

**STATEMENT BY HON. PRAVIND KUMAR JUGNAUTH, PRIME MINISTER OF THE
REPUBLIC OF MAURITIUS, TO THE NATIONAL ASSEMBLY ON 26 MARCH 2019**

Mr Deputy Speaker, Sir,

I will ask for the indulgence of the House as my statement is lengthy. In view of the subject matter, I have deemed it appropriate to put the main facts in the statement for record purposes.

Mr Deputy Speaker, Sir,

The House will be aware that pursuant to the adoption by the United Nations General Assembly on 22 June 2017 of Resolution 71/292 in which it requested the International Court of Justice to give an Advisory Opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, the ICJ delivered its Advisory Opinion on 25 February 2019.

In its resolution 71/292, the General Assembly put the following two legal questions to the ICJ –

- (a) “Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?”, and
- (b) “What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?”

The ICJ decided unanimously that it had jurisdiction to answer the two questions posed to it by the United Nations General Assembly. It went on to hold by a majority of 12-2 that it ought to exercise its discretion to answer those questions.

On the substance, the ICJ reached the following conclusions by an overwhelming majority of 13-1.

As far as the first question is concerned, the ICJ held that the right to self-determination and territorial integrity formed a fundamental part of customary international law in 1965 when the territory of Mauritius was dismembered.

The ICJ noted that at that time, the Chagos Archipelago was, and has always been, an integral part of Mauritius, and that Mauritius was still a colony under the authority of the United Kingdom.

Following a careful review of the facts, the ICJ found that the detachment of the Chagos Archipelago from the territory of Mauritius, I quote –

“was not based on the free and genuine expression of the will of the people concerned.”

The detachment of the Chagos Archipelago was therefore illegal under international law, and without effect. Accordingly, the ICJ concluded that, I quote –

“as a result of the Chagos Archipelago’s unlawful detachment and its incorporation into a new colony, known as the BIOT, the process of decolonization of Mauritius was not lawfully completed when Mauritius acceded to independence in 1968.”

With respect to the second question, the ICJ concluded that, I quote –

“the United Kingdom’s continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of that State.”

The ICJ went on to rule that, I quote –

“the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible, thereby enabling Mauritius to complete the decolonization of its territory in a manner consistent with the right of peoples to self-determination.”

The ICJ stated that the modalities for ensuring the completion of the decolonization of Mauritius fall within the remit of the UN General Assembly, in the exercise of its functions relating to decolonization.

As regards the resettlement on the Chagos Archipelago of Mauritian nationals, including those of Chagossian origin, the ICJ stated that this is an issue relating to the protection of the human rights of those concerned, which should be addressed by the General Assembly during the completion of the decolonization of Mauritius.

The ICJ also concluded that all Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius.

Mr Deputy Speaker, Sir,

The ICJ being the principal judicial organ of the United Nations, its Advisory Opinion is an authoritative statement of the law. It is clear from the Opinion of the Court that the Chagos Archipelago is and has always formed an integral part of the territory of Mauritius and that the United Kingdom’s continued administration of the Chagos Archipelago is an unlawful act of continuing character.

The Opinion of the ICJ is an important milestone not only in the long-standing struggle for the completion of the decolonization process of Mauritius, but also in the fight to eliminate all remnants of colonialism in Africa, in line with Agenda 2063. It equally constitutes a significant contribution to the promotion of human rights, self-determination and the international rule of law.

Mr Deputy Speaker, Sir,

At the request of the British authorities, I had a meeting with the British Prime Minister on 18 March 2019 in London. The British Prime Minister emphasised the good relations between Mauritius and the United Kingdom and expressed her desire to further deepen those relations by exploring new avenues of cooperation and joint initiatives in various areas of interest to Mauritius.

As regards the Advisory Opinion of the ICJ, the British Prime Minister recalled the initial and consistent position of the UK that the Chagos Archipelago issue was a bilateral one and wished that Mauritius and the United Kingdom continue to discuss solutions bilaterally.

While welcoming the United Kingdom's offer to deepen and further consolidate its relations with Mauritius, I pointed out that the Advisory Opinion of the ICJ is about the decolonization of Mauritius and was requested by the UN General Assembly which would now consider appropriate action. In that regard, I stated that Mauritius and other countries would be tabling a draft resolution before the General Assembly towards the end of April 2019. I also indicated the willingness of Mauritius to work with the United Kingdom in order to produce a joint draft to give effect to the Advisory Opinion, which could offer a win-win situation.

The British Prime Minister stated that the British authorities were still studying the Advisory Opinion and its implications for the British Government. She suggested that the Permanent Representatives of the United Kingdom and Mauritius in New York should pursue discussions and that she would in the near future send a Foreign Office Minister to Mauritius to hold further discussions.

I made it clear to the British Prime Minister that whilst awaiting concrete proposals from the UK side on the implementation of the Advisory Opinion, Mauritius would together with other countries expeditiously table before the General Assembly a draft resolution calling for the implementation of the Advisory Opinion.

Mr Deputy Speaker, Sir,

We expect that all Member States, including the United Kingdom, will fully cooperate with the UN General Assembly in ensuring the prompt decolonization of Mauritius. Completion of the decolonization of Mauritius would allow all Mauritians to move freely within the entire territory of Mauritius and in particular those of Chagossian origin to return to the Chagos Archipelago.

For our part, I assure the House that we shall leave no stone unturned so that we can see effectively the end of the decolonization process of our country.

Mr Deputy Speaker Sir,

I would like to take this opportunity to reaffirm our deep gratitude to the African Union and all States that have supported, and continue to support, Mauritius in its struggle towards complete decolonization. We are in particular thankful to the African Union and third States which actively participated in the advisory proceedings before the ICJ by making written and/or oral submissions.

I also wish to thank our external legal team led by Professor Philippe Sands QC as well as our local team which includes the Secretary to Cabinet and Head of the Civil Service, the Solicitor General, our Permanent Representative to the United Nations in New York and the

Special Adviser to the Minister Mentor, Minister of Defence, Minister for Rodrigues for their excellent work.

And above all, I have a special word of gratitude and appreciation for the Minister Mentor, Minister of Defence, Minister for Rodrigues for his firm initiatives and conviction in what he undertook, and for standing out relentlessly against all odds to take those initiatives to unprecedented achievements.

I thank you, Mr Deputy Speaker, Sir.