United Nations A/73/PV.83

# General Assembly

Seventy-third session

*Official Records*

**83**rd plenary meeting
Wednesday, 22 May 2019, 10 a.m.
New York

*President*: Ms. Espinosa Garcés. . . . . (Ecuador)

*The meeting was called to order at 10.10 a.m.*

**Agenda item 7** (*continued*)

**Organization of work, adoption of the agenda and allocation of items**

**The President** (*spoke in Spanish*): I should like to draw the attention of the General Assembly to draft resolution A/73/L.86, which has been distributed in connection with agenda item 29, entitled "Advancement of women".

Members will recall that the General Assembly concluded its consideration of agenda item 29 at its 55th plenary meeting, on 17 December 2018. In order for the Assembly to take action on the draft resolution before it today, it will be necessary to reopen the consideration of agenda item 29.

May I take it that it is the wish of the General Assembly to reopen consideration of agenda item 29?

*It was so decided.*

**The President** (*spoke in Spanish*): Members will also recall that, at its 3rd plenary meeting, on 21 September 2018, the General Assembly decided to allocate agenda item 29 to the Third Committee. In order to enable the Assembly to take action expeditiously on the draft resolution, it will be necessary to consider agenda item 29 directly in plenary meeting and proceed immediately to its consideration.

May I take it that the Assembly wishes to consider agenda item 29 directly in plenary meeting and proceed immediately to its consideration?

*It was so decided* (decision 73/504 B).

**Agenda item 29** (*continued*)

**Advancement of women**

**Draft resolution (A/73/L.86)**

**The President** (*spoke in Spanish*): I now give the floor to the representative of Kenya to introduce draft resolution A/73/L.86.

**Ms. Mwangi** (Kenya): My delegation has the honour to address the General Assembly on agenda item 29, entitled "Advancement of women", to introduce draft resolution A/73/L.86, entitled "Twenty-fifth anniversary of the Fourth World Conference on Women", for the Assembly's consideration.

Twenty-four years ago, in September 1995, tens of thousands of women from all over the world gathered in Beijing to establish a clear set of commitments for gender equality and the empowerment of women and girls. The resulting document was the Beijing Declaration and Platform for Action, which identified 12 critical areas of concern. Governments made specific commitments to ensure that no woman or girl would be left behind in their economic, social and political development, among other areas.

The year 2020 will mark 25 years since that landmark conference. It will also be a year for reviews

at the national, regional and global levels in order to assess how far we have come in the pursuit of gender equality and the empowerment of women and girls everywhere. The draft resolution aims to commemorate that historic world conference by convening a high-level meeting on the margins of the Assembly's general debate at its seventy-fifth session. As members may be aware, the draft resolution is a follow-up to the Economic and Social Council's recommendation in its resolution 2019/9, which called on the General Assembly to convene such a meeting.

Kenya remains committed to gender equality and the empowerment of all women and girls. We thank all delegations for their constructive engagement and overwhelming support during the informal consultations on the draft resolution. The draft resolution currently has 103 sponsors and is still open for sponsorship. We look forward to its successful adoption and count on all members for their continued support.

**The President** (*spoke in Spanish*): I now give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): The following statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

Under the terms of paragraph 1 of draft resolution A/73/L.86, in order to celebrate the twenty-fifth anniversary of the Fourth World Conference on Women and thereby accelerate the realization of gender equality and the empowerment of all women and girls, the General Assembly would decide to convene a one-day high-level meeting of the Assembly on the margins of the general debate of the Assembly at its seventy-fifth session, and that the outcome of the high-level meeting would take the form of a Chair's summary.

Pursuant to the request contained in paragraph 1, and following consultations with the technical secretariat, as it stands, it is not defined whether the proposed one-day high-level meeting would be held prior to, or in parallel with, the general debate. Furthermore, the number of meetings required to service the one-day high-level meeting is not defined. In the absence of modalities for the meetings, it is not possible at the present time to estimate the potential cost implications of the requirements for conference services.

Upon decisions on the modalities, format and scope of the meetings, the Secretary-General would submit the relevant costs for the requirements, in accordance with rule 153 of the rules of procedure of the General Assembly. Furthermore, the date of the meetings would have to be determined in consultation with the Department for General Assembly and Conference Management.

Accordingly, the adoption of draft resolution A/73/L.86 would not give rise to any budgetary implications under the programme budget.

A copy of the statement I just read out will be made available on the PaperSmart portal.

**The President** (*spoke in Spanish*): The Assembly will now take a decision on draft resolution A/73/L.86, entitled "Twenty-fifth anniversary of the Fourth World Conference on Women".

I give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft resolution, in addition to those delegations listed in document A/73/L.86, the following countries have also become sponsors of the draft resolution: Algeria, Antigua and Barbuda, Argentina, Barbados, the Plurinational State of Bolivia, Botswana, Burkina Faso, Burundi, Cameroon, Congo, Costa Rica, Cuba, Cyprus, the Democratic Republic of the Congo, Denmark, El Salvador, Eswatini, the Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Iceland, Indonesia, Italy, Jamaica, Kazakhstan, the Lao People's Democratic Republic, Lesotho, Libya, Liechtenstein, Maldives, Mauritius, Montenegro, Mozambique, Myanmar, Namibia, Nepal, the Netherlands, New Zealand, North Macedonia, Palau, Panama, Papua New Guinea, Poland, the Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Senegal, Serbia, Slovakia, Slovenia, Somalia, South Africa, South Sudan, the Sudan, Sweden, Uganda, the United Republic of Tanzania, Togo, Tunisia, Tuvalu, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe.

**The President** (*spoke in Spanish*): May I take it that the Assembly decides to adopt draft resolution A/73/L.86?

*Draft resolution A/73/L.86 was adopted* (resolution 73/294).

**The President**: I am delighted that the General Assembly decided by consensus to hold a high-level meeting in 2020 to mark the twenty-fifth anniversary of the Beijing Declaration and Platform for Action. I commend Kenya for its leadership on resolution 73/294 and the many sponsors from all regions. At a time of heightened concerns about women's rights, it is crucial to ensure that the Assembly, the most representative organ of the United Nations, sends a strong signal that we are indeed a parliament for all humankind, including women and girls.

Endorsed by all Member States in 1995, the Beijing Declaration and Platform for Action remain highly relevant today because of their vision, ambition and focus on practical action on poverty, education, health, violence, armed conflict, the economy, power and decision-making, institutional mechanisms, human rights, media, environment and the girl child. Almost 25 years on, we can be proud of the progress we have made through the Millennium Development Goals — and now the 2030 Agenda for Sustainable Development — Security Council resolution 1325 (2000), which will be 20 years old next year, and UN-Women, established by the General Assembly almost a decade ago. However, the Beijing Platform for Action also remains highly relevant because progress has been painfully slow.

As we heard at the Commission on the Status of Women this year, if we maintain the current rate of progress, it will take 108 years — more than a century — to close the global gender gap, and 202 years to achieve economic gender parity. No country has achieved gender equality. Women in every region of the world are still denied their basic rights and needs, and we cannot take for granted the gains we have made. The landscape has changed dramatically in many areas covered by the Beijing conference, notably media, the environment and human rights. The push-back is real.

The twenty-fifth anniversary is therefore a golden opportunity to recommit to women's rights and empowerment, rise to challenges old and new and reclaim the agenda. As President of the General Assembly, I will begin preparations immediately for the high-level meeting and will appoint co-facilitators to lead consultations on organizational arrangements. I count on all Member States to support them and ensure that the meeting leads to positive outcomes on the ground.

The United Nations will turn 75 next year. Let us send a strong message that, going forward, even more so than in the past, the Organization will protect, support and empower women and girls and leave no one behind.

(*spoke in Spanish*)

The General Assembly has thus concluded this stage of its consideration of agenda item 29.

## Agenda item 88

## Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965

**Note by the Secretary-General (A/73/773)**

**Draft resolution (A/73/L.84/Rev. 1)**

**The President** (*spoke in Spanish*): I now give the floor to the representative of Senegal to introduce draft resolution A/73/L.84/Rev.1.

**Mr. Niang** (Senegal) (*spoke in French*): On behalf of the Group of African States, I have the honour to introduce, under agenda item 88, draft resolution A/73/L.84/Rev.1, entitled "Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965".

For the record, in adopting resolution 71/292, on 22 June 2017, the General Assembly, in accordance with Article 96 of the Charter of the United Nations, requested the International Court of Justice, pursuant to article 65 of the Statute of the Court, to issue an advisory opinion on the following two questions. First: was the process of decolonization lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos archipelago from Mauritius and having regard to international law and the relevant resolutions of the General Assembly? Secondly, what are the consequences under international law 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 of its nationals, in particular those of Chagossian origin?

Today's draft resolution is in follow-up to the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the*

*Chagos archipelago from Mauritius in 1965*, delivered on 25 February (see A/73/773). According to the opinion, the process of decolonization of Mauritius was not lawfully carried out under international law when that country gained independence in 1968, following the separation of the Chagos archipelago. In that respect, the Court unambiguously calls on the United Kingdom to bring to an end its administration of the Chagos archipelago as quickly as possible.

Moreover, it should be recalled that by resolution 1514 (XV), of 14 December 1960, the General Assembly specifies that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations. Resolution 2066 (XX), of 16 December 1965, which deals specifically with Mauritius, urges the United Kingdom to take no action that would dismember the territory of Mauritius and violate its territorial integrity.

In its various decisions on the issue, the African Union (AU) Conference of Heads of State and Government reiterated its determination to continue and intensify its efforts aimed at the complete decolonization of Mauritius, in accordance with international law. At the twenty-eighth ordinary session of the AU Summit, held in Addis Ababa on 30 and 31 January 2017, the Heads of State and Government, on the basis of the resolutions I just referred to, reaffirmed the need to complete the decolonization of the Republic of Mauritius and enable it to fully exercise its sovereignty over the Chagos archipelago, including Diego Garcia.

The Conference of Heads of State also decided to fully support the action taken by the Government of the Republic of Mauritius in the United Nations to have the International Court of Justice issue an advisory opinion on the legal consequences of the separation of the Chagos archipelago from Mauritius.

It should also be recalled that the AU Commission fully participated in the entire process leading up to the issuance of the International Court of Justice advisory opinion. The Commission issued its first written statement on 1 March 2018, and its second in May 2018, before its oral argument in The Hague in September 2018. On that occasion, the Commission stressed that the AU's mandate to preserve the territorial integrity of Africa and its self-determination is derived from its legal instruments and from Africa's contribution to the relevant resolutions of the General Assembly. In that regard, it urged the International Court of Justice to assume its responsibilities as the supreme organ of international justice. The approach taken at the United Nations by the African States is therefore part of the effort of all African States to enable one State, a member of the African Union as well as of the United Nations, to exercise full sovereignty over its entire territory, in accordance with international law.

Africa has been a victim of slavery and colonization for a very long time. Perpetuating a state of incomplete decolonization is certainly not compatible with the Charter or in conformity with international law. Accordingly, the advisory opinion of the International Court of Justice aims to assist the General Assembly, in compliance with its mandate, in its efforts to contribute significantly to the promotion of the rule of international law and respect for the principles of the United Nations Charter. As the Court has pointed out, it is now up to this organ to take ownership of the Court's opinion, with a view to proposing practical arrangements for the completion of the decolonization of the Republic of Mauritius.

There is no need to recall that the rule of law is indeed an integral part of the universal and indivisible core values and principles of the United Nations. This draft resolution is not only a faithful reflection of the advisory opinion of the International Court of Justice, it is also a request for the implementation of the Court's findings on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965. A vote in favour will therefore be a vote for the principles enshrined in the Charter, which continue to guide the work of our Organization with respect to the principle of self-determination. A vote in favour would also affirm the International Court of Justice as the principal legal organ of the United Nations, as well as its critical and decisive role in international law.

On behalf of the Group of African States, I therefore urge all Member States to choose justice and respect for the rule of law by voting in favour of this draft resolution, in order to help Africa overcome the traumas of a painful colonial past.

**Mr. Moncada** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): It is an honour for the Bolivarian Republic of Venezuela to speak on behalf of the 120 member States that make up the Movement of Non-Aligned Countries. We express our appreciation

for the convening of this meeting, which is dedicated to an issue of great importance to the Movement.

The rejection of colonialism is one of the founding principles of the Non-Aligned Movement. The struggle for liberation was the main factor in uniting the newly independent States of Africa, Asia and Latin America. The Movement's support for decolonization initiatives remains unwavering. Since its establishment, in 1961, its member States have maintained their position of principle regarding the right of self-determination of peoples under foreign occupation and colonial domination. We are approaching in 2020 the end of the third International Decade for the Eradication of Colonialism, and there is a clear and urgent need to liberate peoples from colonialism. During the April 2018 ministerial conference, the Ministers of the Movement agreed to the following.

They reaffirmed that the Chagos archipelago, including the island of Diego Garcia, which was illegally detached from the territory of Mauritius by the colonial Power, in violation of international law and resolutions 1514 (XV) and 2066 (XX), is an integral part of the territory of the Republic of Mauritius. The Ministers noted with great concern that despite the strong opposition expressed by the Republic of Mauritius, the United Kingdom sought to establish a marine protected area around the Chagos archipelago, further violating the territorial integrity of the Republic of Mauritius and preventing the country from exercising its sovereignty over the Chagos archipelago, as well as the right to return of Mauritian citizens who were forcibly expelled from the archipelago by the United Kingdom. In that regard, the Ministers welcomed the ruling of the Arbitral Tribunal constituted under annex VII of the United Nations Convention on the Law of the Sea in the case presented by the Republic of Mauritius against the United Kingdom, according to which the marine protected area was established illegally according to international law.

The Ministers noted the adoption of resolution 71/292, which requested an advisory opinion from the International Court of Justice on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965, as well as the request issued on 14 July 2017 by the Court, through which it invited the United Nations and its Member States to present written submissions.

For all of those reasons, we welcome the clear and unequivocal advisory opinion of the International Court of Justice, handed down of 25 February, on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), in accordance with the provisions of resolution 71/292. We call on the United Kingdom to put an end to its administration of the Chagos archipelago as soon as possible.

In conclusion, the Movement of Non-Aligned Countries, motivated by the sense of solidarity that unites us in the defence of the self-determination of peoples, calls for support for the action initiated by the Group of African States under agenda item 88, with a view to supporting the swift completion of the Republic of Mauritius decolonization process.

**Address by Mr. Pravind Kumar Jugnauth, Prime Minister, Minister for Home Affairs, External Communications and National Development Unit, Minister for Finance and Economic Development of the Republic of Mauritius**

**The President** (*spoke in Spanish*): The Assembly will now hear an address by the Prime Minister, Minister for Home Affairs, External Communications and National Development Unit, Minister for Finance and Economic Development of the Republic of Mauritius.

*Mr. Pravind Kumar Jugnauth, Prime Minister, Minister for Home Affairs, External Communications and National Development Unit, Minister for Finance and Economic Development of the Republic of Mauritius, was escorted to the rostrum.*

**The President** (*spoke in Spanish*): I have great pleasure in welcoming His Excellency Mr. Pravind Kumar Jugnauth, Prime Minister, Minister for Home Affairs, External Communications and National Development Unit, Minister for Finance and Economic Development of the Republic of Mauritius, and inviting him to address the Assembly.

**Mr. Jugnauth** (Mauritius): My delegation would like to associate itself with the statement made by the Permanent Representative of Senegal on behalf of the States Members of the United Nations that are members of the Group of African States.

At the outset, I would like to reiterate our deep appreciation to the General Assembly for its adoption in June 2017, by an overwhelming majority, of resolution

71/292, which requested an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965.

Mauritius welcomes the advisory opinion on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), which the International Court of Justice handed down on 25 February. This landmark opinion confirms the long-standing position of Mauritius and Africa that the decolonization of Mauritius has not been completed, and will not be completed until Mauritius is able to exercise sovereignty over the Chagos archipelago, which the International Court of Justice found — with no dissenting voice — to be an integral part of the territory of Mauritius.

Let me also express our warm thanks and gratitude to all the Member States that participated in the various stages of the International Court of Justice process. Countries from every region of the world, as well as the African Union, contributed to the process that allowed to Court to hear and consider the views from all perspectives on this matter. We are also grateful to the Secretary-General for the extensive dossier prepared by the Secretariat for that purpose.

Let me recall the two questions on which the International Court of Justice was requested to give an advisory opinion. The first was about whether the process of the decolonization of Mauritius was 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 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.

The second was about what consequences under international law, including obligations reflected in those resolutions, arose 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.

On the first question, the Court stated that it was of the opinion that, having regard to international law, the process of the decolonization of Mauritius was not lawfully concluded when it acceded to independence in 1968 following the excision of the Chagos archipelago. On the second question, the Court stated that it was its opinion that the United Kingdom is under an obligation to bring to an end its administration of the Chagos archipelago as rapidly as possible. With regard to the consequences for States, the Court expressed its opinion that all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius.

The advisory opinion is clear and unambiguous and leaves no room for any doubt or other interpretation. It is decisive. In addition to those express conclusions, the Court made some pertinent findings that are worth noting. Let me mention some of them.

First, at the time of its detachment from Mauritius in 1965, the Chagos archipelago was clearly an integral part of the territory of Mauritius.

Second, the right to self-determination and territorial integrity formed a fundamental part of customary international law at the time when Mauritius was dismembered in 1965. The existence of that right was recognized in resolution 1514 (XV), adopted overwhelmingly and without a single negative vote in 1960. Resolution 1514 (XV) made clear that detachment of part of a colonial territory without the consent of the people concerned was a violation of international law.

Third, at the time of detachment, Mauritius was a colony under the authority of the United Kingdom, and the representatives of Mauritius did not have a genuine legislative or executive power. It is therefore not possible to talk of an international agreement when one of the parties to it, namely, Mauritius, which is said to have ceded the territory to the United Kingdom under such an agreement, was under the authority of the latter.

Fourth, the detachment of the Chagos archipelago was therefore not based on the free and genuine expression of the will of the people of Mauritius.

Fifth, 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.

Sixth, all Member States have a legal interest in protecting the right to self-determination, the respect of which is an obligation erga omnes.

Seventh, the General Assembly must pronounce itself on the modalities required to ensure the decolonization of Mauritius, and all Member States must cooperate with the United Nations to put those modalities into effect.

Eighth, the issue of resettlement on the Chagos archipelago of Mauritian nationals, including those of Chagossian origin, is an issue relating to the protection of the human rights of those concerned, which must be addressed by the General Assembly during the completion of the decolonization of Mauritius.

Those findings show the gravity and extent of the wrongful act under international law that the colonial Power committed in carrying out the excision of the Chagos archipelago from Mauritius in 1965 and maintaining the Chagos archipelago as a colony ever since. The Court has characterized that as an unlawful act of continuing character entailing the international responsibility of the colonial State.

One might have hoped that any country found to be engaged in an ongoing wrongful act by the highest court in the world would hasten to make amends and commit to terminating its unlawful conduct. In fact, during a high-level meeting with the United Kingdom, Mauritius offered to work closely with the United Kingdom in order to present a joint draft resolution that would be mutually beneficial, taking into account both the security concerns of the United Kingdom and the conclusions of the International Court of Justice's advisory opinion. Our offer was made in the spirit of great friendship between Mauritius and the United Kingdom, and the high respect and regard that we in Mauritius have for the United Kingdom as a champion of respect for the rule of law.

It is because of that high regard that we have for the United Kingdom that, despite our status as a republic within the Commonwealth, we have retained the possibility for our citizens to use the United Kingdom Judicial Committee of the Privy Council as our highest court of appeal.

Under the circumstances, Mauritius is extremely disappointed with the stance taken by the United Kingdom, as is Her Majesty's leader of the opposition in the United Kingdom, who has made clear his respect and support for the Court's conclusions. We are all the more disappointed to see that all the arguments, both jurisdictional and on the merits, that the Court has flatly rejected are being repeated here, more aggressively than ever before. It feels as if we are back in 1965. At the time, the excision was carried out under duress and was presented to the United Nations as a fait accompli, as the contemporaneous documents show.

This time the excision is being justified by challenging the authority of the General Assembly to refer the questions to the International Court of Justice and by undermining the authority of the Court itself. This is indeed a sad situation, and one that should be of concern to every single State Member of the United Nations. As we all know, the Court has ruled by an overwhelming majority that the questions were properly referred to it by the General Assembly and that there was no ground for it to refrain from answering them.

It has also been suggested that unlike the International Court of Justice, which clearly rejected the 1965 agreement by which the United Kingdom claimed the then representatives of Mauritius had ceded the Chagos archipelago to the United Kingdom, the Arbitral Tribunal constituted under annex VII of the United Nations Convention on the Law of the Sea, which heard the case of Mauritius against the United Kingdom on the unilateral declaration of a marine protected area around the Chagos archipelago, had validated that agreement. There could be nothing further from the truth. What the Arbitral Tribunal said was that the undertakings given unilaterally by the United Kingdom to Mauritius in 1965 were legally binding on the United Kingdom.

Some Member States may claim that the advisory opinion is not legally binding on any State. While it is true that, unlike a judgment of the Court in a contentious case, which in itself is the source of an international obligation for the parties to such proceedings, an advisory opinion is an authoritative statement of the law by the highest legal authority of the United Nations system and the most highly respected judicial institution in the world. Although the opinion itself cannot impose a new legal obligation, it can recognize and confirm — as it has in fact done — the existing legal obligations that emanate from international law.

In this particular case the Court has established that the source of legal obligations is the right of the peoples to self-determination, which the United Kingdom has violated by excising the Chagos archipelago from Mauritius without the consent of the Mauritian people. In the opinion of the Court, the United Kingdom now has an obligation under international law to terminate its

ongoing wrongful administration as rapidly as possible, in order to complete the decolonization of Mauritius.

It is therefore not correct to say that the opinion has no legal consequences. Every State, including the United Kingdom, is obligated to comply with international law. There are also consequences for Member States, as the Court has found that they must cooperate with the General Assembly in bringing about the completion of the decolonization of Mauritius. And there are consequences as well for the General Assembly and the United Nations and all its specialized agencies, which cannot ignore or act in a manner contrary to the legal conclusions of the highest judicial organ in the United Nations system.

Draft resolution A/73/L.84/Rev.1, introduced on behalf of the Group of African States, reflects the confidence that Africa and many other States have in the principles and values of the United Nations. One of the main functions of the United Nations is to contribute to the decolonization and self-determination of all peoples. That is a sacrosanct principle of the United Nations.

The International Court of Justice has clearly established that the right of self-determination has been violated, the decolonization of Mauritius has not been completed, the colonial Power must end its unlawful administration of the Chagos archipelago and all Member States are under an obligation to cooperate with the United Nations to complete the decolonization of Mauritius. Not to lend support to that important function of the General Assembly would be nothing less than an endorsement of colonialism and a rejection of the right of self-determination. That would be a total abdication of our responsibility.

The forcible eviction of the inhabitants of the Chagos archipelago, which accompanied its unlawful excision from Mauritius, remains a very dark episode of human history, akin to a crime against humanity. Those Mauritian nationals, who are now mostly in their seventies and eighties, have systematically been prevented from returning to their birthplace. The advisory opinion has given them a glimmer of hope and tasked the General Assembly with addressing the question of their resettlement and the protection of their human rights during the completion of the decolonization of Mauritius.

The Government of Mauritius has made a commitment to implement a programme of resettlement in a manner consistent with respecting their dignity and human rights, unlike the United Kingdom Government's proposal of giving monetary support to improve their livelihoods outside their birthplace, which they have rejected. The question now is whether the international community, in line with the commitment made to leave no one behind, is prepared to take remedial action, or to allow yet another continuing wrongful act entailing State responsibility to persist.

The United Kingdom invokes defence and security considerations to reject the authority of the International Court of Justice. It claims that in addition to keeping the people in the United Kingdom and the world safe from terrorism and organized crime, the defence facility in the Chagos archipelago is ready for rapid and impactful responses in times of humanitarian crisis in the region. According to the United Kingdom, those functions can be carried out only under its sovereignty.

It is important to note that in its submissions to the International Court of Justice, the United Kingdom did not consider it relevant or important to submit that security considerations ought to be taken into account. Now, however, after the Court has given its opinion, those considerations are being put forward as the overriding reason for holding on to a territory in a manner that is inconsistent with international law.

Mauritius, for its part, has made public commitments at the General Assembly and 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, that would permit the unhindered operation of the defence facility, in accordance with international law. That is a position that enjoys wide consensus across all major political parties in Mauritius. That arrangement would provide a higher degree of legal certainty regarding the operation of the defence facility to the United States and the United Kingdom over a longer period.

It is therefore difficult to understand the United Kingdom's position, unless it is one whereby Mauritius is not considered to be a trusted partner — a position that is deeply offensive to Mauritius and every member of the African continent, and should be rejected by all Members of the United Nations.

The African Group's revised draft resolution A/73/L.84/Rev.1 incorporates and endorses in its operative paragraphs the actual language of the International Court of Justice, in calling for the

termination of the unlawful colonial administration as rapidly as possible, and for Member States, United Nations agencies and international organizations to cooperate with the General Assembly in bringing about the full decolonization of Mauritius, as well as to refrain from acts that would impede the performance of that obligation.

As the Court left it to the General Assembly to determine and adopt specific modalities for the achievement of that objective as rapidly as possible, the draft resolution sets a time limit of six months for the termination of the colonial administration. That is more than sufficient time to smoothly bring an end to an administration that consists of no more than a handful of personnel, who provide no social services whatsoever and no services of any kind outside the military base on the island of Diego Garcia. That kind of skeletal administration can be terminated very rapidly.

For Member States of the United Nations to dismiss or disregard the authoritative conclusions of the International Court of Justice in respect of the right of peoples to self-determination would be a terrible setback, tantamount to abandoning the General Assembly's long-standing and noble commitment to that paramount principle, especially at this challenging moment in history.

For all those reasons, we urge Member States to uphold the integrity of United Nations institutions and the sanctity of the International Court of Justice by voting in favour of that draft resolution and adopting it by an even greater margin than resolution 71/292, adopted two years ago to seek the opinion of the Court. In that way we will send a clear signal to the world that colonialism can no longer be tolerated.

**The President** (*spoke in Spanish*): On behalf of the General Assembly, I wish to thank the Prime Minister, Minister for Home Affairs, External Communications and National Development Unit, Minister for Finance and Economic Development of the Republic of Mauritius for the statement he has just made.

*Mr. Pravind Kumar Jugnauth, Prime Minister, Minister for Home Affairs, External Communications and National Development Unit, Minister for Finance and Economic Development of the Republic of Mauritius, was escorted from the rostrum.*

**Ms. Pierce** (United Kingdom): I would like, in a moment, to set out why the United Kingdom opposes draft resolution A/73/L.84/Rev.1, introduced by the representative of Senegal on behalf of the Group of African States. But I would first like to place on record — and I am very sorry the Prime Minister of Mauritius is not yet at his seat to hear it — the United Kingdom's warm and deep respect, regard and friendship for Mauritius. It was very good to see him here today, even though I might wish it was a more cooperative venture that enticed him to New York.

The United Kingdom is a key trade and investment partner of Mauritius. We are committed to building a partnership that will see Mauritius thrive economically, with a focus on financial services, innovation and education. My Prime Minister and Prime Minister Jugnauth discussed that when they met in London on 18 March. I repeat that gladly today. For the United Kingdom, Mauritius is a friend and ally in an important part of the world.

The maintenance of the security and stability of the Indian Ocean region is vital to the maintenance of international and regional peace and security. To the east lies the Malacca Strait, which cargo vessels transited through more than 84,000 times in 2017. To the west lies the Gulf of Aden, through which one eighth of the world's trade passes annually. The joint United Kingdom and United States defence facility on the British Indian Ocean Territory plays a vital role in that important part of the world in our efforts to keep our allies and friends, including Mauritius, in the region and beyond safe and secure.

The world is a dangerous and uncertain place. The facility keeps people and countries safe and secure. It is vital to efforts to combat conflict, terrorism, drugs, crime and piracy. It supports partners in the Combined Maritime Forces, a multinational naval partnership made up of 33 United Nations Member States, from Latin America to the Asia-Pacific region, the areas of operation of which cover 3.2 million square miles and include some of the most strategically important shipping lanes in the world, including the Gulf of Aden, Bab Al-Mandeb, the Suez Canal and the Strait of Hormuz. It is the site of one of the world's four Global Positioning System stations, used widely for military and civilian navigation. It hosts seismic monitoring capabilities that support the Comprehensive Nuclear-Test-Ban Treaty.

The facility stands ready to assist in times of humanitarian crisis. In recent years, it has contributed heavily to international humanitarian responses to the

2004 Indian Ocean earthquake and tsunami, the 2011 earthquake and tsunami affecting Japan and the 2013 typhoon affecting the Philippines. The facility also supported search-and-rescue missions in support of Malaysia Airlines Flight MH-370.

The United Kingdom is not in doubt about our sovereignty over the British Indian Ocean Territory. It has been under continuous British sovereignty since 1814. Contrary to what has been said today, it has never been part of the Republic of Mauritius. In 1965, the Council of Ministers of Mauritius freely entered into an agreement to detach the British Indian Ocean Territory in return for a range of benefits, including fishing rights and natural and marine resources. The agreement also included a commitment by the United Kingdom to cede the Territory — and I use the word "cede" here deliberately, not "give back" — when it is no longer needed for defence purposes, and I have just outlined those defence purposes.

The United Kingdom stands by our commitments made in the 1965 agreement. We disagree with the earlier characterization of that agreement. The Mauritian Government has reaffirmed the 1965 agreement on many occasions since its independence in 1968, including through its own laws and Constitution. It is worth noting here that the 1965 agreement, including the commitment to cede when no longer needed for defence purposes, was held to be legally binding by the 2015 award of the Arbitral Tribunal constituted under annex VII of the United Nations Convention on the Law of the Sea (UNCLOS).

I want to turn, if I may, to the issue of the Chagossians themselves, and use this opportunity to state again, as the current United Kingdom Government and its predecessors have done before, the United Kingdom's sincere regret about the manner in which Chagossians were removed from the British Indian Ocean Territory in the late 1960s and early 1970s. The draft resolution before us calls for the resettlement of Mauritian nationals, including those of Chagossian origin, on the Territory. Let me reassure the General Assembly that the United Kingdom has looked very closely at the question of resettlement. We commissioned an independent feasibility study, and we undertook a public consultation with Chagossians and other stakeholders.

It was only after having considered carefully all of the available information that the United Kingdom decided not to support resettlement, on the grounds of feasibility, defence, security interests and cost. But, while we have ruled out resettlement, we are determined to improve the livelihoods of Chagossians in the communities where they now live. We are therefore currently working with Chagossian communities, not just in Mauritius but also in the Seychelles and the United Kingdom itself, to implement a $50 million support package. As part of the package, we run heritage visits, which allow Chagossians to spend time on the Territory.

I need to take a moment to reject unconditionally the allegations that the United Kingdom was engaged in crimes against humanity. That is a very serious allegation; it is not to be used lightly. It is a gross mischaracterization of the United Kingdom's position and, once again, I reject it without qualification. I hope that it will not be repeated.

If I may, I would like to turn now to the question of the draft resolution and the issue before us. The United Kingdom will vote no on the draft resolution, and we invite others to join us. That is not because of a lack of respect for the issue of decolonization or of the role of the United Nations in that process. As I have been saying to regional groups, we are very conscious of our own history. As the Assembly knows, the United Kingdom's own history of working in partnership with many countries as they developed their governance and judicial structures post-independence is well-documented. We are proud now to have many partners across the world based on equality and respect. We would have been happy, in principle, to work on a joint draft resolution, but the gap between our positions was too great to allow that to happen. Let me therefore set out the reasons that we oppose the draft resolution. Colleagues will be familiar with the detail of our position from the briefings and my letter of 14 May. The draft resolution has been revised since that time, but we remain of the view that the majority of the problems with it remain. I would like to emphasize some specific points.

We do not challenge the authority of the General Assembly, let alone the authority of the International Court of Justice. Once again, I reject that characterization of the United Kingdom's position, and I look to Member States to not repeat it. It simply is not true. But there is a difficulty with the draft resolution and with the way in which we have got to where we are.

First, and crucially, the issue between Mauritius and the United Kingdom surrounding the Chagos archipelago is a bilateral sovereignty dispute. The title of the draft resolution and the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773) revolve around "decolonization", but the issue is fundamentally one of disputed sovereignty between two countries. We heard that as the draft resolution was introduced today.

Therefore, in giving its advisory opinion, the International Court of Justice allowed the principle, as enshrined in the Court's own Statute, that it should not hear bilateral disputes without the consent of both States. It has allowed that principle — its own principle — to be circumvented. That has wider and profound implications for all Member States with bilateral disputes. If the draft resolution is adopted, it will create a difficult precedent in the General Assembly.

It would imply that any bilateral dispute between two States could be referred to the Court for an advisory opinion and then pronounced on by the General Assembly, whether or not the States involved have consented. I invite colleagues to reflect carefully on that point. If today there is a country that has a bilateral dispute with another Member State, it risks throwing open the door for that dispute to be subject to an advisory opinion of the International Court of Justice and a vote of the General Assembly.

Secondly, the draft resolution before us still goes beyond the advisory opinion. It sets a six-month deadline for the United Kingdom. The draft resolution calls on States, international organizations and institutions, including the United Nations and its agencies, to take action that could have wide-ranging potential implications for the effective operation of the joint defence facility on the British Indian Ocean Territory. I set out earlier exactly the contribution that facility makes to international peace and security and regional peace and security in the Indian Ocean. Those elements are not what the advisory opinion specified, and they regrettably represent a clear attempt to extend the scope of the advisory opinion.

Thirdly, advisory opinions may indeed, from time to time, carry weight in international law, but that does not change the fact that they are not legally binding. They are advice provided to the General Assembly by the International Court of Justice at the Assembly's request. The Charter of the United Nations specifically distinguishes between advisory and contentious proceedings, including drawing a clear line between the Court's binding decisions and its advisory opinions. The specific advisory opinion before us does not, we believe, give sufficient regard to a number of legal and material factual issues, which I detailed in my letter of 14 May. Allow me to summarize them.

It does not take into account the — legally binding — 2015 UNCLOS Arbitral Tribunal award, which held that the 1965 agreement between the United Kingdom and Mauritius was legally binding. That is the agreement in which Mauritius agreed to the detachment of the British Indian Ocean Territory in return for the access and benefits around resources that I outlined earlier. We remain committed to implementing that agreement.

In addition, there is a binding treaty obligation between the United Kingdom and the United States to maintain British sovereignty of the British Indian Ocean Territory until at least 2036. The United States Government, and most recently Secretary of State Pompeo and the letter from Ambassador Jonathan Cohen, has made clear that the status of the British Indian Ocean Territory as a United Kingdom territory is "essential" to the value of the joint facility and our shared interests, an arrangement that cannot be replicated.

Furthermore, when advisory opinions include a number of issues within them, as the Court's opinion does, we risk creating an unhelpful precedent institutionally if we treat them as if they were legally binding. This is not an issue of colonialization; this is about using advisory opinions for the purpose for which they were intended.

In conclusion, we believe that this binding UNCLOS Arbitral Tribunal award is important. And we believe that the bilateral sovereignty dispute should remain a bilateral matter as a matter of principle, both in respect of the case of the British Indian Ocean Territory and for wider reasons of concern to Member States. We believe that the draft resolution before us seeks to set an unwelcome precedent in several areas that should be of concern to Member States. For that reason, we will vote no, and we ask others to join us. For those Member States that do not wish to vote against, we draw their attention to the difficult precedents created by that draft resolution, which justify abstention.

**Mrs. Hussain** (Maldives): I thank you, Madam President, for convening this meeting. The Maldives would like to express its views on agenda item 88, entitled "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965".

As a member of the Movement of Non-Aligned Countries, Maldives has always respected the founding principles of the Movement and continues to do so. However, on draft resolution A/73/L.84/Rev.1, Maldives dissociates itself from the statement delivered by the representative of the Bolivarian Republic of Venezuela, who spoke on behalf of the Non-Aligned Movement.

We have always supported all United Nations processes of the decolonization of territories and the right to self- determination. The Maldives is not opposing that draft resolution because of a change in those principles. But, for us, the draft resolution does not provide clarity on the issue at hand, which is of great importance to the Maldives.

The draft resolution before us today will have serious implications for the Maldives. While we fully respect the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), the draft resolution prejudges the implications on the July 2010 submission by the Maldives to the Commission on the Limits of the Continental Shelf. Without due process and clarity on the legal implications of a contested matter, Maldives is not in a position to support the draft resolution solely as a matter of decolonization. For the Maldives, any uncertainty concerning the issue of the Chagos archipelago will have serious implications for the sovereignty, territorial integrity and wider security of the Indian Ocean region.

We would like to note that our vote today should not be construed as a vote or a position taken against the sponsors of the draft resolution, with whom we have excellent relations.

**Mr. Hermida Castillo** (Nicaragua) (*spoke in Spanish*) We welcome the presence this morning of His Excellency Mr. Pravind Kumar Jugnauth. Prime Minister of the Republic of Mauritius.

We thank the President for convening this plenary meeting to consider draft resolution A/73/L.84/Rev.1, submitted by the Republic of Senegal on behalf of the Group of African States. Nicaragua is also a sponsor of the draft resolution.

Nicaragua aligns itself with the statement made by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

For Nicaragua, the eradication of colonialism is a position of principle. Historically, we have supported decolonization initiatives, and we do so especially now, given that the third International Decade for the Eradication of Colonialism will end in 2020, which is why it is urgent to accelerate the process of decolonization of the territories and peoples still living under colonial domination.

In its advisory opinion, the International Court of Justice confirmed that the United Kingdom is under an obligation to bring to an end to its administration of the Chagos archipelago, an integral part of Mauritius. The General Assembly, as the organ entrusted with the task, is now deciding, through the draft resolution submitted by the African Group, on the basic terms under which the United Kingdom should complete the decolonization process in relation to Mauritius. This is the current stage.

Decolonization is a central issue for our Organization, the Charter of the United Nations and civilization in general. It lies at the heart of the fundamental values of the United Nations, which guide the relations among States. We recall that more than half of the non-self-governing peoples and territories are in our region of Latin America and the Caribbean, pending their decolonization. In its advisory opinion on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), the International Court of Justice, the main judicial body of the Organization, stated that the United Kingdom had violated and continued to violate the fundamental rights of the population of the Chagos archipelago and that the return of the archipelago to Mauritius must be resolved within the decolonization process.

As Nicaragua has experienced the onslaught of neo-colonialism first hand and seen how the international judicial system can respond to the just cause of a small nation, my country is particularly interested in translating the Court's advisory opinion into effective action. Responding to the call to discharge its functions, the General Assembly will assist our brother people of

Mauritius in fully recovering their sovereignty over the Chagos archipelago. The eradication of colonialism in all its forms and manifestations is an unconditional obligation. No pretext, no matter how benign it is intended to be, including supposed global security, can override the erga omnes obligation to end the decolonization process in relation to Mauritius and allow its native population to return to the Chagos archipelago, including the island of Diego Garcia.

Nicaragua advocates respect for international law and hopes that the parties involved will comply with their international obligations in accordance with the draft resolution submitted by the African Group. A positive response will be an important step in this process as the third International Decade for the Eradication of Colonialism comes to a close.

**Mr. Al Arsan** (Syrian Arab Republic) (*spoke in Arabic*): My country has joined the list of States that are sponsoring draft resolution A/73/L.84/Rev.1, entitled "Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965".

The position of the Syrian Arab Republic is a principled one, based on the importance of ending all forms of colonization and occupation as well as respecting the rights of peoples throughout the world without exception or discrimination, including the right to self-determination, freedom and independence. Furthermore, my Government believes in the importance of respecting and implementing every judgment, decision and advisory opinion of the International Court of Justice, which is the sole legal organ of the United Nations referred to in the Charter.

My country, Syria, is firmly convinced that there is no reason that would justify the continued occupation of the Chagos archipelago. All the security reasons invoked by the United Kingdom, which is occupying the archipelago, are based on an old colonial mentality that is unacceptable today. We therefore call for upholding the political and legal assessment in the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), which stresses that the separation of the Chagos archipelago was not based on the genuine and free expression of the will of the people of Mauritius. It also stresses that decolonization in Mauritius is not yet legally complete and that the Chagos archipelago remains an integral part of the territory of Mauritius.

The advisory opinion of the Court further emphasized that the continued colonial administration of the Chagos archipelago is illegal under international law. We call on the United Kingdom, a permanent member of the Security Council, to demonstrate goodwill, accept its political and legal responsibilities and accede to the advisory opinion of the Court and its legal implications, which amounts to honouring an ethical and legal commitment.

The United Kingdom must end its unlawful colonization of the Chagos archipelago without hesitation or delay, reflecting the respect we all have for the authority and status of the International Court of Justice, while our Governments are firmly committed to ending all forms of occupation and colonization once and for all. We call on Member States to support Mauritius and commit to providing it with the assistance it needs to achieve its complete freedom and independence, recover its sovereignty over the Chagos archipelago and address the issue of resettling its nationals there, particularly those of Chagossian origin. In that way, the decolonization of Mauritius will be complete.

We are living at an important time in history today that unquestionably reflects the serious commitment of all of us working within the United Nations framework to respect for the rule of law, the authority of the International Court of Justice and the fundamental rights of all peoples of the world, including their right to freedom, independence and self-determination.

We call on Member States to vote in favour of draft resolution A/73/L.84/Rev.1 and to respect the right of the people of Mauritius to realize their full independence and freedom. On this occasion, we also call on Member States to maintain their support for the right of the Syrian Arab Republic to see an end to the Israeli occupation of the Syrian Arab Golan and all other unlawful forms of aggression and foreign military presence on Syrian territories.

Let us all recall that there are only 11 years remaining before the goals and targets of the 2030 Agenda for Sustainable Development are supposed to be met. Paragraph 35 of resolution 70/1, in which the General Assembly adopted the 2030 Agenda, explicitly calls for

> "further effective measures and actions to be taken, in conformity with international law, to remove the obstacles to the full realization of the right of self-determination of peoples living under colonial and foreign occupation".

**Mr. García Moritán** (Argentina) (*spoke in Spanish*): Since its inception, one of the main purposes of the United Nations has been to put an end to colonialism in all its forms. Thanks to the Organization's intensive efforts, dozens of former colonies have achieved their independence and become part of the symphony of independent nations. The Argentine Republic has assisted this process from the outset, as was evidenced by our vote in 1960 in favour of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted in resolution 1514 (XV), which is the cornerstone of decolonization.

My country's commitment to decolonization — as well as its solidarity with a country that, like ours, continues to be a victim of colonialism — led us to support Mauritius in its legitimate claim for sovereignty over the Chagos archipelago, which was separated from it in order to maintain colonial domination. For that reason, we voted in favour of resolutions 2066 (XX), 2232 (XXI) and 2357 (XXII) in the 1960s, and were a sponsor of resolution 71/292, which requested an advisory opinion on the issue from the International Court of Justice. The Argentine Republic therefore welcomes the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773) and the draft resolution that the General Assembly is considering at this juncture (A/73/L.84/Rev.1).

The advisory opinion of the International Court of Justice, rendered on 25 February 2019, and the draft resolution are a victory for international law and convey the unequivocal message that colonialism is unacceptable in the twenty-first century. The draft resolution values the conclusions of the principal judicial organ of the United Nations as arbiter of the rules of law that apply to all countries, not just the United Nations. The draft resolution confirms that the Chagos archipelago is an integral part of the territory of Mauritius and that the United Kingdom has an obligation to end its colonial administration there.

Argentina and its people have also been deprived of the full exercise of their sovereignty over a part of their territory, which remains subject to illegitimate and illegal foreign occupation. The occupying Power has not even agreed to negotiate a settlement in the sovereignty dispute, which is also a violation of the obligation to settle international disputes by peaceful means.

The Court has been forceful in emphasizing the crucial role played by the General Assembly and its Special Committee on Decolonization in overseeing the implementation of the obligations incumbent on administering Powers and the modalities necessary for ensuring that decolonization processes are duly completed, and in defining in appropriate cases how the exercise of the self-determination of peoples should proceed. The Court has also been clear about the normative value of resolution 1514 (XV) and the principles it contains, including its reference in paragraph 6 to territorial integrity. The Court also recalls that self-determination, a principle that Argentina has always upheld, is not applicable in cases involving populations that do not constitute peoples entitled to that right.

Argentina believes that the double, consistent voice of the General Assembly and the International Court of Justice cannot be ignored and therefore calls on all countries to cooperate in completing the decolonization of Mauritius and the other territories still under colonial domination.

**Ms. Ioannou** (Cyprus): Cyprus welcomes the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), the very clear direction given by the Court, and the Court's forward-looking and cooperative approach. By clarifying the scope of decolonization and what it entails, the Court makes a very significant contribution to an endeavour consubstantial with the United Nations. As a necessary step towards achieving the sovereign equality of States in a global order built on shared values and principles and governed by the rule of law, it guides us in finally laying to rest the remnants of colonialism.

It is this commitment to the rules-based international order in general, and international law in particular, that compelled Cyprus to participate in the proceedings before the International Court of Justice, more than did the analogies that could be drawn with our own decolonization experience. We wanted to be part of this process because we are keenly aware

that today our global order has still not fully escaped the colonial mindset that prevailed at the time of the genesis of our international community of States, with the United Nations at its core. We are equally cognizant of the fact that the transition we are seeking is only possible through cooperation, not confrontation.

That is why we are particularly pleased that the Court's interpretation of the right to self-determination definitively rejects any arguments and methods employed to prevent complete decolonization. The Court has reaffirmed that decolonization is incomplete if, against the will of its people, the entire territory of a former colony is not an integral part of the State that emerges. Self-determination, which is at the core of decolonization, is an inalienable right that no people can wholly or partly waive, surrender, cede or transfer. The jus cogens character of the right to self-determination and the erga omnes character of the obligations it generates engage the responsibility of all States to give proper effect to that right. As the Court has reaffirmed, colonial Powers are under a continuing obligation to give full effect to the right to self-determination in respect of countries and territories that are wholly or partly deprived of that right. In our view, no arrangements may be invoked to absolve the administering Power of its legal duties or enable it to escape its obligations under international law as it stands today.

According to the Court's advisory opinion, territorial integrity is a key element in giving proper effect to the right to self-determination. Beyond the general incompatibility with the purposes and principles of the Charter of the United Nations of the disruption of a country's national unity and territorial integrity, there is, with specific respect to decolonization, a presumption in favour of the independence of a territorial unit as a whole. Territorially handicapped independence must constitute a violation of the obligations relating to the right to self-determination. The disruption of a colony's territorial integrity of through the excision and retention of part of its territory by the colonial Power prior to granting independence is prohibited, unless based on the free and genuine acceptance by the people of the territory concerned. But we would go beyond this and argue that a genuine willingness to part with a parcel of one's territory is a myth. We consider that an element of coercion is always present when a parcel of colonial territory is excised, irrespective of whether it is done in keeping with legal convention.

Particularly in cases of decolonization, territorial dismemberment — or indeed any conditions imposed by the colonial Power as a price for independence — cannot be argued to have been genuinely consented to, given the inherent inequalities of power between the colonial Power and the people under its control and domination. That is why no legal effect may be created by a situation resulting from such conditions.

I turn now to our obligations as the General Assembly. Colonialism is a specific violation of the Charter, and the Charter gives the General Assembly explicit overall competence with regard to decolonization precisely because the obligations generated are owed to the international community as a whole. The International Court of Justice has responded to our call, in line with its purpose of upholding the rule of law in international relations and to protect the integrity of the international legal order. As an Assembly, we now have the responsibility, but also the informed basis for it, to consider appropriate action in the interests of the principles of equal rights and self-determination of peoples.

Holding all of us, the Member States, accountable for our actions vis-à-vis one another in this international legal framework we have developed, with our own judicial organ as its guardian, is at the core of the raison d'être of the United Nations. States responsible for wrongful acts are under an obligation to cease such acts and make full reparation for the injury caused. We have before us an opinion that deems the incomplete decolonization of Mauritius due to the unlawful and non-consensual dismemberment of its territory to be an ongoing wrongful act that should be remedied by rapidly terminating the administration of the Chagos archipelago by the colonial Power, with the cooperation of all States Members of the United Nations.

The implementation of the draft resolution before us (A/73/L.84/Rev.1) would mean compliance with the obligation to cooperate in effecting the modalities for completing the decolonization of Mauritius and therebydischarging the Assembly's functions under the Charter in this case, and my delegation will therefore be voting in favour of the draft resolution. Let us leave behind the colonial paradigm by establishing partnerships among equals, since this is the only way to legitimately achieve collective goals in good faith.

Lastly, we would be remiss if we did not mention the human dimension of the question at hand and the

importance of providing remedies for human rights violations. We wish to particularly highlight the right of return of people displaced from their places of origin, the right of people to enjoy freedom of movement in their own countries, and the right of restitution of property to people forcibly dispossessed of it, in line with the Pinheiro Principles and general international law.

**Mr. Gertze** (Namibia): I too would like to recognize the presence of the Prime Minister of Mauritius in our midst today.

Namibia aligns itself with the statements delivered by the representatives of Senegal and the Bolivarian Republic of Venezuela on behalf of the Group of African States and the Movement of Non-Aligned Countries, respectively, as well as by the Prime Minister of Mauritius. I would now like to add the following in my national capacity.

Namibia reiterates its firm and unwavering support for draft resolution A/73/L.84/Rev.1 and the will of the people of Mauritius in their quest for the full decolonialization of their country to be completed by restoring the full territorial integrity of Mauritius, with the inclusion of the Chagos archipelago. Namibia attaches great importance to the work of the International Court of Justice and accords its advisory opinions and judgments the highest respect, as international law and justice are the cornerstone of our work as an international community. As an example, when Namibia and Botswana had exhausted bilateral discussions to resolve a dispute about territorial sovereignty over Kasikili/Sedudu Island without reaching a mutually acceptable agreement, the case was referred to the International Court of Justice, and in 1999, in the case between the two Member States, the Court ruled in favour of the Republic of Botswana and against Namibia. Namibia readily accepted that judgment, showing its respect for international law.

The main findings of the International Court of Justice in its advisory opinion on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773) are clear and unequivocal. The Chagos archipelago forms an integral and indivisible part of the territory of Mauritius, and the ongoing colonial administration of the archipelago is wrongful act under international law. The displacement of Chagossians remains unacceptable, and, as a former colonized people, Namibians can only share the frustration and longing felt by Chagossians, who would like to return to the land of their birth.

Colonialism has no place in today's world, and the continued United Kingdom occupation of the Chagos archipelago is an injustice that must be righted. We must collectively seek to fulfil our obligations to others who are still under the yoke of colonialism. It is only as we seek to ensure full decolonization that peace, security and development will be assured, and no one will be left behind.

Namibia is a firm supporter of the importance of respecting systems, processes and institutions aimed at strengthening governance in line with democratic principles and systems and the rule of law. All the countries in the Assembly speak of the high respect they have for international law and justice. It is time that we saw those speeches followed up by concrete action on the part of the Government of the United Kingdom and that it adhered to the advisory opinion of the principal organ of the United Nations. That is all the more so considering that in the 73 years of the Court's existence, the United Kingdom has served as a judge on it no fewer than 71 years. I would like to believe that such long service on the Court was because of the United Kingdom's strong belief in adhering to and complying with international law, and in the view that the Court is credible and necessary for ensuring respect for international law and justice.

In conclusion, Namibia affirms its full support and solidarity with the people of Mauritius in enabling the process of decolonization to be completed. According to international law, Mauritius should exercise sovereignty over the totality of its territory and enable the implementation of programmes for resettling its citizens in the Chagos archipelago, particularly those of Chagossian origin. As a sponsor of draft resolution A/73/L.84/Rev.1, along with the entire Group of African States and many other delegations in the Hall, Namibia calls on all Member States to take the side of international law and justice and to vote in favour of it.

**Mr. Cohen** (United States of America): Draft resolution A/73/L.84/Rev.1, before us today, addresses the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), an archipelago that the United Kingdom administers as the British Indian Ocean Territory.

As the United States and others cautioned two years ago, it was inappropriate to seek an advisory opinion with respect to this purely bilateral dispute, particularly without the consent of both parties. The draft resolution under consideration makes it clear that those concerns were warranted. We share the views already expressed about the scope of the draft resolution and the dangerous precedent it sets for the misuse of the advisory function of the International Court of Justice and of the ability of States to decide for themselves how best to peacefully settle their bilateral disputes. I would like to briefly reiterate our views on the matter.

First, the United Kingdom remains sovereign over the British Indian Ocean Territory, as it has been continuously since 1814. The United States unequivocally supports the sovereignty of the United Kingdom over the British Indian Ocean Territory. Its status as a territory of the United Kingdom is essential to the value of the joint United States-United Kingdom base on the British Indian Ocean Territory. The joint base on the British Indian Ocean Territory is critical to our mutual security as well as broader efforts to ensure global security. The strategic location of the shared base enables the United States, the United Kingdom and our allies and partners to combat some of the most challenging threats to global peace and security. It also allows us to remain ready to provide a rapid, powerful response in times of humanitarian crisis. The specific arrangement involving the facilities on the British Indian Ocean Territory is grounded in the uniquely close and active defence and security partnership between the United States and the United Kingdom. It cannot be replicated.

Secondly, all States should be concerned about the overreaching of the draft resolution, especially those currently engaged in efforts to resolve their own bilateral disputes. Even in its revised form, the text goes beyond the non-binding advisory opinion issued by the International Court of Justice and mischaracterizes the content and effect of the opinion in critical respects. The Court did not say that today Mauritius is sovereign over the British Indian Ocean Territory, or suggest that States or international organizations must recognize it as such. Furthermore, it rejected Mauritius's argument that the transfer of sovereignty must be immediate.

In sum, the draft resolution sets an unsettling precedent, with potentially far-reaching implications. And it undermines a fundamental principle of international law, one enshrined in the Statute of the International Court of Justice, that States must consent to have their disputes adjudicated. For those reasons, we oppose the draft resolution and encourage all Member States to do the same.

**Mr. Mabhongo** (South Africa): South Africa recognizes the presence of the Prime Minister of Mauritius in our midst today. We endorse the remarks he made earlier.

It is significant that we are meeting today to consider a draft resolution (A/73/L.84/Rev.1) introduced by the representative of Senegal on behalf of the Group of African States on the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773).

We welcome the advisory opinion, in which the Court found that the process of the decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos archipelago. The Court goes on to say that all Member States are under an obligation to cooperate with the United Nations to complete the decolonization of Mauritius. South Africa will therefore vote in favour of the draft resolution. We invite all other Member States to do likewise.

We align our statement with that delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

This matter has been on the agendas of the United Nations and the African Union for decades. It was essential for the General Assembly, through resolution 71/292, of 22 June 2017, to request its principal judicial organ to issue an advisory opinion with respect to the decolonization of Mauritius. South Africa, itself a former colony, knows at first-hand that the effects of colonization continue long after a State has obtained its independence. South Africa suffered for centuries under successive waves of colonialism and apartheid. The forced removal of civilian populations caused terrible human and economic harm, the effects of which are still being felt today. Indigenous communities were subjugated by military force, with devastating effects on their social and economic structures. Thousands of forcibly displaced persons died in concentration camps in South Africa as a result of the scorched-earth policy employed as a military strategy by our former colonizers during the South African war. Subsequent apartheid policies resulted in the forced removal of

entire communities from their places of residence, on the sole basis of their race.

*Mr. Yelchenko (Ukraine), Vice-President, took the Chair.*

By participating in today's meeting of the General Assembly and voting in favour of the draft resolution, South Africa hopes to contribute to the further elimination of colonialism in all its forms and to the promotion of the right of all peoples to the realization of their right to self-determination. As stated in South Africa's presentation to the International Court of Justice, colonialism is an archaic remnant of a previous world order that considered some peoples more worthy than others. That has left a lasting stain on the conscience of humankind. The completion of decolonization is one of the most pressing and fundamental challenges facing the present international legal order. Decolonization must and will remain on the agendas of the General Assembly and the African Union as long as there are people in the world who do not enjoy freedom on their own territories and are unable to determine their own future.

The International Court of Justice has clearly provided guidance to the General Assembly so that it can play its part in permanently removing all vestiges of colonialism from among the family of nations, and in particular over the Chagos archipelago.

**Mr. Elshenawy** (Egypt) (*spoke in Arabic*): Egypt aligns itself with the statements made by the representatives of Senegal, on behalf of the Group of African States, and Venezuela, on behalf of the Movement of Non-Aligned Countries.

Egypt, which currently has the honour to chair the African Union, welcomes the advisory opinion of the International Court of Justice handed down on 25 February concerning the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773). We welcome its content, findings and recommendations with regard to the colonization of the Chagos archipelago and the importance of unconditionally ending that situation within six months. All Member States have a commitment to cooperating with the United Nations to complete this decolonization.

Egypt supports the draft resolution (A/73/L.84/Rev.1) introduced on behalf of the Group of African States under agenda item 88, based on the competence of the General Assembly and according to the Charter of the United Nations. Egypt's position in support of the advisory opinion is founded on the following considerations.

First, we continue to support the rights of peoples to self-determination and decolonization. That has been a constant position of Egyptian foreign policy for decades.

Secondly, it is time to end all forms of colonization on the African continent, which has long suffered the effects of colonization and the injustice that flows from it. Decolonization was one of the fundamental goals and principles of the Organization of African Unity, which was established in 1963 and later transformed into the African Union.

Thirdly, Egypt supports the mandate of the International Court of Justice, in particular its advisory role, as it is our highest international judicial organ and issues advisory opinions in accordance with international law.

Fourthly and finally, Egypt firmly believes in the principles of international multilateralism and the United Nations system and its various organs, foremost among them the International Court of Justice and the General Assembly.

In conclusion, our collective commitment to the purposes and principles of the United Nations Charter makes it incumbent on us to preserve the credibility of the International Court of Justice as the highest international judicial organ by supporting and strengthening it. That is what the draft resolution before us today calls for.

**Mr. Butler-Payette** (Seychelles): Seychelles aligns itself firmly with the statement delivered by the representative of Senegal on behalf of the Group of African States.

Having experienced colonization and gone through a process of decolonization leading to independence, the Republic of Seychelles firmly believes that all peoples have a right to self-determination under international law and that the territory of the people of an independent nation cannot be excised without their consent. That was determined by the International Court of Justice. Seychelles therefore calls for the rapid and orderly implementation of the advisory opinion of the International Court of Justice concerning the

*Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773).

In that context, when Seychelles gained independence, territories formerly administered by the United Kingdom of Great Britain and Northern Ireland under the British Indian Ocean Territory were returned to it. They are Aldabra, today a UNESCO World Heritage site, and the islands of Farquhar and Desroches. It stands to reason that the same precedent should be applied in the case of Mauritius.

Seychelles has a sizeable Chagossian community. As such, the question of the Chagossian people returning to their home is one shared by us as well as by Mauritius and the United Kingdom. They have not only a legal claim to their ancestral homeland but a moral one. Small nations, especially island nations such as our own, rely heavily on the primacy of international law and the international institutions defining them, such as the International Court of Justice, which add significantly to the corpus juris. Furthermore, small island developing States, as well as the broader international community, must have full confidence that customary international law can be respected and upheld. We do not have the luxury of selecting which of the opinions of the International Court of Justice to uphold and which to disregard.

The United Kingdom of Great Britain and Northern Ireland has throughout its history been a great promoter of multilateralism and has contributed immensely to international law, in part by upholding decisions of the International Court of Justice. Our broader membership in the United Nations family, as well as in the Commonwealth, which in itself is a reflection of a group of nations that have embraced in full their inalienable right to self-determination yet maintain excellent relations and cooperate on an equal footing, should pave the way for implementing what is essentially right.

Finally, Mauritius is a valued friend and trading partner of both the United Kingdom and the United States. It has publicly accepted the future operation of the United Kingdom-United States defence facility on Diego Garcia, in accordance with international law.

**Mr. Sisa** (Botswana): Botswana welcomes today's meeting convened to consider agenda item 88, entitled "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965", as mandated by the Assembly through resolution 71/292, of 22 June 2017. We warmly welcome the Prime Minister of the Republic of Mauritius to today's meeting.

We align ourselves with the statement delivered by the Permanent Representative of Senegal, who introduced draft resolution A/73/L.84/Rev. 1 on behalf of the 54 Member States of the United Nations that are members of the Group of African States, including my own country, Botswana. We also align ourselves with the statement delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

As a member of the African Group and the United Nations, Botswana attaches great importance to the draft resolution, which aims to endorse and implement the landmark advisory opinion of the International Court of Justice delivered on 25 February, concerning the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773).

Botswana joins other delegations that have welcomed and supported the advisory opinion of the International Court of Justice, the principal judicial organ of the United Nations. As requested by the Assembly, the Court provided an advisory opinion on the two main questions posed in resolution 71/292. For the sake of brevity, I will not repeat them.

As a supporter of multilateralism and the rules-based international order, Botswana participated in the hearings of the International Court of Justice. Having participated in the process, my country fully supports the advisory opinion, which was adopted by 13 votes to 1, and the main findings of the International Court of Justice. First, the process of the decolonization of Mauritius was not lawfully completed when it became independent in 1968 following the separation of the Chagos archipelago. Secondly, the United Kingdom is under an obligation to bring to an end its administration of the Chagos archipelago as rapidly as possible. Thirdly, all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius. And fourthly, the Chagos archipelago forms an integral part of the territory of Mauritius and the ongoing administration of the Chagos archipelago is a continuing wrongful act under international law.

*The President returned to the Chair.*

Based on those points, Botswana will support the draft resolution, because it seeks to determine the modalities for the completion of the decolonization of Mauritius. We therefore call on all other like-minded States to vote in favour of the draft resolution, if a vote is requested. No continent has borne the brunt of colonialism as Africa has. A vote in favour of the draft resolution would contribute to the process of the decolonization of Mauritius and the Mauritian people's right to self-determination, as well as respect for international law and justice.

**Mr. De la Fuente Ramírez** (Mexico) (*spoke in Spanish*): Mexico would like to take the opportunity presented by this debate to reiterate its unequivocal commitment to the peaceful settlement of disputes, and to the International Court of Justice as the main judicial organ of the Organization. Every decision of the Court, together with its effective implementation, serves to strengthen the rule of law at the international level. Having recourse to the International Court of Justice must always be seen as an incentive for States, since an increase in the number of cases that are referred to it is a healthy symptom of a preference for the peaceful settlement of disputes over confrontation.

As we have said in the past in the context of considering the reports that the Court submits to the General Assembly every year, there are various ways by which we can bolster the work of the Court, including giving it a vote of confidence by recognizing its obligatory jurisdiction, including jurisdictional clauses in multilateral treaties and having recourse to forum prorogatum.

Making greater use of its advisory capacity is another mechanism for strengthening the Court that we should not neglect. Through its advisory function, the Court determines applicable law in legal situations submitted for its consideration. While they do not constitute decisions that put an end to disputes, they do respond to questions that are useful to other organs, such as the General Assembly, in their follow-up work in specific areas within their own remits. That is where the important value of advisory opinions lies. Moreover, when the General Assembly requests advisory opinions, they provide a unique space for interaction, dialogue and cooperation between two of the principal organs of the United Nations, thereby strengthening the United Nations system as a whole.

Our debate today and the draft resolution to be adopted (A/73/L.84/Rev.1) constitute a further example of the contribution of the United Nations to strengthening the rule of law at the international level.

**Mr. Monyane** (Lesotho): Lesotho warmly welcomes the presence of the Prime Minister of Mauritius on this very important day on which we are discussing draft resolution A/73/L.84/Rev.1, introduced by Ambassador Niang of Senegal on behalf of the Group of African States, with which we are fully aligned. We also recognize and align ourselves with the statement made by the Ambassador of Venezuela on behalf of the member States of the Movement of Non-Aligned Countries.

Sustainable peace is founded on international justice and the observance of international law. Lesotho will therefore continue to foster principles that entrench international legality and justice, in particular the principles of the right to self-determination and respect for the sovereignty and territorial integrity of States.

During its twenty-eighth ordinary session, held in Addis Ababa from 30 to 31 January 2017, the African Union Assembly of Heads of State and Government reaffirmed that the Chagos archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius and that the decolonization of Mauritius will not be complete until it is able to exercise its full sovereignty over the Chagos archipelago. The Assembly of Heads of State and Government resolved to fully support the action initiated by the Government of Mauritius at the level of the United Nations. Subsequently, the General Assembly adopted resolution 71/292, on 22 June 2017, which requested the International Court of Justice to render an advisory opinion on the issue at hand. The Court issued its opinion on 25 February. We wish to reiterate Lesotho's unwavering support for the position of the African Union. Furthermore, it should be recognized that the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773) was with respect to the completion of decolonization, and not about security or official development assistance. We strongly believe that the development and maintenance of peace among nations should be based on respect for the principle of equal rights and the self-determination of peoples, irrespective of the size of the affected States.

In conclusion, it has been more than 50 years since the decolonization of Africa began. In the case of

Mauritius, the process has been ongoing on for 51 years. In fact, it has been close to 60 years since the General Assembly's adoption of resolution 1514 (XV), on the subject of decolonization. There are many challenges in the twenty-first century. The international community should be focusing on more pressing issues, including sustainable development, peace and security, as well as action on climate change. We therefore call on Member States, and indeed the entire global community, to support draft resolution A/73/L.84/Rev.1 so as to ensure the completion of the decolonization of Mauritius, thereby drawing to a close the remaining chapter of the scourge of colonialism.

**Ms. Sande** (Uruguay) (*spoke in Spanish*): Today the General Assembly is considering draft resolution A/73/L.84/Rev.1, concerning the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), which the General Assembly requested under resolution 71/292, adopted on 22 June 2017 and having to do with the decolonization of Mauritius. The draft resolution involves fundamental principles governing the conduct of States in their relations, which are the guiding principles of the rule of law within the international community.

Since its founding, the United Nations has functioned based on the principles of the sovereign equality of States, equal rights and the self-determination of peoples, among others. In that regard, resolution 1514 (XV), of 14 December 1960, is the basic framework that establishes the self-determination of peoples as a principle under international customary law. Paragraph 1 states that

> "[t]he subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation."

Moreover, paragraph 6 states that

> "[a]ny attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

The principles established in the resolution are thus clear and constitute jus cogens norms of general international law.

The territorial integrity of States and respect for fundamental human rights are at the core of the decolonization process, which begins with resolution 1514 (XV), the cornerstone of decolonization. In that regard and with respect to its implementation, resolution 1654 (XVI) established the subsidiary body, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which is devoted to monitoring the implementation of resolution 1514 (XV).

Uruguay has traditionally been committed to multilateralism and respect for the validity of the rule of law, and has striven to implement the principles referred to in the Charter and set forth in resolutions 1514 (XV) and 2625 (XXV), of 1960 and 1970, respectively, by providing decisive support to decolonization processes.

Uruguay has always championed the work of the International Court of Justice, in full respect for its independence, its decisions and the value of its advisory opinions, which may be requested by the General Assembly on any legal question, in accordance with Article 96 of the Charter of the United Nations and article 65 of the statute of the Court. Those norms grant the General Assembly the power to request an advisory opinion on the separation of Mauritius from the Chagos archipelago, and the Court has the jurisdiction to pronounce on that request, given that it is a legal question.

The requested advisory opinion seeks to determine whether the decolonization of Mauritius and the process that was followed have been completed and if they have been carried out in accordance with the law. In that regard, it is worth noting that the Court stated in paragraph 88 of the advisory opinion that

> "[t]he Court therefore concludes that the opinion has been requested on the matter of decolonization, which is of particular concern to the United Nations. The issues raised by the request are located in the broader frame of reference of decolonization, including the General Assembly's role therein, from which those issues are inseparable." (*A/73/773, p.24*)

The Court issued its advisory opinion in response to the General Assembly, which is the main and most representative organ of the United Nations and is tasked with monitoring the decolonization process. Within that jurisdictional context, the Court deems that

it is the Assembly that must pronounce itself on the modalities required to ensure that the decolonization process of Mauritius is completed. For Uruguay, it is undeniable that in the light of the advisory opinion, it is the responsibility of the General Assembly to establish such modalities itself or by delegating this process to its subsidiary bodies.

In conclusion, pursuant to those points, Uruguay expresses its support for the draft resolution before us.

**Ms. Andrianantoandro** (Madagascar) (*spoke in French*): On behalf of my delegation, I would first like to warmly congratulate you, Madam President, on the manner in which you are leading the work of the General Assembly.

Madagascar aligns itself with the statement made by the representative of Senegal on behalf of the Group of African States.

Madagascar reaffirms its commitment to the principles and values of the Organization and will therefore work to achieve its priorities, particularly decolonization.

The General Assembly has an essential responsibility to ensure the complete decolonization of Mauritius, given the active role played by the General Assembly in the decolonization process. We are now reaching the end of the third decade of decolonization. Madagascar believes that draft resolution A/73/L.84/Rev.1, on the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), remains a key element of the process. Madagascar therefore intends to contribute by voting in favour of the draft resolution in order to complete the decolonization of Mauritius, and we urge others to do the same by applying United Nations mandates and reaffirming the supremacy of international law.

In conclusion, our delegation is ready to cooperate with the United Nations and all its partners in the noble undertaking of completing the decolonization process.

**Mr. Shava** (Zimbabwe): I would like to recognize the presence of the Prime Minister of Mauritius in our midst.

I would also like to align my statement with those made by the Chair of the Group of African States for this month, the Ambassador of Senegal, and the representative of the Bolivarian Republic of Venezuela, on behalf of the Movement of Non-Aligned Countries.

I want to congratulate the General Assembly on its adoption on 22 June 2017 of resolution 71/292, in which it decided to request the International Court of Justice to give an advisory opinion on the two questions that the Ambassador of Senegal spelled out in his statement. The questions pertained to whether the process of decolonization was lawfully completed when Mauritius attained independence in 1968, and to the consequences under international law arising from the continued foreign administration of the Chagos archipelago.

My gratitude also goes to the International Court of Justice for rendering its advisory opinion on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), based on the facts on the ground and international law, a development that has led all of us to be at this meeting today in the General Assembly to consider and decide on the way forward on this very important issue on the future of the Chagos archipelago of the Republic of Mauritius.

It is important that we recognize that one of the functions of the United Nations is to contribute to the decolonization and self-determination of all peoples, and that the International Court of Justice advisory opinion is an authoritative pronouncement of international law that all Members of the United Nations must respect. We must not forget that the opinion relates to the full decolonization of a Member of the United Nations and was requested by the General Assembly in the execution of its responsibilities. Failure to support this important function of the General Assembly and to respect the International Court of Justice would be legitimizing colonialism.

The Government of Zimbabwe agrees with the Government of Mauritius that the delivery of this particular advisory opinion by the International Court of Justice was an important contribution to the efforts of the international community aimed at bringing colonization to an end and promoting human rights, self-determination and the international rule of law.

It is important to recognize the fact that 2,000 Chagossians who lived on the Chagos archipelago were forced to move from their homelands and resettle in mainland Mauritius, and as we have heard this morning and elsewhere, have been prevented from returning to the country of their birth. There is no national who

would accept being in that kind of position. The advisory opinion of the International Court of Justice recognizes the right of the Chagossians and their descendants to return to their ancestral lands sooner rather than later. However, they can return only if today we ensure that the Chagos archipelago is reinstated as an integral and indivisible part of the territory of Mauritius and that Mauritian sovereignty and territorial integrity are thereby restored.

Zimbabwe, like many other countries, stands in solidarity with Mauritians, who are demanding the reunification of their country and the repatriation of citizens who have been yearning to return to their rightful homes. I do not believe that there is any monetary enticement that would convince citizens to perpetually live away from their homes. The Government of Zimbabwe believes that ignoring the advisory opinion of the International Court of Justice on the complete self-determination of Mauritius would be regrettable because the General Assembly would be abandoning the supreme principles of the equal rights and self-determination of peoples embodied in Article 1 of the Charter of the United Nations.

In conclusion, I join the Ambassador of Senegal in calling uon all Member States to stand up for the rule of law and uphold their respect for the international institutions that they created to serve humankind by voting in favour of draft resolution A/73/L.84/Rev.1 today.

**Mr. Akbaruddin** (India): Many long years ago — to be precise, at its fifteenth session, on 14 December 1960 — the Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Declaration, enshrined in resolution 1514 (XV), recognized that the world ardently desired to end colonialism. It also proclaimed the necessity of bringing colonialism to an end speedily and unconditionally. As a result of sustained efforts, more than 80 former colonies have today taken their rightful place in the Assembly.

The support for the process of decolonization is, in historic terms, one of the most significant contributions that the United Nations has made to the promotion of fundamental human rights, human dignity and the cause of larger human freedom. However, here we are, nearly 59 years after the adoption of resolution 1514 (XV), being advised by the International Court of Justice that with regard to international law, the process of the decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos archipelago. The highest international legal authority that can consider such issues has advised us that all Members are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius.

As one of the few non-sovereign colonial territories to be a founding Member of the United Nations, India has remained steadfast in its commitment to the ideals of decolonization since its independence in 1947. India was a sponsor of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, which proclaimed the need to unconditionally end colonialism in all its forms and manifestations. In 1962, India was elected as the first Chair of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which was established to monitor the implementation of the Declaration and make recommendations on its application.

The process of decolonization that gathered momentum with India's own independence still remains unfinished. We would like to see an early conclusion to this drawn-out process.

We have heard the view that this may be a bilateral dispute. The opinion of the International Court of Justice on this matter, which is articulated in paragraphs 88 to 90 of its advisory opinion on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), is unambiguously clear. The Court held that the issues raised by the General Assembly's request to it are located in the broader frame of reference of decolonization. The Court also concluded that it did not consider that giving the opinion requested would have the effect of circumventing the principle of consent by a State to the judicial settlement of its dispute with another State.

India shares with the international community security concerns relating to the Indian Ocean. We are conscious of the need for a collective commitment to ensuring the security and prosperity of our oceanic space. However, that is a separate matter on which we urge the concerned Governments to reach a mutually agreeable understanding as soon as possible.

Mauritius is a fellow developing country from Africa with which India has age-old people-to-people bonds. We are therefore happy to see in our midst

Prime Minister Pravind Jugnauth and warmly welcome his presence at this meeting.

As part of our long-standing support to all peoples striving for decolonization, India has supported Mauritius in its quest for the restoration of its sovereignty over the Chagos archipelago. In accordance with our consistent approach to the important issue of decolonization, India supports draft resolution A/73/L.84/Rev.1, submitted by Senegal on behalf of members of the Group of African States. India will therefore vote in favour of the draft resolution.

**The President** (*spoke in Spanish*): We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/73/L.84/Rev.1.

Before giving the floor for explanations of vote before the voting, I would like to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mrs. Hussain** (Maldives): I am taking the floor to provide an explanation of our vote before the vote on draft resolution A/73/L.84/Rev.1, entitled "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965".

The Maldives has always supported all processes concerning the decolonization of territories within the United Nations. We will not deny any peoples their right to self-determination. As a responsible Member of the United Nations, we abide firmly by the principles of the Charter of the United Nations and express our support for a rules-based international order. Our record in the General Assembly reflects that.

The Maldives also supports and accepts the jurisdiction and role of the International Court of Justice in settling disputes and giving advisory opinions on important legal questions referred to it by the bodies of the United Nations. We strongly believe that the acceptance of the Court's role is paramount in solidifying the supremacy of international law in a rules-based system and in the peaceful settlement of international disputes.

However, a decision made by any international body that does not reflect the genuine interests of the States concerned cannot amount to an effective and long-lasting solution, and the Maldives has always believed that the issue of the Chagos archipelago would best be addressed through dialogue between the States concerned.

As I have already stated, the draft resolution before us today will have serious implications for the Maldives. While we fully respect the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965* (see A/73/773), the draft resolution before us prejudges the implications of the submission by the Maldives in July 2010 to the Commission on the Limits of the Continental Shelf. Without due process and clarity on the legal implications of the contested matter, the Maldives is not in a position to support the draft resolution solely as a matter of decolonization. For the Maldives, any uncertainty concerning the issue of the Chagos archipelago will have serious implications for the sovereignty, territorial integrity and wider security of the Indian Ocean region.

It is for those reasons that the Maldives will vote against the draft resolution. However, we would like to reiterate that our vote should not be construed as a vote or position taken against the sponsors of the draft resolution, with which we have excellent relations.

**The President** (*spoke in Spanish*): We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/73/L.84/Rev.1, entitled "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965".

I give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): I should like to announce that since the submission of the draft resolution, and in addition to those delegations listed in the document, the following countries have also become sponsors of draft resolution A/73/L.84/Rev.1: Argentina, the Plurinational State of Bolivia, Cuba, Nicaragua, the Syrian Arab Republic, Vanuatu and the Bolivarian Republic of Venezuela.

**The President** (*spoke in Spanish*): A recorded vote has been requested.

*A recorded vote was taken.*

*In favour*:

Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Azerbaijan, Bahamas, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Finland, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Iceland, India, Indonesia, Ireland, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Libya, Liechtenstein, Madagascar, Malawi, Malaysia, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palau, Paraguay, Peru, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

*Against*:

Australia, Hungary, Israel, Maldives, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining*:

Afghanistan, Albania, Andorra, Armenia, Bahrain, Barbados, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Canada, Chile, Colombia, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Fiji, France, Germany, Honduras, Italy, Japan, Kuwait, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, Netherlands, New Zealand, North Macedonia, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Sri Lanka, Timor-Leste, Trinidad and Tobago, Turkey, Tuvalu

*Draft resolution A/73/L.84/Rev.1 was adopted by 116 votes to 6, with 56 abstentions* (resolution 73/295).

**The President** (*spoke in Spanish*): Before giving the floor for explanations of vote after the voting, I would like to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Ms. Pierce** (United Kingdom): The United Kingdom regrets that today the General Assembly has voted to adopt resolution 73/295. The United Kingdom fully recognizes the importance of the issue of decolonization and the role of the United Nations in that.

As I said in my earlier statement, the United Kingdom sincerely regrets the manner in which Chagossians were removed from the British Indian Ocean Territory in the 1960s and 1970s, and we are determined to improve their lives where they have resettled. A grave accusation was made against the United Kingdom this morning. It is without foundation, and I repeat that we reject it in full.

The United Kingdom has no doubt about our sovereignty over the British Indian Ocean Territory. The issue put today before the General Assembly remains at heart a bilateral sovereignty dispute between Mauritius and the United Kingdom, and we continue to believe that it remains an important principle that bilateral sovereignty disputes should be resolved by the parties themselves. Today's vote sets a precedent that should be of concern not only to the United Kingdom but to all Member States in the Hall today that have sovereignty disputes of their own.

I would like to acknowledge that the result of today's vote shows that a significant number of Member States share those concerns, as witnessed by the high number of abstentions and absences, and I am particularly grateful to those States that voted with the United Kingdom against today's resolution.

I would like finally to turn to a point that was made in the debate. I should state that the United Kingdom's well-known position on the Falkland Islands remains unchanged. We welcome the principle and the right of the Falkland Islanders to self-determination as enshrined in the Charter of the United Nations, and that means that there can be no dialogue on sovereignty unless and until the Falkland Islanders so wish.

**Mr. Cuellar Torres** (Colombia) (*spoke in Spanish*): Colombia recognizes that the issue we are addressing is part of the task of decolonization, which is strongly promoted by the United Nations. Our country has supported and will continue to support efforts that seek the recognition of the right to self-determination and territorial integrity.

At the same time, Colombia values the importance of each advisory opinion of the International Court of Justice for the development of international law. However, we do not consider it appropriate to demand an obligation through a General Assembly resolution based on a non-legally-binding instrument. For that reason, we decided to abstain in the voting on the matter.

**Mr. Escalante Hasbún** (El Salvador) (*spoke in Spanish*): El Salvador wishes to explain its position after the voting on resolution 73/295, on the advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965*, (see A/73/773) on which El Salvador has just abstained in the voting.

El Salvador was among the countries that voted in favour of resolution 71/292, through which the General Assembly requested the advisory opinion from the International Court of Justice, pursuant to Article 65 of the Statute of the Court. El Salvador therefore thanks the Court and believes that it is consistent for the General Assembly to pronounce on its content, given that the Assembly requested the opinion.

El Salvador believes that the content of paragraphs 1 and 2 of the resolution is relevant, and thanks the Group of African States for the corrections made to them so as to ensure that they faithfully reflect the text of the advisory opinion. El Salvador considers that the issue we are addressing not only has a bilateral dimension that concerns the parties exclusively, but also a global dimension relating to decolonization and the human rights of indigenous peoples, on which the General Assembly is more than competent to pronounce itself.

El Salvador has already shown its support for the universal value of the advisory opinions of the International Court of Justice on issues of a global scope, such as that on the *Legality of the threat or use of nuclear weapons* (A/51/218, annex), on which it bases its support for the follow-up resolutions of the First Committee.

However, we believe that parts of the resolution adopted today exceed the non-binding nature of the advisory function of the International Court of Justice. We therefore believe that the language contained in paragraphs 3, 6 and 7 is not consistent with an advisory opinion of the Court. As such, El Salvador does not acknowledge any precedent emanating from them that should be considered in or affect future proceedings. In El Salvador's view, the content of resolution 73/295 is therefore a declaration of a purely political nature and not the result of the advisory opinion requested.

For its part, El Salvador recognizes the pertinence of the questions asked in resolution 71/292 and the answers provided by the Court, which demonstrate that we are facing an incomplete decolonization process and that the status quo is no longer satisfactory for at least one of the parties concerned.

El Salvador therefore urges the Governments of Mauritius and the United Kingdom to pursue bilateral talks with a view to arriving at satisfactory results for both parties. At the multilateral level, and based on the call made in paragraph 4 of the resolution, El Salvador is open to supporting concrete modalities of support, including through the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as has been done in other cases, such as that established through resolution 67/265.

**The President** (*spoke in Spanish*): We have heard the last speaker in explanation of vote for this meeting. We shall hear the remaining speakers at 3 p.m. here in this Hall.

*The meeting rose at 1.05 p.m.*