



413-04-02-01– CITES 1/20

Notification aux Etats signataires et adhérents à la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction (CITES), conclue à Washington le 3 mars 1973

I. Communication de l'Union européenne

Par note verbale du 28 janvier 2020 reçue le même jour, l'Union européenne a prié le depositaire suisse de la CITES (www.dfae.admin.ch/depositaire) de porter à l'attention des Etats signataires et adhérents le document ci-joint (original anglais) intitulé «Annex on the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community», en précisant que les Etats membres de l'Union européenne, y compris le Royaume-Uni, y ont donné leur aval.

II. Réserve du Royaume de Thaïlande à l'égard des amendements aux annexes I et II de la Convention

Par note reçue le 24 janvier 2020, le Royaume de Thaïlande a précisé que la réserve qu'il a formulée le 26 novembre 2019 à l'égard du transfert de *Geochelone elegans* de l'Annexe II à l'Annexe I de la Convention est valide jusqu'au 25 novembre 2022 et que celle formulée à la même date à l'égard de l'inclusion de *Gekko gecko* dans l'annexe II de la Convention est valide jusqu'au 25 novembre 2025. Par conséquent, les réserves mentionnées seront considérées comme retirées à partir de ces dates.

III. Communication de la République de Maurice

Par note du 10 janvier 2020, reçue le 13 janvier 2020, la République de Maurice a prié le depositaire suisse de la CITES de porter à l'attention des Etats signataires et adhérents le document ci-joint (original anglais) affirmant sa ferme objection à l'encontre de l'application de la CITES, de son amendement fait à Bonn le 22 juin 1979 et de son amendement fait à Gaborone le 30 avril 1983, au «Territoire britannique de l'Océan indien» par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (déclarations des 2 août 1976, 28 novembre 1980 et 13 décembre 1985 respectivement).

Annexes mentionnées

Berne, le 31 janvier 2020



Annex to the Note Verbale on the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

1. On 29 March 2017, the Government of the United Kingdom of Great Britain and Northern Ireland (the "United Kingdom") notified the European Council of the United Kingdom's intention to withdraw from the European Union ("Union") and the European Atomic Energy Community ("Euratom") in accordance with Article 50 of the Treaty on European Union. On 22 March 2019, the European Council decided in agreement with the United Kingdom to extend the period provided for in Article 50(3) of the Treaty on European Union until 12 April 2019. On 10 April 2019, the European Council decided in agreement with the United Kingdom to extend the period provided for in Article 50(3) of the Treaty on European Union until 31 October 2019. On 29 October 2019, the European Council decided in agreement with the United Kingdom to extend the period provided for in Article 50(3) of the Treaty on European Union until 31 January 2020. The United Kingdom will therefore cease to be a Member State of the European Union and of Euratom on 1 February 2020.
2. On 24 January 2020, the Union and Euratom, and the United Kingdom, in accordance with Article 50, paragraph 2, of the Treaty on European Union, signed an Agreement setting out the arrangements for the withdrawal of the United Kingdom from the Union and Euratom ("Withdrawal Agreement")¹. The Withdrawal Agreement will enter into force on 1 February 2020, subject to its prior ratification by the United Kingdom and conclusion by the Union and Euratom.
3. In order to address the specific situation of the withdrawal of the United Kingdom from the Union and Euratom, the Withdrawal Agreement provides for a time-limited transition period during which, save certain very limited exceptions, Union law shall be applicable to and in the United Kingdom and that any reference to Member States in Union law, including as implemented and applied by Member States, shall be understood as including the United Kingdom.
4. The Union and Euratom, and the United Kingdom have agreed that Union law within the meaning of the Withdrawal Agreement encompasses international agreements concluded by the Union (or Euratom), or by Member States acting on behalf of the Union (or Euratom), or by the Union (or Euratom) and its Member States jointly.
5. Subject to timely ratification and conclusion of the Withdrawal Agreement, the Union and Euratom notify parties to the international agreements referred to in point 4 above that, during the transition period, the United Kingdom is treated as a Member State of the Union and of Euratom for the purposes of these international agreements.
6. It is understood that the principles set out in this Annex also extend to international instruments and arrangements without legally binding force entered into by the Union or

¹ The text of the Withdrawal Agreement can be consulted in the Official Journal of the European Union of 12 November 2019, C 384 I, p. 1.

Euratom and to international agreements referred to in point 4 above which are provisionally applied.

7. The provisions relating to the transition period are laid down in Part Four (Articles 126 to 132) of the Withdrawal Agreement, to be read in conjunction with the other relevant provisions of the Withdrawal Agreement, in particular its Part One.

8. The transition period starts on 1 February 2020 and ends on 31 December 2020, but the Withdrawal Agreement foresees the possibility of adopting a single decision extending the transition period for up to 24 months. In the event of an extension, the Union and Euratom will communicate this by a further Note Verbale.

9. At the end of the transition period, the United Kingdom will no longer be covered by the international agreements referred to in points 4 and 6 above. This is without prejudice to the status of the United Kingdom in relation to multilateral agreements to which it is a party in its own right.



REPUBLIC OF MAURITIUS

MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION
AND INTERNATIONAL TRADE

No. 1197/28

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

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

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

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

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

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

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

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

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

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

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

Port-Louis, 10 January 2020

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

