



General Assembly

Distr.: Limited
17 May 2019

Original: English

Seventy-third session

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

Senegal:* revised draft resolution

Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965

The General Assembly,

Guided by the principles enshrined in the Charter of the United Nations, including the inalienable right of self-determination of peoples,

Considering that respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling its resolution [71/292](#) of 22 June 2017, by which it decided, in accordance with Article 96 of the Charter, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion on the following two questions relating to the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965:

(a) “Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?”,

(b) “What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?”,

* On behalf of the States Members of the United Nations that are members of the Group of African States.



Having received the advisory opinion of the Court, rendered on 25 February 2019,¹ in which the Court found that:

(a) “The process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago”,

(b) “The United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible”,

(c) “All Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius”,

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

Considering that respect for the Court and its functions, including in the exercise of its advisory jurisdiction, is essential to international law and justice and to an international order based on the rule of law,

Reaffirming the responsibility of the United Nations, in accordance with resolution 1514 (XV), to assist in the process of decolonization of Mauritius,

1. *Welcomes* the advisory opinion of the International Court of Justice of 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965;¹

2. *Affirms*, in accordance with the advisory opinion of the Court, that:

(a) Because the detachment of the Chagos Archipelago was not based on the free and genuine expression of the will of the people of Mauritius, the decolonization of Mauritius has not been lawfully completed;

(b) The Chagos Archipelago forms an integral part of the territory of Mauritius;

(c) Since the decolonization of Mauritius was not conducted in a manner consistent with the right of peoples to self-determination, it follows that the continued administration of the Chagos Archipelago by the United Kingdom of Great Britain and Northern Ireland constitutes a wrongful act entailing the international responsibility of that State;

(d) the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible;

(e) Since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right and all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius;

(f) The resettlement of Mauritian nationals, including those of Chagossian origin, must be addressed as a matter of urgency during the completion of the decolonization process;

3. *Demands* that the United Kingdom of Great Britain and Northern Ireland withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months from the adoption of the present

¹ See [A/73/773](#).

resolution, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible;

4. *Urges* the United Kingdom of Great Britain and Northern Ireland to cooperate with Mauritius in facilitating the resettlement of Mauritian nationals, including those of Chagossian origin, in the Chagos Archipelago, and to pose no impediment or obstacle to such resettlement;

5. *Calls upon* all Member States to cooperate with the United Nations to ensure the completion of the decolonization of Mauritius as rapidly as possible, and to refrain from any action that will impede or delay the completion of the process of decolonization of Mauritius in accordance with the advisory opinion of the International Court of Justice and the present resolution;

6. *Calls upon* the United Nations and all its specialized agencies to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measure taken by or on behalf of, the “British Indian Ocean Territory”;

7. *Calls upon* all other international, regional and intergovernmental organizations, including those established by treaty, to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measure taken by or on behalf of, the “British Indian Ocean Territory”;

8. *Requests* the Secretary-General to submit a report to the General Assembly at its seventy-fourth session on the implementation of the present resolution, including any actions taken by the United Kingdom of Great Britain and Northern Ireland and other Member States.
