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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

Letter dated 14 August 2020 from the Permanent Representative of Mauritius to the United Nations addressed to the President of the General Assembly

I have the honour to refer to item 86 of the agenda for the seventy-fourth session of the General Assembly 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 you may recall, following the request of the General Assembly contained in its resolution [71/292](#), the International Court of Justice rendered on 25 February 2019 its advisory opinion by which it determined that the detachment of the Chagos Archipelago from Mauritius in 1965 was an unlawful act, and stated inter alia that:

- “At the time of its detachment from Mauritius in 1965, the Chagos Archipelago was clearly an integral part of that non-self-governing territory”
- “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”
- “The United Kingdom’s continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of that State” and “is an unlawful act of a continuing character”
- “The United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible”
- “All Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius”.

On 22 May 2019, the General Assembly adopted resolution [73/295](#), welcoming and affirming the legal findings of the International Court of Justice and demanding 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 that resolution, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible. The Assembly urged 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. The Assembly requested the Secretary-General to submit to it a report on the implementation of the resolution by Member States and by organs and agencies of the United Nations system.

In his report of 18 May 2020 ([A/74/834](#)), the Secretary-General outlined the following steps taken to implement resolution [73/295](#):

- The Indian Ocean Tuna Commission is expected to consider the continued membership of the United Kingdom of Great Britain and Northern Ireland on the basis that its instrument of acceptance was deposited “in respect of the British Indian Ocean Territory only”
- The Office of the United Nations High Commissioner for Human Rights invited Mauritius to include information relating to the Chagos Archipelago in its reports to treaty bodies as well as in its national reports to the universal periodic review
- The Universal Postal Union has confirmed that it would be referring the matter of the Chagos Archipelago to its governing bodies at the earliest opportunity
- The designation of the Chagos Archipelago has been modified on maps produced by the Secretariat to reflect the fact that the Chagos Archipelago is an integral part of the territory of Mauritius.

While the Government of Mauritius welcomes the above developments, it notes with deep regret that the United Kingdom of Great Britain and Northern Ireland has failed to comply with its obligations under international law, as reflected in the advisory opinion of the International Court of Justice and General Assembly resolution [73/295](#). This is a matter of concern not just for the Government of Mauritius, but for the international community as a whole. The continuing unlawful, colonial administration of the Chagos Archipelago by the United Kingdom of Great Britain and Northern Ireland is an affront to the international rule of law and undermines the promotion of justice, including the right of return of the former residents of the Chagos Archipelago.

Given the utmost importance of this issue, the Government of Mauritius, with the support of other Member States, would, in normal circumstances, have submitted a draft resolution under the aforementioned agenda item 86. However, in the light of the decisions that the General Assembly has had to take as a consequence of the ongoing coronavirus disease (COVID-19) pandemic, the Government of Mauritius has taken the difficult decision to temporarily defer consideration of a draft resolution until such time as it will be possible for the General Assembly to hold in-person meetings.

I would therefore request that consideration of the agenda item 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” be deferred to the seventy-fifth session of the General Assembly.

The Government of Mauritius wishes to express its deep appreciation to all Member States and organizations for their continued support for the completion of the decolonization of Mauritius.

I should also be grateful if the present letter could be circulated as a document of the General Assembly.

(Signed) Jagdish **Koonjul**
Grand Officer of the Order of the Star and Key of the Indian Ocean
Ambassador
Permanent Representative