

Governance in the Marine Environment

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Chagos Marine Reserve



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Britain's richest woman, a former Miss UK, is helping Belize set up a marine reserve

Robin Henry and Frank Pope Published: 25 November 2012





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Marine Policy

Volume 35, Issue 2, March 2011, Pages 258–260



Short Communication

Fortress conservation at sea: A commentary on the Chagos marine protected area

E.M. De Santo^a, , P.J.S. Jones^b, A.M.M. Miller^b

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doi:10.1016/j.marpol.2010.09.004

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Wording of wikileaks

“[Colin Roberts] asserted that establishing a marine park would, in effect, put paid to resettlement claims of the archipelago’s former residents”

Anon., (2 December 2010) US Embassy Cables: Foreign Office does not regret evicting Chagos Islanders *The Guardian*. Available from:

<http://www.theguardian.com/world/us-embassy-cables-documents/207149>

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Chagos Islands

UN ruling raises hope of return for exiled Chagos islanders

Britain acted illegally, say judges in scathing ruling that upholds Mauritius's rights and restricts US ability to expand 'rendition' air base on Diego Garcia

Owen Bowcott Legal affairs
correspondent Sam Jones

Thursday 19 March 2015 21.15 GMT



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Where did this go wrong?



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Read the wording of the
following
slide carefully

There is established for the BIOT a marine reserve known as the Marine Protected Area, within the Environment (Protection and Preservation) Zone which was proclaimed on 17th September 2003.

Within the said Marine Protected Area, Her Majesty will exercise sovereign rights and jurisdiction enjoyed under international law , with regard to the protection and preservation of the environment of the Marine Protected Area and the implications for fishing and other activities in the Marine Protected Area and the Territory will be addressed in future legislation of the Territory.

British Indian Ocean Territory Proclamation No.1 1st April 2010

**What does this
Proclamation do?**

Legals

- Article 192 UNCLOS
 - States have the obligation to protect and preserve the marine environment
- Article 56 UNCLOS
 - sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources,
 - shall have due regard to the rights and duties of other States

Chagos Marine Protected Area Arbitration 2015

- Majority Decision (3/5)
 - 2010 Declaration recommended to be set aside
 - Historic access rights of Mauritians acknowledged ('estoppel') but could be barred with appropriate conversation
 - Chagossian removal and detachment of Archipelago legally disabled ('undivided realm')

Final verdict

Everyone lost the court case

Recommendations

- It is not enough to just do the conservation science
- The legal landscape needs to be fully understood
 - Historic access rights
 - Relations with neighbouring states
- Need to understand decision-making framework of natural resource management and play by those rules
- Most importantly tell a complete story to avoid becoming the narrative in other people's tales