

**STATEMENT BY THE RT HON SIR ANEROOD JUGNAUTH, GCSK, KCMG, QC,
MINISTER MENTOR, MINISTER OF DEFENCE, MINISTER FOR RODRIGUES OF
THE REPUBLIC OF MAURITIUS, ON THE DRAFT RESOLUTION TABLED UNDER
ITEM 87 OF UN GENERAL ASSEMBLY AGENDA**

Mr President,

My delegation would like to associate itself with the statement which has been made by the Permanent Representative of the Republic of Congo on behalf of the African Group of States Members of the African Union.

I am accompanied by Mauritians of Chagossian origin who were forcibly evicted from the Chagos Archipelago and who are putting all their hopes in the United Nations to uphold their ability to return to the Archipelago, which the complete decolonization of Mauritius will allow.

Mr President,

I have been privileged to witness my country's political advancement, and was one of those – now the only survivor – who participated in the Mauritius Constitutional Conference held in London in 1965 and which was meant to pave the way for the independence of Mauritius in 1968. I am therefore personally aware of the circumstances in which the Chagos Archipelago was excised from the territory of Mauritius prior to independence.

The Chagos Archipelago has been part of the territory of Mauritius since at least the 18th century, at a time when Mauritius was a French colony.

Throughout the period of French colonial rule, France governed the Chagos Archipelago as one of the Dependencies of Mauritius.

All the islands forming part of Mauritius, including the Chagos Archipelago, were ceded by France to the United Kingdom in 1810.

The administration of the Chagos Archipelago as a constituent part of Mauritius continued without interruption throughout the period of British colonial rule until its unlawful excision from the territory of Mauritius on 8 November 1965. No one today can challenge that fact.

This excision was carried out in blatant violation of international law and UN General Assembly Resolution 1514 (XV) of 14 December 1960 containing the Declaration on the

Granting of Independence to Colonial Countries and Peoples, which called for a speedy and unconditional end to colonialism.

That declaration clearly stipulated that any attempt 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.

Further, the wrongfulness of the excision was recognized and confirmed in General Assembly Resolution 2066 (XX) of 16 December 1965, in which the General Assembly called upon the UK Government to take effective measures with a view to the immediate and full implementation of Resolution 1514 and to take no action which would dismember the Territory of Mauritius and violate its territorial integrity.

Such views were reiterated in General Assembly Resolution 2232 (XXI) of 20 December 1966 and Resolution 2357 (XXII) of 19 December 1967.

The decolonization process of Mauritius and the General Assembly's supervision thereof therefore remain incomplete.

More than thirty years after the excision of the Chagos Archipelago, shocking truths about the circumstances of the dismemberment of the territory of Mauritius came to light.

For so many years, the United Nations and the world indeed were unaware of such facts, namely internal Foreign Office memos of 1965 and 1966 showing a deliberate intent to present the United Nations with a "fait accompli" and to mislead it about the permanent nature of the population who lived in the Chagos Archipelago.

The Chagossians were cynically referred to as "Tarzans" and "Men Fridays", to avoid the scrutiny by the United Nations about the illegality of the dismemberment of the Mauritian territory and the eviction of the population living in the Chagos Archipelago.

It is, today, appropriate to recall what was stated back in 1965 by the UK Colonial Secretary to the UK Prime Minister. He said, and I quote:

"... it is essential that the arrangements for detachment of these islands should be completed as soon as possible..."

From the United Nations point of view the timing is particularly awkward.

We are already under attack over Aden and Rhodesia,,, We shall be accused of creating a new colony in a period of decolonisation ... If there were any chance of avoiding any publicity until this session of the General Assembly adjourns at Christmas there would be advantage in delaying the Order in Council until then. But to do so would jeopardize the whole plan.

[.....] Moreover we should lay ourselves open to an additional charge of dishonesty if we evaded the defence issue in the Fourth Committee and then made the Order in Council immediately afterwards.

*It is therefore important that we should be able to present the U.N. with a **fait accompli**." Unquote.*

Delegations present here should find in these facts alone a compelling reason for the UN to be given today an opportunity to have a fresh look at the propriety of the acts done in 1965. The draft resolution is not a belated wake-up call from Mauritius, as suggested by some. It addresses colonialism and decolonisation, a matter of interest to all members and to the Organisation as a whole.

Mauritius has never missed any opportunity, as soon as its socio-economic circumstances permitted it to do so, and in light of those shocking truths, to voice its opposition in international fora, including the UN General Assembly.

There has also been continued and sustained international condemnation of the dismemberment of Mauritius, of the illegal excision of the Chagos Archipelago, or the continuing colonial legacy, including by the Organisation of African Unity and subsequently the African Union, the Non-Aligned Movement, the Group of 77 and China, the African, Caribbean and Pacific Group of States, and the Africa-South America Summits.

Mr President,

The dismemberment of the territory of Mauritius without the freely given consent of Mauritius - in circumstances of patent and obvious duress - and the removal of the inhabitants of the Chagos Archipelago, with no possibility of return, were acts constituting breaches of peremptory norms of international law, namely the violation of the principle of self-determination and the breach of fundamental principles of human rights. No amount of monetary compensation and no agreement to that effect can override these general principles of peremptory international law, not the least the right of self-determination.

Mr President,

Mauritius, prior to its independence in 1968, had no legal competence, as a State, to give any consent to the detachment of the Chagos Archipelago from its territory. It was a mere colony and had a colonial Governor, and lacked capacity to consent to detachment.

Even if, as the UK's position seems to be, some form of consent was given in return for monetary compensation, the excision was incompatible with the provisions of the United Nations Charter, as interpreted and applied by pertinent resolutions of the General Assembly. Consent, if any, of the colony of Mauritius could not validate breaches of the Charter.

Moreover, Mauritius, as an independent sovereign State, has never entered into any agreement pertaining to such detachment.

I need not say more, I hope I have persuaded you that arguments being put forward in support of a "no" vote, and based upon such previous consent or financial compensation, do not stand under international law.

Mr President,

Under your wise stewardship, the consideration of item 87 was deferred, at the United Kingdom's request, until June 2017 in order to allow Mauritius and the United Kingdom to engage in talks aimed at the completion of the decolonization process of Mauritius.

Three rounds of talks have been held between Mauritius and the United Kingdom. However, these talks became pointless as the United Kingdom was unwilling to discuss a date certain for the completion of the decolonization of Mauritius. It was unwilling even to talk about decolonization.

The position that the administering Power brought about in 1965 remains unchanged today. Consequently, as there is no prospect of any end to the colonization of Mauritius, the General Assembly has a continuing responsibility to act. More than five decades have passed, and now is the time to act.

It is fitting for the General Assembly to fulfil that function on the basis of guidance from the International Court of Justice as to the legality of the excision of the Chagos Archipelago in 1965.

The draft Resolution before the General Assembly contains two legal questions which are linked to the issue of decolonization – a matter of direct interest to the General Assembly.

An advisory opinion will no doubt contribute significantly to the work of the General Assembly in fulfilling its functions under Chapters XI to XIII of the UN Charter.

Differing views of one or more States on the legality of the excision of the Chagos Archipelago in 1965 do not make of the excision a mere bilateral matter.

The International Court of Justice has made this absolutely clear, including in recent opinions on Kosovo and on the Wall.

Rather this matter concerns a need for guidance from the International Court for the General Assembly on an important matter of decolonization. Bilateral talks seeking to address this matter simply are not a basis for denying the multilateral interest in a matter.

Member States of the United Nations have the collective responsibility to uphold the principles enshrined in the UN Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and all relevant resolutions.

In doing so, we shall be upholding the integrity and authority of institutions which we have created, in particular the General Assembly. And the General Assembly's continued responsibility in completing the decolonization process which started in the 1950s should not be thwarted by arguments not in line with international law.

Some of our friends are urging a vote against the draft resolution for reasons that are not valid. These reasons are not for the General Assembly to decide, and they can in any event be raised – if they wish – in proceedings before the International Court of Justice in due course.

Breaches of principles of international law and General Assembly resolutions remain breaches that can never validly be acquiesced in or consented or traded off with money. These breaches – and the issues of colonization and decolonization - are of interest to the whole international community.

They cannot ever be waved away as merely bilateral, as the administering Power would want Member States to believe.

Likewise, our friends have invoked security concerns which they claim may be endangered. Let me make it clear that there is no threat to peace and security by seeking an Advisory Opinion. Simply asking these questions to the Court does not prohibit specific States from continuing to hold different views on the answer to the questions.

Mauritius is also very much concerned about security in the world and that is why we have repeatedly said that we do not have any problem with the military base, but that our decolonization process should be completed. We want to assure the United Kingdom and the United States of America that the exercise of effective control by Mauritius over the Chagos Archipelago would not, in any way, pose any threat to the military base. Mauritius is committed to the continued operation of the base in Diego Garcia under a long-term framework, which Mauritius stands ready to enter into with the concerned parties.

The vote on the draft resolution before the General Assembly would be a vote in support of completing the process of decolonisation, respect for international law and the rule of law, and respect for the international institutions which we, Member States of the United Nations, have created.

It is also a vote of confidence in the ICJ, the principal judicial organ of the United Nations.

My delegation therefore urges you, through your vote for the draft resolution, to send a signal that your delegation, and indeed your State, supports international law and the rule of law.

Mr President, let me now briefly recapitulate the salient points of our position:

1. The Chagos Archipelago has always formed and continues to form an integral part of the territory of Mauritius.
2. The displaced inhabitants of the Chagos Archipelago had lived there for many generations.
3. The issue of dismemberment of Mauritius has repeatedly been invoked at the annual meetings of the General Assembly and in other UN bodies as well as in other international fora such as the OAU/AU, NAM and G77.
4. The UK has refused to address decolonization during recent talks.

5. UK proposals during the talks were manifestly inadequate, failing to address the completion of the decolonization of Mauritius.
6. The subject of the request for an Advisory Opinion of the International Court of Justice does not relate to a bilateral dispute.
7. The mere request for an Advisory Opinion does not have any bearing on or adversely affect the security interests of any other State.
8. It is for the International Court of Justice to address outstanding questions as to the basis for the request for an Advisory Opinion.
9. A "yes" vote on the draft resolution will uphold the institutions of the UN, assist the General Assembly, and support the principles of the UN Charter and the international rule of law.

Just like item 87 was included by consensus on the agenda of the General Assembly, we would hope that the draft resolution can be adopted in the same manner.

Let us allow the United Nations to fulfil its mandate as regards decolonization.

I was in London in 1965; fifty-two years later, I invite all Members to join in signalling that now is the time for the right of self-determination to be recognized and for the rule of law to prevail. I believe that it is the collective responsibility of all of us as members of the United Nations to support this draft resolution.

Thank you, Mr President.