, 570, 581,
 584-585, 601,
 607, 610, 615,
 624
 throughout, 519,
 575, 586, 593
 thrust, 621
 thThe, 565
 Thursday, 527, 605
 tie, 592
 ties, 500, 514
 tight, 564, 592
 tightened, 535-536
 tightening, 535
 timeframe, 527
 timeline, 583
 Timelines, 564
 timetable, 565,
 592-593
 timetables, 564
 timing, 520, 522,
 527, 585
 tiny, 546
 to, 550, 583, 618
 today, 516,
 544-545, 556,
 575, 586, 627
 Together, 558
 together, 498, 501,
 506, 516, 520,
 530, 552, 560,
 572, 574, 585,
 592, 607
 Tomorrow, 626
 tomorrow, 502,
 515, 538-539,
 543-544, 627
 tone, 573
 Tony, 550
 took, 516, 518,
 528-529, 555,
 557, 561,
 564-565, 572,
 576, 601,
 605-606, 608,
 615, 620, 625
 top, 560, 585, 616,
 621
 Topp, 548
 total, 506-507, 622
 totalling, 530
 touch, 545
 touched, 537
 Towards, 579, 626
 towards, 499, 508,
 520, 527, 530,
 553, 560, 564,
 570, 574, 578,
 583
 Trade, 551, 580
 trade, 527, 600
 traditional, 603, 610
 traditionally, 607
 trail, 543
 Transcript,
 508-509, 511,
 513-514, 519,
 521, 523-524,
 526-527, 529,

532-534, 596
transcript, 545,
559, 565, 578,
596, 628
transcription, 628
Transcripts, 524
transcripts, 596
transit, 547
treated, 511, 516,
543, 624
Treaties, 539
treaties, 516
treatment, 558
Treaty, 511
treaty, 547
Tribunal, 498,
500-501,
503-505, 511,
515, 519, 521,
536, 541,
544-545, 547,
549, 558,
567-568, 570,
572, 576, 583,
589, 594-598,
600-601, 603,
607-608, 611,
613, 615-618,
622-623, 625-626
tribunal, 500, 504
tried, 524, 579-580
Tristan, 516
Tromelin, 540-541
tropical, 548
trouble, 500, 531
true, 524, 547, 561,
591, 595, 605,
628
truly, 501
truncation, 561
Trust, 548-554, 560
trust, 514
Trusts, 550
truth, 499
try, 543, 591-592

trying, 561, 584
Tuesday, 498, 508,
545
tuna, 557, 567,
569-570, 581
turn, 510, 518, 526,
539, 550,
556-557, 559,
564, 566-567,
570, 575, 580,
592, 598, 600,
605, 608,
615-616, 621
turnaround, 577,
593
turned, 530
Turning, 538, 586,
600-601, 616, 620
turning, 596, 598,
606, 612, 618
turns, 502, 518
twentieth, 516
twists, 573
Two, 595, 606
two, 504, 510,
512-513, 518,
522, 527-528,
530, 532, 537,
543, 549, 556,
558-559, 561,
564, 567,
575-576, 579,
581, 587,
590-592, 600,
605, 613, 615,
617-618, 620
type, 587
types, 611
typewritten, 628
typing, 592
typo, 562

U

Uganda, 558
UK, 499-500, 502,
516, 519, 521,
537-538, 545,
547, 550-551,
555, 557-562,
564-566,
571-580,
582-584, 587,
589-591, 620,
623, 627
UKAF, 547, 553,
556-557, 559,
561-565, 567,
572, 574, 577,
579-581, 586
UKCM, 506-507,
511-514, 532,
534, 539-541,
547-551, 553,
555-556,
558-559,
561-565, 572,
574, 578,
580-581, 586,
597-598, 601,
603, 605-606,
609, 613,
615-616, 621
UKHO, 509
UKM, 512
UKR, 502-503, 512,
524, 532, 541,
546, 550-554,
556-557, 559,
561, 563, 565,
567, 579, 586-587
ultimate, 521
ultimately, 521-522
umbrella, 615, 617,
620
UN, 514, 532, 545
un, 509
unable, 500
unacceptable, 600
unambiguous, 523
unambiguously,
523
unanimous, 531
unanimously, 520
uncertainties, 521
uncertainty, 625
unclear, 519, 561
UNCLOS, 501, 587
uncomfortable, 562
uncommon, 576
unconditional, 626
undated, 580, 582
under, 500,
504-506, 508,
511-515,
517-518, 528,
530-533,
536-538, 540,
547-548, 559,
567, 570-571,
576, 578, 589,
593, 608-609,
611, 615-617,
620, 628
underlying, 519,
522
undermine, 625
understand, 503,
515, 517-518,
524, 552, 560,
575, 582, 593,
597
understandably,
529
understanding,
510, 530, 550,
552, 558, 564,
576, 591-592,
595-596, 601,
603, 605-609,
611-612,

- 615-617, 621-626
- understandings, 501, 505, 531, 550, 587, 595, 606, 615, 617, 623
- understood, 502, 528, 540, 550, 552, 554, 564, 573, 603, 623
- undertaken, 510, 580, 589
- undertaking, 502, 515, 550, 571, 576, 578, 603, 605-606, 609, 617, 621, 626
- undertakings, 557, 595, 605-606
- undertook, 608, 625
- underway, 575
- undisputed, 513
- undoubtedly, 576
- unfortunately, 507, 541
- unfounded, 589, 606
- Ungarn, 512
- unhelpfully, 591
- unilateral, 534, 564
- unilaterally, 519
- unique, 500, 538, 553
- uniquely, 500
- uniqueness, 500
- unit, 511-513, 543
- United, 498, 503, 505, 508-512, 514-517, 519-524, 527-532, 534-537, 540, 543-544, 546, 548-549, 552, 555, 558-559, 572, 574, 576-577, 579-580, 587, 591-593, 595, 603, 605-606, 608, 613, 616-618, 623, 625
- units, 513
- universally, 581
- University, 549
- unknown, 513, 535
- unlawful, 500
- unless, 522, 570, 579, 590, 594, 626
- Unlike, 503
- unlikely, 563
- unreasonable, 590
- unredacted, 586
- unsatisfactory, 532, 601
- unsurprisingly, 581
- until, 505, 507, 533, 540, 542, 553-555, 563, 569, 580, 584, 586, 589, 627
- up, 499, 504, 509-510, 515-516, 518-519, 528-529, 533, 543, 545-550, 552, 560-562, 564-565, 568, 570, 573, 577, 579-580, 584, 589-590, 592, 594, 613, 620, 622
- updated, 589
- updates, 548
- updating, 583
- upheld, 571
- urged, 520
- usage, 512
- useful, 583
- uses, 606
- using, 548, 557, 613
- V**
- vagueness, 625
- validity, 610
- value, 560, 567
- varies, 516
- variety, 626
- various, 501, 503, 512, 514, 524, 531, 554, 557, 576, 585, 618
- ve, 498, 510, 516-518, 524, 570, 586, 591, 595
- verbal, 605
- Verbale, 509, 515, 551, 554, 563, 572, 574-575, 578-580, 590, 610, 622
- verbale, 509
- verify, 582
- versed, 511
- version, 524, 586, 605-606, 617
- vessel, 589
- vessels, 550, 556, 558, 597, 607, 610-611, 613, 615-616, 620-621
- vi, 532, 598
- via, 550
- vicinity, 608
- Vienna, 539
- view, 504, 508, 513-514, 518-519, 523, 532, 534, 537, 542, 569, 573, 580-581, 610, 612, 621
- views, 500, 502, 520-521, 567, 572, 577, 586, 590, 592, 626
- vigor, 498
- VII, 505
- violated, 612
- violating, 612
- virtually, 535
- vis, 513
- vision, 529
- visiting, 512
- vitiated, 519
- void, 539
- Vol, 512
- vol, 512, 567
- volunteered, 557
- von, 512
- vote, 520
- voyage, 548
- Vulnerability, 549
- vulnerable, 556
- W**
- wafer, 499
- wait, 563
- waive, 611
- walked, 531
- Walker, 534-535, 541
- wanted, 498, 523, 528, 560, 584, 592
- warned, 566
- Warwick, 549

was, 540, 553-555
 Washington, 533, 542
 Wasn, 542
 wasn, 517, 543
 watch, 595
 waters, 509, 546-547, 557, 595-598, 601, 606-610, 612, 621
 Watts, 624-625
 way, 498, 501, 506, 510, 513, 517, 524, 528, 534, 538, 542, 563, 567, 570, 577, 584, 587, 594, 605, 609, 620
 ways, 584, 609
 weakness, 515
 weather, 548
 weave, 543
 Wednesday, 520, 612
 week, 498-499, 501-504, 510, 513, 516-518, 520, 523-524, 526, 529, 540, 545, 548, 554, 557, 576, 595, 600, 603, 607-608, 615, 618, 621, 623-624
 weeks, 502, 530, 532-533, 542, 561, 575
 weight, 558, 618, 624
 weird, 568
 welcome, 577, 586
 welcomed, 560-561, 571
 west, 507
 Western, 549
 western, 567
 Westminster, 539
 wetland, 547
 Whatever, 502, 577
 whatever, 512, 516, 523, 537, 591, 612
 whatsoever, 536
 whenever, 515
 Whereupon, 569, 627
 wherever, 500
 Whether, 510, 555, 580-581
 whether, 509, 514, 538, 542, 558, 566, 568-569, 576, 579-581, 584, 589, 591, 600, 611, 624, 626
 Whilst, 567
 white, 546
 whole, 500, 521, 523, 530-531, 560, 567, 600
 wholeheartedly, 520
 wholly, 501, 590, 592, 625
 WHOMERSLEY, 498, 626-627
 Whomersley, 498, 505, 627
 wide, 562
 wider, 573, 577, 587
 Wild, 548
 will, 498-506, 509-510, 515, 517-518, 521-524, 530-533, 538-539, 541-550, 552-554, 556-557, 564-566, 568-572, 574, 576-578, 582-584, 590-598, 600-601, 603, 605-607, 611, 615, 618, 621-626
 Willing, 532
 willing, 528-529, 531-532, 536
 Wilson, 526-527
 wires, 513
 wish, 521, 593
 wished, 600, 617
 wishes, 507, 521, 539, 570
 withdraw, 533, 576, 578
 withdrawn, 573-574, 579
 within, 500, 506, 508, 524, 527, 539, 541, 547-548, 576, 579, 586, 607, 609
 Without, 551
 without, 499, 514, 516, 528-529, 537, 545, 571-572, 575, 593, 610, 615, 624
 Witness, 559, 592-593
 witness, 502, 546, 550-554, 556-559, 563, 570, 620
 WOLFRUM, 509-510, 515, 537-539, 552, 581, 594, 606, 616-617
 Wolfrum, 499, 501, 503, 507-509, 512, 515, 537, 545, 547-548, 581, 594
 women, 548
 won, 509, 565, 584
 wondering, 591
 WOOD, 509-510, 515, 517, 521-522, 537-539, 542-544
 Wood, 502, 504-505
 word, 501, 526, 538, 545, 606
 wording, 557, 574, 606
 words, 503, 508, 513, 526, 530-531, 533, 537, 541, 543-544, 576, 598, 600
 Wordsworth, 504-505, 590, 595, 606, 623, 626
 work, 503, 520, 553, 555, 563, 572, 574, 584, 586-587, 621
 worked, 550, 560
 working, 578, 589, 624
 workshop, 565-567, 570
 World, 554-555
 world, 500, 505-507, 545, 551, 580, 584
 worldwide, 550
 worth, 499
 wouldn, 544
 writes, 586
 writing, 511, 537

written, *499, 501, 510-512, 523-524, 545, 547-548, 578, 589*

wrote, *502, 577, 598*

www, *509, 549-550*

X

XV, *500, 504*

Y

yachts, *547*

yachtsmen, *548*

Yeadon, *549-550, 552, 554-559, 562-565, 570, 576, 583-587, 592-593, 618, 620, 622*

year, *503, 508, 510, 522, 527-529, 549-551, 556, 570, 589*

years, *504, 506, 511, 519-520, 529, 540, 587, 589, 596, 612-613, 623, 625-626*

yields, *566*

York, *520*

yourself, *500*

Z

Zanzibar, *507*

zero, *613*

Zone, *546, 566, 610, 612*

zone, *507-508, 522, 566, 568, 584, 607-610*

zoned, *566, 570, 581, 589*

Zones, *508*

zones, *507-508, 566*