

**STATEMENT BY THE HON. PRAVIND KUMAR JUGNAUTH, PRIME MINISTER OF
THE REPUBLIC OF MAURITIUS, TO THE NATIONAL ASSEMBLY
ON 13 JUNE 2019**

Madam Speaker,

The House will be aware that, on 22 May 2019, the United Nations General Assembly adopted, by an overwhelming majority, Resolution 73/295 to give effect to the Advisory Opinion which the International Court of Justice gave on 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

In its Advisory Opinion, the International Court of Justice, *inter alia*, concluded that –

- (a) the decolonisation process of Mauritius was not lawfully completed when it acceded to independence in 1968, in view of the unlawful excision of the Chagos Archipelago from Mauritius;
- (b) the UK is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible, and
- (c) all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonisation of Mauritius.

The International Court of Justice also stated that it was for the General Assembly to determine the modalities for the completion of the decolonisation of Mauritius. In this regard, Senegal tabled, on behalf of African States Members of the United Nations, a draft resolution for the implementation of the findings of the Court.

The draft resolution was considered by a plenary meeting of the General Assembly on 22 May 2019, and was introduced by the Permanent Representative of Senegal on behalf of African States Members of the United Nations.

During the debate, I made a statement to call upon other UN Member States to vote in favour of the draft resolution. In my statement, I recalled the conclusions of the International Court of Justice and pointed out that while the Advisory Opinion did not create a new legal obligation, it had, in fact, recognised and confirmed existing legal obligations that emanate from international law. The Advisory Opinion had, therefore, legal consequences for UN Member States, including the United Kingdom, as well as for the General Assembly and the United Nations and its specialised agencies.

I also referred to the forcible removal by the United Kingdom of the former inhabitants of the Chagos Archipelago and recalled that the International Court of Justice had observed that the resettlement of Mauritian nationals, including those of Chagossian origin, had to be addressed during the completion of the decolonisation process of Mauritius.

Moreover, I underscored the need for UN Member States to uphold the integrity of UN institutions and the sanctity of the International Court of Justice. I further pointed out that while the UK was now putting forward defence and security considerations as the overriding reason for

holding on to the Chagos Archipelago in a manner inconsistent with international law, Mauritius had made public commitments at the General Assembly and before the International Court of Justice that it is prepared to enter into a long-term arrangement with the United States, or with the United Kingdom and the United States, which would permit the unhindered operation of the military base in Diego Garcia in accordance with international law.

In all, 21 countries took part in the debate, amongst which the United Kingdom, the United States, Maldives, India and Seychelles. Both the United Kingdom and the United States expressed their opposition to the draft resolution and reiterated their position that the Chagos Archipelago issue is a bilateral sovereignty dispute between Mauritius and the UK. The UK also stated that the Advisory Opinion was not legally binding. The UK reiterated its position to the effect that it has sovereignty over the Chagos Archipelago and the United States expressed support for that position.

As for Maldives, which also expressed its opposition to the draft resolution, it indicated that the draft resolution could prejudice the implications for the submission which it had made in July 2010 to the United Nations Commission on the Limits of the Continental Shelf and to which Mauritius had objected. Mauritius made a right of reply to clarify that it had engaged in discussions with Maldives in October 2010 on maritime boundary delimitation but that the discussions were inconclusive. We also pointed out that when Maldives made its submission to the Commission on the Limits of the Continental Shelf, Mauritius had drawn its attention that the submission could overlap with the potential exclusive economic zone of Mauritius and requested that Maldives makes an amendment to its submission. However, Maldives had not so far done so. Mauritius also indicated that it had recently invited Maldives to a second round of discussions on maritime delimitation, but that there had so far been no reply.

On the other hand, India recalled its steadfast support to decolonisation and called for an early conclusion of the decolonisation process. India also indicated that it shared with the international community security concerns relating to the Indian Ocean, but highlighted that ensuring the security and prosperity of the Indian Ocean was a separate matter, on which it urged the concerned Governments to reach an understanding.

For its part, Seychelles called for an early and orderly implementation of the Advisory Opinion of the International Court of Justice. It recalled that Aldabra, Desroches and Farquhar, which had also formed part of the so-called “British Indian Ocean Territory”, were returned to Seychelles when it gained independence. Seychelles urged that the same precedent be applied in the case of Mauritius.

The draft resolution was adopted by a recorded vote of 116 in favour and 6 against, with 56 abstentions. The draft resolution attracted votes from countries from different regions of the world, namely Africa, Asia, Latin America, Europe and the Middle East.

A number of countries which had abstained on UN General Assembly Resolution 71/292 of 22 June 2017 seeking an Advisory Opinion of the International Court of Justice or did not participate in the vote on that resolution voted in favour of the draft resolution. These countries

include China, Greece, Iceland, Ireland, Jamaica, Liechtenstein, Monaco, Norway, the Russian Federation, Spain, Sweden and Switzerland.

It is noteworthy that nine States which had voted against the resolution seeking an Advisory Opinion of the International Court of Justice, namely Afghanistan, Albania, Bulgaria, Croatia, Japan, Lithuania, Montenegro, New Zealand and South Korea, abstained on the draft resolution.

The resolution which was recently adopted by the General Assembly is another important milestone in our fight to complete the decolonisation of Mauritius. In that resolution, the General Assembly has, *inter alia*, affirmed that the Chagos Archipelago is an integral part of Mauritius, and demanded that the United Kingdom withdraws its colonial administration from the Chagos Archipelago unconditionally within a period of not more than six months. It has also urged the United Kingdom to cooperate with Mauritius in facilitating the resettlement of Mauritian nationals, including those of Chagossian origin, in the Chagos Archipelago and to pose no impediment or obstacle to such resettlement.

Moreover, the General Assembly has called upon all Member States to cooperate with the United Nations to ensure the completion of the decolonisation process of Mauritius as rapidly as possible, and to refrain from any action that will impede or delay the completion of the process of decolonisation of Mauritius in accordance with the Advisory Opinion of the International Court of Justice and the resolution.

The General Assembly has further called upon the United Nations and all its specialised agencies as well as all other international, regional and intergovernmental organisations to recognise that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonisation of Mauritius as rapidly as possible and to refrain from impeding that process by recognising or giving effect to any measures taken by or on behalf of the so-called “British Indian Ocean Territory”.

The General Assembly has also requested the United Nations Secretary-General to submit a report to its next session on the implementation of the resolution, including any action taken by the United Kingdom and other United Nations Member States.

Madam Speaker,

I would like to express our deep appreciation to African States Members of the United Nations which jointly tabled the resolution. I also wish to thank Argentina, Bolivia, Cuba, Nicaragua, Syria, Vanuatu and Venezuela, which co-sponsored the resolution.

I would further like to convey our warmest thanks to all United Nations Member States which voted in favour of the resolution. Their vote for the resolution no doubt testifies to their support to the international rule of law and respect for international institutions, including the International Court of Justice. I must also express our deep disappointment at the stand taken by the UK on the resolution.

Moreover, I would like to thank our external lawyers as well as the team of officials, and in particular our Permanent Representative to the UN in New York and his staff, for the excellent work which they have done.

Madam Speaker, I would also like to inform the House that I had a meeting with the Rt. Hon. Jeremy Corbyn, UK Leader of the Opposition, on 20 May 2019 in London. I commended him for the position which he took on the Advisory Opinion of the International Court of Justice and sought his support for maintaining the pressure on the UK Government so that it respects the Advisory Opinion. The UK Leader of the Opposition reiterated his support for the implementation of the findings of the International Court of Justice. I also wish to express our appreciation for the stand which he took following the adoption of the General Assembly Resolution.

Thank you.