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Wednesday, 22 May 2019, 3 p.m.
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Official Records

President: Ms. Espinosa Garcés. (Ecuador)

In the absence of the President, Mr. Yelchenko (Ukraine), Vice-President, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 88 (continued)

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)

The Acting President: We will continue with statements in explanation of vote after the voting on resolution 73/295.

Before proceeding further, 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. Schoulgin Nyoni (Sweden): I am speaking on behalf of Finland and my own country, Sweden.

We firmly support the International Court of Justice as the principal judicial organ of the United Nations and fully respect the functions assigned to it under the Charter of the United Nations and the Statute of the Court.

We have taken note of the Court's advisory opinion on the *Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965*, rendered on 25 February (see A/73/773), which the General

Assembly had requested through resolution 71/292. We note that the Court has underlined that the General Assembly did not submit a bilateral dispute over sovereignty that may exist between the United Kingdom and Mauritius, and that the Court has restricted itself to responding to the questions as formulated in the request for an advisory opinion.

The Court notes that the modalities necessary for ensuring the completion of the decolonization of Mauritius fall within the remit of the General Assembly. We are of the view that the matter of the time limit is best resolved through consultations and cooperation between the United Kingdom and Mauritius.

Taking a principled stance based on our support for the rules-based international order and our commitment to the International Court of Justice and its role in upholding the rule of law at the international level, we voted in favour of resolution 73/295.

Ms. Bird (Australia): Australia did not take its decision lightly to vote against resolution 73/295 and wishes to take this opportunity to explain our vote.

We respect the decision of Senegal to bring forward this resolution, and we appreciate the fact that it was sponsored by all the members of the Group of African States.

We would first like to reiterate that Australia remains a strong supporter of the United Nations decolonization agenda and to acknowledge that this agenda is incomplete. We also continue to respect the desire of the Government of Mauritius to resolve

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outstanding issues in relation to the Chagos archipelago, consistent with the 1960 United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples.

Australia has carefully examined the non-binding 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), rendered on 25 February, notwithstanding Australia's long-standing position that the Court's advisory jurisdiction should not be used to adjudicate bilateral disputes. However, there should be no mistake. Australia views the Court's role in adjudicating contentious cases between consenting States as critical, as reflected in our acceptance of the compulsory jurisdiction of the Court.

We want to underscore that Australia is not taking a position on the merits of this matter. However, we are deeply concerned about the fact that the General Assembly is being asked to implement an advisory opinion that is not binding on the two parties in the manner in which the resolution seeks to represent it. We consider State consent to be a cornerstone of international law, and we note that binding judicial settlement of this matter did not have the consent of both parties. It is our view that the General Assembly should not seek to act on the Court's non-binding advisory opinion as if it were otherwise.

Australia is also concerned about the fact that the inclusion of an arbitrary six-month time frame is manifestly unreasonable. In addition, the resolution goes beyond the Court's advisory opinion on matters relating to territorial integrity and was drafted without adequate consultation with Member States.

We consider that there is a risk that this resolution will set an unhelpful precedent and encourage the General Assembly to refer other bilateral disputes to the International Court of Justice, thereby further entrenching the advisory jurisdiction as a means of circumventing the requirement for consent in the exercise of the Court's contentious jurisdiction.

We also reaffirm our view that the joint United Kingdom-United States military base on Diego Garcia plays a pivotal role in the maintenance of regional and global security, including in relation to counter-terrorism and counter-piracy. We remain firmly of the view that it is in the interest of all members of the General Assembly to ensure that there is no uncertainty

about the status of the base that could jeopardize its contribution to international peace and security.

For those specific reasons, Australia voted against today's resolution. However, we again encourage both Mauritius and the United Kingdom to intensify their dialogue so as to achieve a durable solution consistent with both countries' commitment to the international rules-based order.

Mr. Hawke (New Zealand): I would like to provide New Zealand's explanation of vote.

New Zealand is a strong supporter of the international rules-based system. International obligations relating to processes of decolonization have particular resonance for us, given our own history in the South Pacific. In those contexts, New Zealand both acknowledges and respects 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).

Taking into account the Court's opinion, New Zealand supports all efforts to encourage a constructive dialogue between the United Kingdom and Mauritius to resolve the issues identified in the opinion. New Zealand is concerned about the possibility that the proposals contained in resolution 73/295 for giving effect to the International Court of Justice's opinion may not help to resolve the matter in a manner consistent with the General Assembly's responsibilities regarding decolonization under the Charter of the United Nations. In particular, we are concerned that insufficient time has been allowed since the International Court of Justice delivered its opinion for constructive dialogue between Mauritius and the United Kingdom to take place. Similarly, we are concerned that the six-month time frame for the United Kingdom to withdraw its Administration is not reasonable.

For these reasons, New Zealand abstained in the voting on today's resolution.

Mr. Machida (Japan): Japan abstained in the voting on resolution 73/295.

Japan considers the rule of law in international relations extremely important and has respected the advisory opinions of the International Court of Justice. We also take seriously 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 was issued on 25 February.

We agree with the aim of the resolution, which is to encourage efforts to complete the process of decolonization of Mauritius as a responsibility of the General Assembly. Japan is also of the view that self-determination and territorial integrity should be respected.

For matters relating to the Chagos archipelago, we believe that close consultations between the States concerned are indispensable to achieving a genuine solution. We sincerely hope that the States concerned will make every effort to find a realistic solution that has no negative influence on international and regional security.

Mr. Liu Yang (China) (*spoke in Chinese*): I would like to explain China's vote on resolution 73/295.

The Chinese Government is a consistent and firm supporter of the decolonization process. We fully understand and support the legitimate claims of the Group of African States on the issue of decolonization. We support the United Nations in playing its due role in fulfilling its decolonization responsibilities in accordance with the Charter of the United Nations and using as a reference 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). China therefore voted in favour of the resolution.

At the same time, China notes that the Court has stressed that this advisory opinion is intended as legal guidance for the United Nations in fulfilling its decolonization responsibilities. The Court acknowledges the need to abide by the principle of consent of the countries concerned in its advisory proceedings. China wishes to reiterate that this principle of consent of the countries concerned must be effectively maintained.

Ms. Tang (Singapore). I am taking the floor to explain my delegation's vote in favour of resolution 73/295, which was just adopted.

Singapore voted in favour of the resolution, as it affirms 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 was issued on 25 February.

Although advisory opinions of the Court are not legally binding on States, they play an important role in clarifying international law and promoting the observance of the rule of law. Singapore encourages the parties concerned to engage in constructive dialogue to resolve the issues at hand, in line with the spirit of the Court's advisory opinion. We also encourage the parties concerned to resolve their differences as rapidly as possible, but without any artificial deadlines.

Mr. Sparber (Liechtenstein): I am taking the floor to explain Liechtenstein's position on resolution 73/295.

Liechtenstein considers the International Court of Justice to be a key institution for promoting and preserving the rule of law at the international level. Its Statute confers on it an important role in the peaceful settlement of legal disputes, including by advising the General Assembly on legal questions upon request.

Resolution 71/292 requests the Court to issue an advisory opinion on whether the decolonization process with respect to the Chagos archipelago was lawfully completed and on the legal consequences thereof under international law. In its national submission to the Court, Liechtenstein expressed its support for the Court's competence, a position unanimously shared by the Court's judges, and for its use of its discretionary power to issue an advisory opinion. While we did not pronounce on the merits of the questions posed to the Court, we note that the Court responded with near unanimity on the substance of the request. We are of the principled view that advisory opinions provided by the Court should be considered with the greatest possible seriousness and swiftly implemented. We also believe that the General Assembly is the appropriate venue for follow-up, as it originated the request. The resolution reflects those views in general terms and Liechtenstein therefore voted in its favour.

Since Liechtenstein joined the United Nations, it has actively promoted the right to self-determination in accordance with the Charter of the United Nations. Article 1, common to both of the human rights Covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, defines the right to self-determination as an important basis for the full realization of people's human rights and establishes an inseparable link between the two. Liechtenstein therefore considers the protection of Chagossians' human rights, including their right to return to their

homeland in a way that has their free, prior and informed consent, to be part and parcel of any process leading to the lawful completion of the decolonization of the Chagos archipelago.

While the advisory opinion identifies a responsibility of the General Assembly in that respect, it is ultimately incumbent on Mauritius to ensure that Chagossians' human rights are fully respected. A clearer commitment to that effect would have been an important element strengthening the resolution.

Mrs. Furman (Israel): Israel is mindful of and sensitive to the history of the Chagossian people, and our vote today is without prejudice to the merits of this dispute, which we believe should be resolved by consensus and bilaterally between Mauritius and the United Kingdom. Rather, our objection reflects Israel's principled position that it is improper, and contrary to the jurisdictional framework of the Statute of the International Court of Justice, to have recourse to the advisory opinion mechanism in order to involve the Court in a territorial dispute that in its very essence is bilateral in nature.

Israel opposes the circumvention of the fundamental principle that a State is not obliged to allow its disputes to be submitted to judicial settlement without its consent, and we believe that principle should be upheld and protected. We expressed that view when the General Assembly referred the request for an advisory opinion on the Chagos archipelago to the Court. Together with a significant number of other States, we voted against resolution 71/292, a position we reiterated to the Court in the advisory opinion proceedings. Unfortunately, resolution 73/295 goes even further than the advisory opinion and uses language that in our view is both inaccurate and inconsistent with the General Assembly's general mandate. For those reasons, Israel voted against it.

Mr. Skoknic Tapia (Chile) (*spoke in Spanish*): Chile's abstention in the voting on resolution 73/295 is aligned with our coherent and consistent approach to this issue. The advisory opinion of 25 February 2019 reaffirmed principles governing the decolonization process and, in accordance with the Charter at the United Nations, stated that the process as it relates to the Chagos archipelago must be completed with respect for the human rights of its population.

We would like to take this opportunity to reiterate to the Assembly our unreserved support for a people's

right to self-determination and for the process of decolonization promoted by the General Assembly. In that regard, it is important to point out that we are a member of the Special Committee on Decolonization, as well as our long-standing position on this issue, reflected in our votes in favour of resolutions 1514 (XV), 2066 (XX), 2232 (XXI) and 2357 (XXII).

Our country appreciates the contribution of the advisory opinion rendered by the International Court of Justice on the legal consequences of the separation of the Chagos archipelago from Mauritius, insofar as it provides clarity and reaffirms essential aspects of the decolonization process as well as the obligations resulting from it, and recalls its relevant jurisdiction. Nonetheless, and while our country firmly supports the decolonization process, Chile abstained in the voting on resolution 73/295 for the following reasons. First and foremost, we want to reiterate how much we value the crucial role played by the International Court of Justice under the Charter of the United Nations, and the fact that our position today is based on our respect for and its functions and decisions and their application. In that context, we should recall that advisory opinions of the International Court of Justice are not binding on States and that it does not therefore follow that the General Assembly can use a resolution to order the implementation of the Court's conclusions.

Considering the advisory nature of the opinion, matters and issues of a purely bilateral nature between the States concerned should be addressed through the appropriate bilateral channels, in accordance with international law. The Court recognized in the advisory opinion that the parties directly involved in the non-completion of the decolonization process should engage by diplomatic means and in accordance with international law in order to complete that process. We consider this point crucial, and for that reason, considering the advisory nature of the opinion, we want to stress the role of diplomacy and international law in ensuring that the States concerned make progress on the matter based on the applicable legal framework.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): Russia has always consistently advocated the generally accepted principles and norms of international law, including the principles of equality and self-determination of peoples, which still play a key role in today's world. Russia, as the successor to the Union of Soviet Socialist Republics, has significantly contributed to the process of decolonization by

supporting the struggle of the peoples of Africa for their sovereignty and independence.

We have carefully studied the position of the International Court of Justice laid out in the advisory opinion on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965. The Charter of the United Nations does not confer a mandate on the General Assembly regarding the status of a territory. Moreover, the advisory jurisdiction of the International Court of Justice is not applicable to the resolution of bilateral disputes. That is the position of the Court and the Russian Federation. However, the Court found it possible to come to a conclusion on the archipelago because the request fell within the framework of the decolonization process. The substance of resolution 73/295, whose language is based on the Court's opinion, is therefore also a decolonization issue for which the General Assembly has a special responsibility. The Russian delegation therefore voted in favour of the resolution. We hope the people and Government of Mauritius will see a rapid completion of their process of decolonization.

Mr. Vaultier Mathias (Portugal): I am taking the floor to explain Portugal's vote on resolution 73/295, which we have just adopted. Portugal is a staunch defender of the right to self-determination, in accordance with international law and the Charter of the United Nations, including the declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960.

Portugal also firmly believes in the principle of the peaceful settlement of disputes and of the role of the International Court of Justice in that regard in particular. Portugal has never challenged a decision of the Court, even when those decisions were not completely in Portuguese interests. We therefore welcome the opinion of the Court, rendered recently on 25 February, and agree that all Member States are under the obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius. Portugal therefore urges all the parties concerned to complete the decolonization of Mauritius as rapidly as possible, in accordance with international law.

Ms. Shaheen (United Arab Emirates) (*spoke in Arabic*): The United Arab Emirates 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). We urge the parties to the conflict to take the necessary measures to reach a settlement in accordance with the provisions of international law and the Charter of the United Nations.

We would prefer that bilateral disputes be resolved by the parties concerned. We are fully aware of the important security interests of the United Kingdom and the United States of America in the Indian Ocean, which should be taken into consideration. However, we felt compelled to vote in favour of resolution 73/295 because we respect the call of States for sovereignty, territorial integrity and the right of people to self-determination, in accordance with the Charter and with a view to reaching a peaceful settlement to a dispute.

The issue of the Chagos archipelago once again brings to mind the ongoing conflict between the United Arab Emirates and the Islamic Republic of Iran over Greater Tunb, Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates. The United Arab Emirates categorically rejects Iran's continued occupation of those islands, which constitutes a violation of international law and the principles of good-neighbourly relations. Any claims by Iran about its ownership of those islands are null and baseless. We reaffirm that they are part and parcel of the territories of the United Arab Emirates. We again call on Iran to resolve the issue, either through direct negotiations or by referring it to mediation or to the International Court of Justice, in accordance with the Charter and international law. Unfortunately, Iran has refused that approach and keeps rejecting the calls for resolving the conflict peacefully.

Mr. Charwath (Austria): After careful consideration of all the arguments put forward, Austria voted in favour of resolution 73/295, entitled "Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965". Austria is strongly committed to strengthening the rule of law at the national and international levels, and we believe that a rules-based international system is an essential precondition for lasting peace, security, economic development and social progress. As was stated in last year's annual report of the International Court of Justice,

"[e]verything the Court does is aimed at promoting and reinforcing the rule of law; through its judgments and advisory opinions, it contributes

to developing and clarifying international law.” (A/73/4, para. 16)

We would like to emphasize our appreciation for the Court’s work and its important role as the principal judicial organ of the United Nations. We want to point out that our vote is not a vote for or against a Member State but is one in favour of the International Court of Justice, which has our full support and confidence, and it reaffirms our long-standing commitment to a rules-based international order. Austria would like to take this opportunity to encourage all the parties involved to remain genuinely engaged in dialogue and committed to a peaceful settlement of this matter.

Mr. Lauber (Switzerland) (*spoke in French*): The International Court of Justice, the principal judicial organ of the United Nations, is founded on the pre-eminence of the rule of law and contributes significantly to the peaceful settlement of disputes between States. Through its judgments and advisory opinions, it is an essential component of the international legal order. The growing number of legal matters and questions referred to the Court reflect the confidence that the international community has in it.

In keeping with its principles of respect for the rule of law and international jurisdiction, Switzerland considers the International Court of Justice to be a critical institution for promoting and preserving the rule of law at the international level. As a result, we believe that the Court’s advisory opinions must be carefully studied. In line with its deeply held convictions, Switzerland therefore voted in favour of resolution 73/295, which encourages us to seek a shared constructive solution within the framework of international law, as outlined by the Court.

Ms. Blais (Canada): Canada has taken note of the advisory opinion of the International Court of Justice (see A/73/773), and we thank the Court for its contribution to the activities of the Assembly. As close friends of Mauritius and the United Kingdom, we encourage them to continue their dialogue and redouble their efforts to find a mutually acceptable solution to the issue of the Chagos archipelago.

Mr. Prongthura (Thailand): Thailand voted in support of resolution 73/295 based on the purposes and principles of the Charter of the United Nations, as referred to by the International Court of Justice in its advisory opinion (see A/73/773). Nevertheless, we hope that in the spirit of those principles, which

Thailand shares with all peace-loving countries, the United Kingdom and Mauritius will be able to address this issue amicably and assume their obligations under international law through cordial dialogue, as friendly nations.

Mr. Nasimfar (Islamic Republic of Iran): The Charter of the United Nations provides that the people of colonial countries are entitled to freely choose their political system and decide their own future. In its belief in that unambiguous provision, the Islamic Republic of Iran continues to stress that the issue of decolonization should remain one of the important priorities of the United Nations. The Islamic Republic of Iran rejects colonization in all its forms and manifestations. Our support for the decolonization process in the General Assembly has remained unwavering. Colonization is contrary to the purposes and principles of the United Nations Charter as well as international law. Today more than ever, the international community has a responsibility to stand against colonization and domination and their new and emerging forms, which have crystallized as unilateralism and unilateral coercive measures.

I would like to note that 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), the Court emphasized the General Assembly’s important role in the decolonization process and, at the same time, safeguarded the principle of the consent of Member States. In paragraph 85, the Court underlined that

“a compelling reason for it to decline to give an advisory opinion when such a reply ‘would have the effect of circumventing the principle that a State is not obliged to allow its disputes to be submitted to judicial settlement without its consent’”.

Nevertheless, the Court recalled that the General Assembly had not sought the Court’s opinion in order to resolve a territorial dispute between two States. Accordingly, the Court made it clear that in answering the General Assembly’s questions on colonization, it was not circumventing the principle that a State must consent to the judicial settlement of a dispute with other States, since the purpose of the request was for the General Assembly to receive the Court’s assistance so that it could be guided in discharging its function relating to the decolonization of Mauritius. The Court has therefore made a wise distinction and excluded

bilateral disputes from its jurisdiction. Any attempt to misinterpret or misuse the Court's opinion not only violates the principle of consent but also undermines United Nations decolonization efforts.

By making baseless allegations about three Iranian islands in the Persian Gulf, the representative of the United Arab Emirates tried to misuse and misinterpret the Court's advisory opinion on the Chagos archipelago. The allegations are null and void and irrelevant to the current agenda item. There is no similarity between the Mauritius case and the baseless allegations of the United Arab Emirates. The advisory opinion is related to the General Assembly's concerns regarding ending colonization. However, the baseless claim of the United Arab Emirates can be framed as a misunderstanding about Iran's sovereignty over its three islands in the Persian Gulf, which does not fall within the scope either of decolonization or the advisory opinion. The Iranian islands of Abu Musa, Greater Tunb and Lesser Tunb, which are all in the Persian Gulf, are an inseparable and integral part of Iranian territory. The Islamic Republic of Iran categorically rejects any claims to that part of our country.

The Islamic Republic of Iran has always pursued a policy of friendship and good-neighbourliness towards all its neighbours, and in that context, following previous bilateral talks with the United Arab Emirates, is ready to discuss any misunderstanding that may exist between the two countries. Meanwhile, the territorial integrity of the Islamic Republic of Iran and its sovereignty over the aforementioned islands are not negotiable. It is also obvious that based on historical fact, established years before the birth of the United Arab Emirates, these islands were Iranian, are Iranian and will remain Iranian.

Mr. Carazo (Costa Rica) (*spoke in Spanish*): Costa Rica supported the adoption of resolution 73/295 this morning (see A/73/PV.83), based on pillars that are fundamental to its foreign policy. In this case, the human rights of a group of people have been affected. The inhabitants of Chagos were forcibly expelled and prevented from returning to their islands of origin, which became closed territory for them, with the result that today, more than half a century later, they have still been unable to resettle there.

We must also take into account the principle of the self-determination of peoples. The inhabitants of a territory must be listened to, and the international

community must guarantee that, as 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) before us today states. The peoples of non-self-governed territories have a recognized right to self-determination with respect to their territory, and yet that has not happened for the Chagossians.

We reiterate our support for the process of decolonization as one of the most momentous transformations of the twentieth century. At the same time that the United Nations was being consolidated, a significant number of countries joined the Organization as independent sovereign States. Today we continue to advocate for the exercise of the right to self-determination, including, necessarily, the exercise of democracy and respect for human rights all over the world. It is essential to adhere in that process to the central purposes and principles of the Charter of the United Nations, as outlined in resolutions 1514 (XV) and 1541 (XV) and other relevant resolutions of the General Assembly and the other principal organs of the United Nations.

Si vis pacem, para pacem. If you want peace, prepare for peace. It is not by preparing for war, or even for defence, that humankind will achieve peace. Costa Rica abolished its army more than 70 years ago, and since then, in accordance with our traditional policy of promoting international peace and security, we have always firmly believed that relations between States, and even their differences, must be supported and resolved through dialogue and negotiation among States and on a basis of international law. Costa Rica therefore does not believe that the existence of a military base on a territory is conducive to the preservation of peace and security.

Mr. Denktaş (Turkey): I am taking the floor to explain my delegation's vote on resolution 73/295. Turkey is an ardent supporter of the rules-based international system. We are also strongly and fully committed to the process of decolonization and the role of the United Nations in that area. However, it is also vital to conform to procedures in international law. In that context, we would like to draw attention to the fact that bilateral disputes over sovereignty cannot and should not be referred to the International Court of Justice for an advisory opinion without the clear consent of both parties concerned. The fact that this was not taken into consideration was problematic to say

the least. In that understanding, Turkey abstained in the voting on the resolution.

Mr. Habib (Indonesia): Indonesia voted in favour of resolution 73/295 for the following reasons.

First, the principle of territorial integrity is one of the most fundamental and well-established principles of international law. The principle of territorial integrity is essential to maintaining the stability and security of the world in which we live, as stipulated in the Charter of the United Nations. It is our constitutional mandate to ensure the inalienable right of all nations to achieve independence — a Constitution that epitomizes a long and difficult process of struggle for rightful independence and sovereignty from colonial power.

Secondly, Indonesia respects the jurisdiction of the International Court of Justice in providing its advisory opinion. The Court's advisory opinions help to interpret and clarify international legal issues and decide their compatibility with international law. In this case, the Court provides a useful clarification on legal aspects of decolonization, which is clearly a positive contribution to strengthening the rule of law. While honouring the advisory opinion (see A/73/773), Indonesia fully respects the sovereignty of the parties concerned and reiterates its call on the parties to explore all means based on the principle of the peaceful settlement of disputes to ensure the smooth and peaceful solution of the case based on the relevant General Assembly resolutions, including resolution 1514 (XV) of 14 December 1960 and resolution 2066 (XX) of 16 December 1965.

In that regard, we appeal to all the parties concerned to explore all diplomatic negotiation tools as quickly as possible based on the principle of the peaceful settlement of disputes, as facilitated through bilateral avenues, with the aim of fulfilling the mandates of the relevant General Assembly resolutions.

Indonesia fully recognizes the sovereignty of Mauritius over the Chagos archipelago. We would like to recall paragraph 6 of resolution 1514 (XV) on the declaration on the granting of independence to colonial countries and peoples:

“Any 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 independence of colonies should be for their entirety. Furthermore, respect for the territorial integrity of colonies is a key element of the exercise of the right to self-determination under international law, which has become customary international law recognized by the Charter and adhered to since the inception of this body.

Fourthly and lastly, we stress that the resolution will not set the new precedent of taking bilateral issues to multilateral forums, in this case the General Assembly.

The Acting President: We have heard the last speaker in explanation of vote after the voting. Some delegations have asked to speak in exercise of the right of reply. I would like to remind members that statements in exercise of the right of reply are limited to 10 minutes for the first statement and five minutes for the second, and should be made by delegations from their seats.

Ms. Pertaub (Mauritius): I would like to refer to the statement made this morning by the representative of Maldives (see A/73/PV.83), in which she mentioned her country's submission to the Commission on the Limits of the Continental Shelf, to which Mauritius has objected. Mauritius would like to clarify the matter, which has been misrepresented.

Mauritius and Maldives engaged in discussions on the maritime boundary in October 2010 on the basis of equidistance. However, the discussions were not conclusive. I would like to recall that in July 2010, when Maldives made its submission, Mauritius drew attention to the fact that the submission did not take into account the potential equidistant boundary line, since the claim clearly overlapped with our potential exclusive economic zone. Maldives was asked to make the necessary amendments, following which Mauritius would withdraw its objection. That was not done and has still not been done. Mauritius recently invited Maldives to a second round of discussions on maritime delimitation but has had no response.

Mr. Mazzeo (Argentina) (*spoke in Spanish*): The delegation of Argentina would like to exercise its right of reply with regard to the statement made by the Permanent Representative of the United Kingdom on the question of the Malvinas Islands. In that regard, the Argentine Republic wishes to recall that the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory. Those territories

are illegally occupied by the United Kingdom and are the subject of a sovereignty dispute between the two countries acknowledged by the United Nations and many international and regional organizations.

Under resolution 2065 (XX) and subsequent resolutions, the General Assembly acknowledged the existence of the aforementioned dispute and urges the Governments of the Argentine Republic and the United Kingdom to resume negotiations in order to find a peaceful and lasting solution to the dispute as soon as possible. In line with the various United Nations resolutions on this colonial matter, which has been described as special and particular, the principle of the self-determination of peoples, an element on which the United Kingdom bases its position, is not applicable.

Argentina reiterates its ongoing and clear willingness to resume negotiations with a view to finding a solution to that sovereignty dispute, thereby complying with the mandate of the international community on the question in accordance with international law and the purposes and principles of the

Charter of the United Nations, and once again urges the United Kingdom to proceed in that direction.

Mr. Allen (United Kingdom): I do not want to detain us any longer than necessary. I want to reply to the representative of Argentina. We have had a couple of responses to each other during the day so I hope that I may simply say that the United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas of those territories or about the principle and the right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and in article 1 of the two United Nations covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 88?

It was so decided.

The meeting rose at 4 p.m.