

**STATEMENT BY HONOURABLE PRAVIND KUMAR JUGNAUTH, PRIME MINISTER  
OF THE REPUBLIC OF MAURITIUS, TO THE NATIONAL ASSEMBLY  
OF THE REPUBLIC OF MAURITIUS**

**28 FEBRUARY 2020**

Mr Speaker, Sir,

I have a statement to make with regard to the sovereignty of Mauritius over the Chagos Archipelago.

The House is no doubt aware that on 10 and 11 February, two replies were made in the UK House of Lords and House of Commons to questions relating to the UK's policy in respect of the Chagos Archipelago following the Advisory Opinion of the International Court of Justice of 25 February 2019 and UN General Assembly Resolution 73/295 of 22 May 2019.

In the two replies, the Foreign and Commonwealth Office represented by Lord Ahmad and Hon. Christopher Pincher, made the following points:

- (a) The United Kingdom has no doubt about its sovereignty over the so-called "British Indian Ocean Territory" and will cede it to Mauritius when no longer required for defence purposes.
- (b) The United Kingdom is disappointed that the matter was referred to the International Court of Justice contrary to the principle that the Court should not address bilateral disputes without the consent of both parties.
- (c) The United Kingdom does not share the approach of the International Court of Justice since the Court has given insufficient regard to material facts and legal issues.

- (d) The Advisory Opinion of the International Court of Justice is not legally binding and the United Nations General Assembly resolution cannot create legal obligations for UN Member States.

These, Mr Speaker, Sir, are not new statements. They have been repeated by the United Kingdom several times.

On 21 November 2019, I made an extensive statement to Parliament on the position of Mauritius in regard to all the above issues. While I do not wish to repeat all that I had said in that statement, I consider it necessary to reiterate the correct situation lest the UK's repeated replies create any doubt about the true situation.

First, the International Court of Justice has addressed fully and comprehensively all the claims that the United Kingdom continues to make, namely, that it has sovereignty over the Chagos Archipelago, that the principle of consent was not respected, and that material facts and legal issues were not sufficiently considered. It is only after carefully examining all those issues that the Court came to the conclusion that the Chagos Archipelago is and has always been an integral part of the territory of Mauritius and that the decolonization of Mauritius was not lawfully completed in 1968. The Court went on to say that the UK's continued administration of the Chagos Archipelago is a wrongful act of a continuing character under international law and should be terminated as rapidly as possible.

With regard to the binding nature of the Advisory Opinion of the International Court of Justice and UN General Assembly Resolution 73/295, I pointed out in my statement of 21 November 2019 that while an Advisory Opinion is not legally binding, the International Court of Justice is the supreme authority to state the status of international law at a given point in time. In this case, the Court established that at the time of the excision of the Chagos Archipelago in 1965, the principle of self-determination had already become part of customary international law and that the United Kingdom had therefore violated that particular law.

The authority of the Court in clarifying the status of the law is as authoritatively stated in the words of a former President of the International Court of Justice, Judge Nagendra Singh, in the book entitled “The role and record of the International Court of Justice” which was published in 1990, and I quote:

*“The findings of law contained in such opinion have of course the authority and prestige of the Court behind them to the same extent as a judgment, and the State which chooses to contravene what has been defined by the Court as a rule of law in an advisory opinion will find it difficult to claim that it is not in breach of international law.”* Unquote.

A similar position was taken by the current President of the International Court of Justice, Judge Abdulqawi Yusuf, who in a statement made to the UN General Assembly last October said, and I quote:

*“Advisory proceedings provide legal clarity by enabling the Court to determine the current status of specific principles and rules of international law.”* Unquote.

Mr Speaker, Sir,

That the United Kingdom does not and cannot have sovereignty over the Chagos Archipelago in respect of which it is an illegal occupier is not an assertion that Mauritius is making. It is a statement of fact established by the International Court of Justice which follows from the UK’s violation of international law. This is why the UN General Assembly voted by an overwhelming majority to require the United Kingdom to terminate its administration of the Chagos Archipelago by 22 November 2019.

As for the obligations created by UN General Assembly Resolution 73/295, the International Court of Justice established that Resolution 1514 (XV) of 14 December 1960, on which Resolution 73/295 is grounded, had a declaratory character with regard to the right to self-determination as a customary norm. Since the right to self-

determination has a normative character under customary international law and respect for that right is an obligation *erga omnes*, Resolution 73/295 sets out the binding obligations of all States, including the United Kingdom.

Once again, we urge the United Kingdom as a country reputed to uphold the rule of law, respect for democracy and human rights to comply with the conclusions of the International Court of Justice and the provisions of UN General Assembly Resolution 73/295. Until such time, Mauritius will continue to press for the full implementation of the Advisory Opinion and the UN General Assembly resolution. We are supported in this endeavour by many other countries, including Member States of the African Union which adopted at its recent Summit a Decision in support of the complete decolonization of Mauritius.

As far as the question of defence needs is concerned, we have on numerous occasions assured the United Kingdom and the United States that Mauritius is conscious of their defence and security interests and that these will not be affected by the exercise of our full sovereignty over the Chagos Archipelago. We stand by these commitments.

I thank you, Mr. Speaker, Sir.