

No. 9267

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**and
MAURITIUS**

**Agreement on mutual defence and assistance (with annex).
Signed at Port Louis, on 12 March 1968**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
1 October 1968.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**et
MAURICE**

**Accord de défense et d'assistance mutuelles (avec annexe).
Signé à Port-Louis, le 12 mars 1968**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
1^{er} octobre 1968.*

No. 9267. AGREEMENT¹ BETWEEN THE GOVERNMENT OF MAURITIUS AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON MUTUAL DEFENCE AND ASSISTANCE. SIGNED AT PORT LOUIS, ON 12 MARCH 1968

The Government of Mauritius and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to provide for co-operation in matters of mutual defence and to contribute to the maintenance of peace in accordance with the Charter of the United Nations;

Have agreed as follows:

Article 1

The Government of Mauritius and the Government of the United Kingdom each undertake to afford to the other the assistance specified in this Agreement.

Article 2

In the event of armed attack or threat thereof against any of the territories or forces of Mauritius or against any territory of the United Kingdom or under the protection of the United Kingdom or against any of the forces of the United Kingdom or any other threat to the preservation of peace the Governments of Mauritius and of the United Kingdom will consult together for the purpose of deciding what measures should be taken, jointly or separately, in relation to such attack or threat and generally to secure the fullest co-operation between the two Governments.

Article 3

In the event of any threat to the internal security of Mauritius upon any request for assistance made by the Government of Mauritius to the Government of the United Kingdom there shall be consultation between the two Governments.

Article 4

The Government of Mauritius grants to the Government of the United Kingdom the right in peace and war to station armed forces and associated civilian personnel in Mauritius and to use facilities there.

¹ Came into force on 12 March 1968 by signature, in accordance with article 9.

Article 5

The Government of the United Kingdom will if so requested by the Government of Mauritius provide assistance or advice in connection with the staffing, administration, training and equipment of the armed forces and police forces of Mauritius in such manner, to such extent and on such terms including terms as to payment for assistance as may be agreed.

Article 6

Nothing in this Agreement is intended to or shall in any way prejudice the rights and obligations which devolve or may devolve upon either Government under the Charter of the United Nations.

Article 7

The Annex to this Agreement shall have force and effect as an integral part of this Agreement and this Agreement shall be interpreted in accordance with the Annex.

Article 8

All property and equipment constructed, installed, brought into or procured in Mauritius under or prior to this Agreement by the Government of the United Kingdom shall remain the property of the Government of the United Kingdom and may be removed from Mauritius free of restrictions or disposed of in Mauritius by the Government of the United Kingdom prior to or within two years of the date of the termination of this Agreement. Notwithstanding any such termination the Annex to this Agreement shall remain in full force and effect so long as armed forces or associated civilian personnel of the United Kingdom are present in Mauritius.

Article 9

This Agreement shall come into operation on the day of signature and shall continue in force until one year after notice is given by one Government to the other of its desire to terminate this Agreement. Provided that no notice shall be given until the expiration of six years from the date upon which this Agreement comes into operation.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Agreement.

DONE at Port Louis on the 12th day of March, 1968.

For the Government
of Mauritius:

S. RAMGOOLAM

For the Government
of the United Kingdom of Great
Britain and Northern Ireland:

A. WOOLLER

ANNEX

1. (1) In this Agreement, including this Annex, unless the context otherwise requires

“British Authorities” means the departments, authorities and organisations of the Government of the United Kingdom having functions relating to the armed forces or to defence matters (including authorities of the armed forces of the United Kingdom) and persons authorised to act for any of them;

“British Forces in Mauritius” means the personnel of the armed forces of the United Kingdom who are for the time being present within Mauritius;

“dependant” means a person who is the spouse of a member of the British Forces in Mauritius or civilian component or is wholly or mainly maintained by or in the custody or charge of or who forms part of the family of such member or who (not being a citizen of nor ordinarily resident in Mauritius) is in domestic employment in the household of such member;

“British Armed Service Authorities” means the authorities of the United Kingdom empowered by the law of the United Kingdom to exercise command or jurisdiction over the armed forces of the United Kingdom, civilian component and dependants;

“civilian component” means the civilian personnel accompanying the British Forces in Mauritius who are employed by the British Authorities or by an authorised service organisation accompanying the British Forces in Mauritius and who are not stateless persons nor citizens of, nor ordinarily resident in Mauritius;

“authorised service organisation” means a non-profit making organisation authorised by the British Armed Service Authorities to accompany the British Forces in Mauritius in order to provide for the needs of those forces, civilian component and dependants;

“service establishments” means land held or occupied by the British Authorities for the purposes of the British Forces in Mauritius;

“service installations” means any building, structure or other work whether or not on service establishments, constructed or adapted for use for the purpose of the British Forces in Mauritius;

“contractor” means an undertaking or person who has entered into a contract or sub-contract to execute works or perform services in Mauritius for the British Authorities or an authorised service organisation but except where otherwise stated does not include an undertaking or person with a permanent place of business in Mauritius.

(2) In this Agreement references to members of the British Forces in Mauritius or civilian component and dependants shall include—

- (a) members of the British armed forces and other persons employed by the British Authorities;
- (b) persons employed by non-profit making organisations authorised to accompany the British Forces elsewhere than in Mauritius; and
- (c) dependants of such persons whether in Mauritius or elsewhere in transit to places other than Mauritius while within the territory of Mauritius.

(3) In this Agreement references to stationing in Mauritius shall include references to the use of such rights and facilities in Mauritius as may be required for the purpose of transporting by air or by sea the persons described in the last foregoing paragraph to and from places outside Mauritius.

2. (1) With the British Forces in Mauritius there may be stationed civilians associated with those forces, that is to say, members of the civilian component, dependants, contractors and contractors' employees.

(2) Such authorised service organisations may be established in Mauritius as may be considered by the British Authorities to be necessary to meet the military requirements and the welfare and recreational needs of the British Forces in Mauritius, and of the civilian personnel associated with those forces.

3. (1) It shall be the duty of the British Forces in Mauritius, civilian component, authorised service organisations and the members thereof, dependants and contractors to respect the laws of Mauritius and customs and traditions of the people of Mauritius and to abstain from any activity inconsistent with the present Agreement, and in particular from any political activity in Mauritius. It is also the duty of the British Authorities to take necessary measures to that end.

(2) In the exercise of the privileges and facilities granted under this Agreement, the British Authorities shall take such practical measures to ensure the safety of the people of Mauritius and to safeguard their property as would be taken in comparable circumstances by the British Authorities in the United Kingdom.

4. (1) Subject to the provisions of this paragraph—

- (a) The British Armed Service Authorities shall have the right to exercise in Mauritius all criminal and disciplinary jurisdiction conferred on them by the law of the United Kingdom over all persons subject to such jurisdiction under the service law of the United Kingdom.
- (b) The courts of Mauritius shall have jurisdiction over members of the British Forces in Mauritius and civilian component and dependants with respect to offences committed in Mauritius and punishable by the law of Mauritius.

(2) (a) The British Armed Service Authorities shall have the right to exercise exclusive jurisdiction over persons subject to the service law of the United Kingdom with respect to offences, including offences relating to the security of the United Kingdom punishable by the law of the United Kingdom but not by the law of Mauritius.

(b) The courts of Mauritius shall have the right to exercise exclusive jurisdiction over members of the British forces or civilian component or dependants with respect to offences including offences relating to the security of Mauritius punishable by the law of Mauritius but not by the law of the United Kingdom.

(c) For the purposes of this sub-paragraph and of sub-paragraph (3) of this paragraph a security offence against a country shall include:

- (i) treason against that country;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that country or secrets relating to the national defence of that country.

(3) Where both the courts of Mauritius and the British Armed Service Authorities have the right to exercise jurisdiction the British Armed Service Authorities shall have the primary right to exercise jurisdiction if—