United Nations A/71/PV.88

General Assembly

Seventy-first session

Official Records

88th plenary meeting
Thursday, 22 June 2017, 10 a.m.
New York

President: Mr. Thomson . . . . . (Fiji)

The meeting was called to order at 10.40 a.m.

Tribute to the memory of His Excellency Mr. Baldwin Lonsdale, President of the Republic of Vanuatu

The President: Before we proceed to the item on our agenda, it is my sad duty to pay tribute to the memory of the late President of the Republic of Vanuatu, His Excellency Mr. Baldwin Lonsdale, who passed away on Saturday, 17 June.

On behalf of the General Assembly, I request the representative of Vanuatu to convey our condolences to the Government and the people of Vanuatu and to the bereaved family of Mr. Lonsdale.

This morning, we pay tribute to His Excellency President Womtelo Reverend Baldwin Lonsdale of the Republic of Vanuatu, who passed away suddenly on 17 June. President Lonsdale was greatly admired by his people and indeed across the Pacific for his just leadership, humility, dedication to country and his pride in Vanuatu and its people. He was a man of faith, an Anglican priest and a driving force for national unity. He was a champion for the role of women in Vanuatu's democracy, and a strong supporter for youth engagement in developing the nation.

The defining moment for a national leader is often how the leader responds in the face of national tragedy, disaster and upheaval. When the destructive force of Category 5 Cyclone Pam devastated Vanuatu in March 2015, it was President Lonsdale who became the global face for that tragedy. Speaking at the third United Nations World Conference on Disaster Risk Reduction in Sendai, Japan, President Lonsdale pleaded for international humanitarian assistance for his country. He urged the world to recognize that such disasters could wipe out years of development and reduce people to a state of increased poverty overnight, and he called upon world leaders to assist by creating a sustainable development path for all.

President Lonsdale led by example in his commitment to ethical, responsible and proactive leadership. Indeed, upon his election in September 2014, President Lonsdale stated that

> "my first and foremost priority is to make sure that the Constitution of the nation is upheld at all times and that peace, unity, justice and harmony prevail at all times".

His firm dedication to those high principles was demonstrated in late 2015, when he took quick and decisive action to uphold peace, democracy and the rule of law in Vanuatu. The late President carried out his presidential duties with dignity and respect, emerging as a much loved symbol of unity for his nation. He will be sorely missed.

On behalf of the General Assembly, I extend our most sincere condolences to the family of President Lonsdale and to the Government and the people of the Republic of Vanuatu.

I now request the members of the General Assembly to rise to observe a minute of silence in memory of the late President.

The members of the General Assembly observed a minute of silence.

The President: I now give the floor to the representative of the Congo, who will speak on behalf of the Group of African States.

Mr. Bale (Congo): It is both an honour and a sad duty to take the floor today on behalf of the Group of African States to pay tribute to the memory of the President of Vanuatu His Excellency Mr. Baldwin Jacobson Lonsdale, whose death wrenched him from the love and affection of his people and his family at the age of 67, on 17 June.

As the General Assembly pays tribute to his memory, I should like, on behalf of the Group of African States and on my own behalf, to extend my sincere condolences to the people and the Government of the Republic of Vanuatu. My thoughts are with the family of the late President and the staff of the Permanent Mission of Vanuatu. The African Group shares in their grief following his tragic death. We extend our compassion and solidarity to them.

Reverend Baldwin Lonsdale was an Anglican priest and man of the cloth who dedicated his life to helping others and to God. He was a true statesman and the President of his country. In that prominent position, he looked out for the well-being of his people. He lived by values and principles that inspired the actions he took as the leader of his country. We can therefore state that the late President was a servant of God who served the men and women of his country, who in turn showered him with love and respect.

Because he knew that his country was vulnerable to the effects of climate change, President Lonsdale could be considered to be one of the outspoken heroes in fight against that phenomenon. We should recall his apt and firm statement following Cyclone Pam, which devastated his country. He believed that climate change was a contributing factor in the devastating force of a cyclone that decimated entire villages from that archipelago in the southern Pacific. He believed that climate change was real. May his soul rest in peace.

The President: I now give the floor to the representative of Mongolia, who will speak on behalf of the Group of Asia-Pacific States.

Mrs. Altangerel (Mongolia): I have the distinct honour to deliver this statement on behalf of the Group of Asia-Pacific States on this very special but sombre occasion. On behalf of the Asia-Pacific Group, I wish to express our deepest sympathy and heartfelt condolences to the bereaved family and the Government and the people of Vanuatu as they mourn the passing of a true statesman.

The people of Vanuatu have lost an outstanding leader. His Excellency Father Lonsdale served the people of Vanuatu with dignity and humility. He was a humble man dedicated to the principles of the rule of law and against the abuse of power. Father Lonsdale had worked as a senior civil servant, as Secretary General of the Torba provincial Government, and became an Anglican priest before his election as the President of Vanuatu in 2014.

This has been a dark week for the people of Vanuatu. The nation has lost a true statesman who showed us justice and hope. His life and service is now a part of Vanuatu's history. He served the people of Vanuatu with dignity. He will be remembered by many for his efforts to rebuild Vanuatu after the devastating Cyclone Pam, in 2015, and in the fight against corruption. We will remember his life with deep respect, cherishing the memory of his deep love and commitment to his country and to his people. He was an exemplary leader and a guardian of the pillars of justice, democracy and integrity. Those attitudes and approaches were deeply embedded in all that Father Lonsdale sought to achieve and will be carried forward in the legacy he bequeathed to us.

May God give comfort and peace and may his soul rest in peace.

The President: I now give the floor to the representative of Romania, who will speak on behalf of the Group of Eastern European States.

Mr. Jinga (Romania): It is with great sorrow and regret that the members of the Group of Eastern European States learned about the sudden passing of the President of Vanuatu, Womtelo Reverend Baldwin Lonsdale, on 17 June.

Vanuatu lost one of its greatest leaders and a symbol of the country's unity. The late President Lonsdale became a symbol of hope for Vanuatu when Cyclone Pam caused severe damage in the country in early 2015. He successfully steered the country through internal upheaval, and he showed an outstanding commitment to justice and the rule of law. President Lonsdale's message will continue to inspire his people

in the defence of the ideals of justice and humanity. During this time of mourning, our thoughts and heartfelt sympathies are with the people of Vanuatu in remembering and honouring this great leader. May he rest in peace.

The President: I now give the floor to the representative of Honduras, who will speak on behalf of the Group of Latin American and Caribbean States.

Ms. Flores (Honduras): On behalf of the Latin American and Caribbean States, I wish to convey our deepest condolences to the people of Vanuatu and the family a President Baldwin Jacobson Lonsdale, who passed away at the age of 67. Mr. Lonsdale was born in Mota Lava in the northern Banks Islands. He was a civil servant who served as Secretary General of Torba in the provincial Government before becoming an Anglican priest. He was elected to the presidency in September 2014 and vowed in his appointment to ensure that the Constitution of the nation would be upheld at all times, and that peace, unity, justice and harmony would always prevail.

In March 2015, amid the devastation of Cyclone Pam, a Category 5 storm that left thousands homeless and Vanuatu's infrastructure and crops destroyed, President Lonsdale became a pillar of stability. While attending the United Nations World Conference on Disaster Risk Reduction in Sendai, Japan, in March 2015, he called for climate change awareness and appealed for international assistance.

President Lonsdale oversaw the recovery and rebuilding of key sectors of Vanuatu, thereby uniting the population to start anew under a sustainable development agenda. He had unwavering devotion to the rule of law and a strong commitment to the empowerment of women. We join the people of Vanuatu in their sorrow and mourning of a devoted father and statesman. May he rest in peace.

The President: I now give the floor to the representative of Australia, who will speak on behalf of the Group of Western European and other States.

Ms. Bird (Australia): I have the honour to speak on behalf of the Group of Western European and other States.

It was with profound sadness that we learned of the sudden loss of his Excellency President Baldwin Lonsdale on 17 June. On behalf of the Group, I would like to express sincere condolences to his family and the Government and the people of Vanuatu.

President Lonsdale made a significant contribution to Vanuatu. He was an Anglican priest and served as Secretary General of Torba province before becoming the eighth President of the Republic of Vanuatu in September 2014 — the first from Torba province.

Following the destruction and devastation from Category 5 Cyclone Pam in March 2015, President Lonsdale appealed for international humanitarian support for his beloved homeland. Many will remember the emotional plea for assistance that President Lonsdale made at the United Nations World Conference on Disaster Risk Reduction in Sendai, Japan, shortly after the cyclone. He led his people through that traumatic event and was deeply committed to the humanitarian relief, recovery and ongoing rebuilding effort.

President Lonsdale was greatly admired across the Pacific region, particularly for his commitment to democratic principles, the rule of law, instilling pride in Vanuatu's culture and the empowerment of women. President Lonsdale recognized the vital role of women's participation in the nation's development and was a champion for greater representation of women in the country's Parliament. He will perhaps be best remembered for the decisive action that he took in 2015 to safeguard democracy, good governance and the rule of law, which led to snap elections early last year.

President Lonsdale represented Vanuatu on the world stage and served the people of Vanuatu with dignity and humility. He was much loved and respected. We know that Vanuatu will continue to honour his legacy of dedication to his people and country.

The President: I now give the floor to the representative of the United States of America, who will speak on behalf of the host country.

Ms. Sison (United States of America): On behalf of the United States as host country, I would like to extend its deep sympathy to the Government and the people of Vanuatu for the loss of President Baldwin Lonsdale.

President Lonsdale leaves behind a legacy of integrity and humility. Even before becoming President, he had a rich history as a man of service and as a man of faith. As a civil servant and Secretary General of the Torba provincial Government, President Lonsdale was committed to serving his community, and later after becoming a clergyman, he was able to make so

many valuable personal connections and deliver hope to so many.

Upon taking office, President Lonsdale expressed his desire to ensure that

> "the Constitution of the nation is upheld at all times and that peace, unity, justice and harmony prevail at all times".

That commendable goal was put into action during the very first year of his presidency. As we all remember, in March 2015 Vanuatu was devastated by Cyclone Pam, a Category 5 storm that left the country in a state of crisis. In the wake of that catastrophe, President Lonsdale made heartfelt appeals to the international community while imploring the world to provide much-needed assistance to the emergency situation in his country. He worked tirelessly to manage the devastation and personally guide efforts to rebuild the community that he cared about so deeply.

In October 2015, President Lonsdale acted decisively to ensure that the actions of a few did not compromise the integrity of Vanuatu's Government. That strident defence of democratic principles reflected his commitment to the rule of law. In times of crisis, President Lonsdale served as a pillar of stability for the people of Vanuatu, and he led his country with the surest of hands.

President Lonsdale was an exceptional man and an outstanding leader who was much loved by his people. The future of Vanuatu is brighter thanks to his leadership. We again offer our sincere condolences on his passing.

The President: I now give the floor to the representative of Vanuatu.

Mr. Tevi (Vanuatu): At the outset, please allow me, on behalf of the Government and the people of Vanuatu, and His Excellency the late President Baldwin Lonsdale, to thank you, Sir, for creating the space to pay tribute to the memory of our President. Allow me to also thank the international community for the torrent of heartfelt sympathy, grief and friendship expressed to our people at this difficult time.

Last weekend, Vanuatu lost one of its most beloved leaders. It has been a dark week for Vanuatu. His passing has marked an unprecedented outpouring of sympathy and grief across the world. Yet it is a grief combined with much admiration. Our late President grew up from very humble beginnings. He was one of 11 children born of two hardworking and strict parents. Growing up, he was a peacemaker, always creating concords between fighting siblings and friends alike. It was no surprise to his parents and his community that, after he left high school and a subsequent four-year stint with the British National Services' Establishment Division, he decided to pursue tertiary education, eventually obtaining a diploma in Scholar of Theology from Bishop Patterson's College in Solomon Islands and a diploma with honours from Saint John's College, which is now a part of Auckland University in New Zealand.

The late President Lonsdale then served in various roles within the Anglican Church. He served as a teacher and principal of a rural training centre from 1987 to 1991, followed by serving as the National Youth Coordinator from 1991 to 1998. In 1998, he was appointed Secretary General of Torba province, a position he held for eight years. On 22 September 2014, he was elected to serve as the seventh President of the Republic of Vanuatu, a position he held until his untimely death on 17 June.

The late President Lonsdale will be remembered for his humility and dignity displayed through his God-fearing leadership and his unwavering Christian principles. He was a warrior of peace and was a strong symbol for unity in Vanuatu. He had a strong vision for the young generation of Vanuatu and was a strong advocate for women. He will be remembered by the international community for upholding the rule of law and the Vanuatu Constitution even when under political duress.

The late President's legacy as an educator, a religious leader, a promoter and an advocate for the advancement of youth and women and for standing up against corruption will no doubt be long remembered. Vanuatu will be searching for his qualities when his successor is be elected. He is survived by all six of his children.

The Vanuatu Mission has opened a condolence book in honour of the late President. It will be open today and tomorrow and all are invited to sign it. I again convey my deepest gratitude to the international community for the outpouring of sympathy and condolences expressed to the family of our late President and to the Government and people of the Republic of Vanuatu. He has run a good race. May he rest in eternal peace.

Agenda item 87

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

Draft resolution (A/71/L.73)

The President: I now give the floor to the representative of the Congo to introduce draft resolution A/71/L.73.

Mr. Balé (Congo): Pursuant to the inclusion of item 87 on the agenda of the General Assembly in September 2016, I have the honour to introduce, on behalf of the 54 African States Members of the United Nations, draft resolution A/71/L.73, 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", under the said agenda item.

The action initiated by the African States, in collaboration with the Government of Mauritius, at the level of the United Nations is in pursuit of the effort of all African States, including Mauritius, to complete the decolonization of Africa and to allow a State member of both the African Union and the United Nations to exercise its full sovereignty over the Chagos archipelago in accordance with international law and the right of self-determination.

The present submission echoes the African Union resolution on the Chagos archipelago, which stipulates that the excision of the Chagos archipelago from the territory of Mauritius by the former colonial Power prior to the independence of Mauritius is unlawful and, as a result, is a violation of international law and especially of resolution 1514 (XV) of 14 December 1960 and resolution 2066 (XX) of 16 December 1965, which prohibit colonial Powers from dismembering territory prior to granting independence. In addition, resolution 1514 (XV) specifies that any attempt aimed at the total or partial disruption of a national unity and the territorial integrity of a colonial country is incompatible with the purposes and principles of the Charter of the United Nations.

Furthermore, resolution 2066 (XX), which deals specifically with Mauritius, called upon the United Kingdom to take no action that would dismember the territory of Mauritius and violate its territorial integrity. The then administering Power was invited to comply with the provisions of the resolutions and to take effective measures with a view to the immediate and full implementation of resolution 1514 (XV). More than five decades have passed and despite continued and repeated appeals made in international forums, including at the United Nations, the Chagos archipelago has yet to be returned to the effective control of Mauritius by the former administering Power.

In the resolutions adopted by the Assembly of the African Union in July 2015 and January 2017, respectively, following previous pertinent ones, the African Heads of State and Government reiterated their support to the Republic of Mauritius in its endeavour to complete its decolonization and effectively exercise its sovereignty over the Chagos archipelago. In this context, following a request by the Government of the Republic of Mauritius, which was actively supported by the Group of African States, the General Assembly has decided to include on the agenda of its current session an 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".

However, at the request of the United Kingdom, the Republic of Mauritius agreed that consideration of the item be deferred until June 2017. The item was included by consensus by the General Assembly on its agenda following an understanding between Mauritius and the United Kingdom, facilitated by the president of the General Assembly, to defer, at the request of the United Kingdom, the consideration of the item until June 2017 in order to allow time to the concerned delegation to reach a solution on the completion of the decolonization of Mauritius. Unfortunately, there has been no progress in this discussion since neither party wished during the talks to focus on the central issue of decolonization, which is so essential to the successful outcome of the process. Therefore, it was clear that there could be no prospect of progress.

Draft resolution A/71/L.73 calls on the General Assembly to decide, in accordance with article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to article 65 of the Statute of the Court, to render an advisory opinion on two issues. First, was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of Chagos archipelago from Mauritius, in contravention of international law and General Assembly resolutions?

Secondly, what are the consequences under international law arising from the continued administration by the United Kingdom of the Chagos archipelago, including the inability of Mauritius to implement programmes for the settlement of the Chagos archipelago of its nationals, in particular those of Chagossian origin?

As everyone is aware, the right to self-determination and the completion of the decolonization process continue to be a central concern of the United Nations as a whole. That is why we firmly believe that the United Nations would benefit from the guidance of a principal judicial organ of the United Nations on the decolonization process with respect to the two questions posed in the draft resolution. An advisory opinion of the International Court of Justice would assist the General Assembly in its work and would contribute to the promotion of the international rule of law.

Noting that no progress has been made since the issue of the Chagos archipelago was put on the United Nations agenda more than five decades ago, and in conformity with the principles of justice and international law, the Group of African States to the United Nations calls on all Member States to vote in favour of draft resolution A/71/L.73. The draft resolution is nothing but a 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.

A "yes" vote will be a vote in favour of the principles of the Charter of the United Nations, which continue to guide the Organization's efforts with respect to the principle of self-determination. The United Nations cannot continue to ignore the cry of Mauritius for justice.

Mr. Jugnauth (Mauritius): My delegation would like to associate itself with the statement that has just been made by the Permanent Representative of the Republic of theCongo 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.

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, which was meant to pave the way for the independence of Mauritius in 1968. I am therefore personally aware of the circumstances under 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 eighteenth 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. That excision was carried out in blatant violation of international law and 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. The Declaration clearly stipulates 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.

Furthermore, the wrongfulness of the excision was recognized and confirmed in resolution 2066 (XX) of 16 December 1965, in which the General Assembly called upon the Government of the United Kingdom to take effective measures with a view to the immediate and full implementation of resolution 1514 (XV) and to take no action that would dismember the territory of Mauritius and violate its territorial integrity. Such views were reiterated in 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 30 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 many years, the United Nations and indeed the world were unaware of such facts, including 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" in order to avoid the scrutiny of 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 United Kingdom Colonial Secretary to the United Kingdom Prime Minister. He said that "it is essential that the arrangements for detachment of these islands should be completed as soon as possible" and that

> "[f]rom 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 decolonization... If there were any chance of avoiding any publicity until this session of the General Assembly adjourns at Christmas there would be an advantage to 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 United Nations with a fait accompli."

Delegations present here should find in those facts alone a compelling reason for the United Nations to be given today an opportunity to have a fresh look at the propriety of the acts of 1965. Draft resolution A/71/L.73 is not a belated wake-up call from Mauritius, as suggested by some. It addresses colonialism and decolonization — a matter of interest to all Members and to the Organization as a whole.

Mauritius has never missed any opportunity — as soon as its socioeconomic circumstances permitted it to do so and in the light of those shocking truths — to voice its opposition in international forums, including the General Assembly. There has also been continued and sustained international condemnation of the dismemberment of Mauritius, of the illegal excision of the Chagos archipelago and of the continuing colonial legacy, as voiced by the Organization of African Unity and subsequently the African Union, the Non-Aligned Movement, the Group of 77 and China, and the African, Caribbean and Pacific Group of States, as well as at the Africa-South America Summits.

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 those general principles of peremptory international law, not least the right of self-determination.

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, had a colonial Governor and lacked the capacity to consent to detachment. It is obvious that it could not legally give consent. Even if — as the United Kingdom's seems to believe — some form of consent was given in return for monetary compensation, the excision was incompatible with the provisions of the Charter of the United Nations, 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 members of the Assembly that the arguments being put forward in support of a vote against the draft resolution, and based upon such previous consent or financial compensation, do not stand under international law.

Under the President's 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, those talks became pointless as the United Kingdom was unwilling to discuss a definitive date for the completion of the decolonization of Mauritius. It was unwilling to even 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 would no doubt contribute significantly to the work of the General Assembly in fulfilling its functions under Chapters XI to XIII of the Charter of the United Nations.

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 that absolutely clear, including in recent opinions on Kosovo and on the wall in occupied Palestinian territory. Rather, this matter concerns the General Assembly's need for guidance from the International Court of Justice on an important matter of decolonization. Bilateral talks seeking to address this issue simply are not a basis for denying multilateral interests in the case.

States Members of the United Nations have the collective responsibility to uphold the principles enshrined in the United Nations 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. The General Assembly's continued responsibility in completing the decolonization process which started in the 1950s should not be thwarted by arguments that are not in line with international law.

For reasons that are not valid, some of our friends are arguing for a vote against the draft resolution. Those reasons are not for the General Assembly to decide, and they can in any event be raised — if so desired — in proceedings before the International Court of Justice, in due course. Besides, breaches of principles of international law and General Assembly resolutions remain breaches that can never validly be acquiesced in or consented to 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 Members 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. 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 decolonization, respect for international law and the rule of law, and respect for the international institutions that we States Members of the United Nations have created. It is also a vote of confidence in the International Court of Justice, the principal judicial organ of the United Nations. My delegation therefore urges representatives, through their vote for the draft resolution, to send a signal that their delegation, and indeed their State, supports international law and the rule of law.

Let me now briefly recapitulate the salient points of our position.

The Chagos archipelago has always formed and continues to form an integral part of the territory of Mauritius. The displaced inhabitants of the Chagos archipelago had lived there for many generations. The issue of the dismemberment of Mauritius has repeatedly been invoked at the annual meetings of the General Assembly and in other United Nations bodies, as well as in other international forums, such as the Organization of African Union/African Union, the Non-Aligned Movement and the Group of 77. The United Kingdom has refused to address decolonization

during recent talks and United Kingdom proposals during the talks were manifestly inadequate, failing to address the completion of the decolonization of Mauritius. The subject of the request for an advisory opinion of the International Court of Justice does not relate to a bilateral dispute. The mere request for an advisory opinion does not have any bearing on or adversely affect the security interests of any other State. It is for the International Court of Justice to address outstanding questions as to the basis for the request for an advisory opinion. A vote in favour of the draft resolution would uphold the institutions of the United Nations, assist the General Assembly and support the principles of the Charter of the United Nations and the international rule of law.

Just as 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; 52 years later, I invite all Member States to join together 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.

Mr. Ramírez Carreño (Venezuela) (*spoke in Spanish*): I have the honour to speak on behalf of the Non-Aligned Movement.

First, allow me to express our gratitude for the convening of this plenary meeting, which is devoted specifically to considering draft resolution A/71/L.73, 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", which was submitted by the Republic of the Congo on behalf of the Group of African States.

The founding principles of the Movement of Non-Aligned Countries are rooted in its rejection of colonialism. The struggle for liberation was the main factor that brought together the new independent States of Africa, Asia Pacific and Latin America and the Caribbean. The support of the Movement of Non-Aligned Countries for decolonization initiatives has been and continues to be unshakable.

As we approach the end of the third decade for the eradication of colonization, the need to free peoples from the shackles of colonialism has become even more pressing and urgent. In this regard, I would like to recall the position agreed to by the Heads of State and Government during the seventeenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Margarita Island, Venezuela, from 17 to 18 September 2016. The Heads of State and Government reaffirmed that the Chagos archipelago, including Diego Garcia Island, which was illegally removed from the territory of Mauritius by the former colonial Power in violation of international law and resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 are an integral part of the territory of the Republic of Mauritius.

The Heads of State and Government 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 sovereignty exercise of the Republic of Mauritius over the Chagos archipelago, as well as the exercise of the right of return for Mauritian citizens who were forcibly expelled from the archipelago by the United Kingdom. In this regard, they welcomed the judgment of the arbitral tribunal in the case brought by the Republic of Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea and according to which the marine protected area was established illegally, in accordance with international law.

The Heads of State and Government noted that, on 18 March, following the proceedings initiated by Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea to challenge the legality of the marine protected area, the arbitral tribunal established under annex VII of the United Nations Convention on the Law of the Sea unanimously ruled that the marine protected area violates international law. Aware that the Government of the Republic of Mauritius is committed to taking all measures necessary to affirm the territorial integrity of the Republic of Mauritius and its sovereignty over the Chagos archipelago under international law, the Heads of State and Government decided to support such measures, in particular any action that might be taken in this regard by the General Assembly.

The Non-Aligned Movement, in line with the positions adopted by the Heads of State and Government

during the Movement's seventeenth summit, held at Margarita Island, Venezuela, calls on all States members of the Movement to support the action initiated by the Group of African States, under item 87 of the General Assembly's agenda.

Mr. Martins (Angola): I have the honour to speak on behalf of the 15 States members of the Southern African Development Community (SADC), namely, Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

This statement is being delivered in connection with agenda item 87, 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", under which draft resolution A/71/L.73 has been submitted by the Group of African States this morning.

We also wish to align ourselves with the statements delivered just now by the representatives of the Congo and Venezuela on behalf of the African Group and the Non-Aligned Movement, respectively.

The precursor organization of the Southern African Development Community, namely, the Frontline States, was formed in 1976 with the objective of assisting the Southern African countries to achieve independence both politically and economically. Although SADC has emerged today as one of the strongest regional economic blocs on the African continent, we have not foregone the primary objective for which the organization was established. As a region, SADC member States have experienced colonialism in different forms and lived through periods of minority Governments that catered to external interests rather than to the needs of the local people. In spite of all odds, challenges and pressures, we have stood by our brothers and sisters in Southern Africa and accompanied them in their journey towards freedom and liberation.

Today, the African Union is knocking at the door of the United Nations to request an advisory opinion from the International Court of Justice on the legal consequences of the separation of the Chagos archipelago prior to granting independence to Mauritius in 1965. It is therefore our moral duty, as SADC, to support the African Union in its endeavour to bring about the completion of the decolonization of Mauritius and enable the exercise of effective control by that State over the Chagos archipelago.

The Chagos archipelago was illegally excised from the territory of Mauritius prior to its accession to independence, in a blatant breach of international law and resolution 1514 (XV) of 14 December 1960. Resolution 2066 (XX), adopted on 16 December 1965, which deals specifically with Mauritius, called upon the United Kingdom to take no action that would dismember the country of Mauritius and violate its territorial integrity. Nonetheless, the then-colonial Power proceeded with the dismemberment of the territory of Mauritius prior to its independence, an action that was clearly incompatible with the purposes and principles set forth in the United Nations Charter.

SADC has consistently supported Mauritius in its endeavour to exercise its full, effective control over the whole of its territory, which includes the Chagos archipelago. SADC summit declarations adopted in August 2014 and August 2015 firmly committed to all actions undertaken by Mauritius to complete its decolonization and

> "endorsed international calls for the United Kingdom to expeditiously end its unlawful occupation of the Chagos Archipelago, including Diego Garcia, with a view to enabling Mauritius to effectively exercise its sovereignty over the Archipelago, without which the full decolonisation of Africa is not complete".

The SADC group is of the view that the continued occupation of the Chagos archipelago constitutes a challenge to the principles of the United Nations. As freedom, justice and dignity are the foundations of the United Nations and its institutions, any action that denies a nation its rights is deemed to be actually undermining the collective conscience and noble principles of the Organization.

Defending and supporting the right to self-determination and thecompletion of the decolonization process has always been a cardinal principle of SADC, True to that principle, SADC member States will vote in favour of the draft resolution A/71/L.73, 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", and earnestly call on all States Members of the United Nations to also support the draft resolution to

uphold the principles of the United Nations Charter and international law.

Mr. Rycroft (United Kingdom): Last September, Mr. President, you asked the United Kingdom and Mauritius to engage in bilateral talks about the Chagos archipelago, which the United Kingdom administers as the British Indian Ocean Territory. We have done that in good faith. Only this week, our new Minister of State for the Commonwealth and the United Nations, Lord Ahmad, flew to New York to continue the bilateral dialogue and to meet the Minister Mentor of Mauritius, whose eloquent speech we have just heard.

You were right, Mr President, to ask us to talk bilaterally. We should, as a rule, talk bilaterally to try to settle bilateral differences, and questions on the British Indian Ocean Territory have long been a bilateral matter between the United Kingdom and Mauritius. We firmly hold that these questions should remain a bilateral matter, so I regret that this issue has come to the General Assembly. It saddens us that a dispute between two United Nations Members and Commonwealth partners should have reached the Hall in this way. A more constructive path is still available, and I call for the withdrawal of draft resolution A/71/L.73 to keep that path open.

Despite the terms of the draft resolution, this is not a matter of decolonization. Mauritius became independent in 1968 through mutual agreement between the Council of Ministers of Mauritius and the United Kingdom Government. In separate talks with the Council of Ministers, Mauritius had earlier accepted the detachment of the Chagos archipelago — an agreement that Mauritius continued to respect until the 1980s. The General Assembly has not discussed this matter for decades. And yet, here we are today, returning to the issue. Just think, how many other bilateral disputes left over from history could be brought before the General Assembly in this way? The present draft resolution could set a precedent that many in this Hall could come to regret.

We do not doubt the right of the General Assembly to ask the International Court of Justice for an advisory opinion on any legal question, but the fact that the General Assembly has not concerned itself with this matter for decades shows that today's debate has been called for other reasons. Put simply, the request for an advisory opinion is an attempt by the Government of Mauritius to circumvent the vital principle that a State is not obliged to have its bilateral disputes submitted for judicial settlement without its consent. And let me be clear, we do not and we would not give that consent, because we are clear about what was agreed with Mauritius. If the draft resolution were adopted, the Court would of course have to decide whether it could properly respond to the request. Our view is that it could not do so, as it concerns a bilateral dispute between two Member States.

Many here today have told us privately that they too see this as bilateral business and have urged us to use bilateral means to resolve it. So in turn, let me urge all who have told us that — and others — to vote against the draft resolution today. In particular, I would ask any planning to abstain because this is a bilateral matter to please vote against it precisely for that reason.

We have made every constructive effort to engage and encourage the Government of Mauritius not to proceed with this plenary meeting today. Precisely because it is a bilateral matter, we entered into bilateral talks in good faith, determined to make them work. Since September, we have had three substantive rounds of talks, and as I said we held discussions with Mauritius at the Ministerial level here in New York this week. Despite every effort by the United Kingdom, we have not yet succeeded in bridging the differences between us. I regret that, but we remain committed to bilateral discussion.

The Assembly should also know that we have made significant offers to Mauritius. In 1965, we made a binding commitment to cede sovereignty of the Chagos archipelago to Mauritius when the archipelago is no longer needed for defence purposes. In the recent bilateral talks, our offers to Mauritius signalled very clearly that we acknowledge Mauritius's long-term interest in the archipelago. And we used the talks to try to increase mutual confidence between us, on those very matters that divide us.

So we offered, without prejudice to our sovereignty, a framework for the joint management, in environment and scientific study, of all the islands of the territory except for Diego Garcia. And we offered strategic and tactical forms of bilateral security cooperation. Those offers were relevant to the dispute and were seriously made. I regret that Mauritius did not engage with them, because they could have made a big difference to our mutual confidence and they would give Mauritius a

more tangible and direct stake in the archipelago than it has ever had.

It was a surprise to us to see that the draft resolution links the former inhabitants of the Chagos archipelago, the Chagossians, with our sovereignty. It is a surprise, because Mauritius has not made more than a passing reference to the cause of the Chagossians during all our bilateral talks. The Mauritian focus throughout the talks was its demand for a transfer of sovereignty. Nevertheless, the welfare of the Chagossians is an extremely important matter and a real concern to us, and I want to be clear about my Government's position.

Like successive Governments before it, the present United Kingdom Government has expressed sincere regret about the manner in which Chagossians were removed from the British Indian Ocean Territory in the late 1960s and early 1970s. And we have shown that regret through practical action and support for the Chagossians ever since. In 1973, the then British Government gave funds directly to the Government of Mauritius to assist with their resettlement. In 1982, a further payment was made through a trust fund.

More recently, we have considered very closely the matter of resettlement. We commissioned an independent feasibility study and undertook a public consultation. Those found that there is an aspiration among some Chagossian communities for resettlement, but demand appears to fall substantially when those consulted understand more about the likely conditions of civilian life on what are very remote and low-lying islands.

The Government has considered all the available information and has decided against resettlement on the grounds of feasibility, cost and defence and security interests. While we have ruled out resettlement, we are determined to address the Chagossians' desire for better lives and their desire for connections with the territory, so we are implementing a $50-million support package that is being designed to improve Chagossian livelihoods in the communities where they now live — in Mauritius, the Seychelles and the United Kingdom. We have already consulted Chagossian groups in all three countries and will continue to do so.

As I say, the Mauritian focus throughout the talks has not been the Chagossians, but Mauritius's claim of sovereignty over the Chagos archipelago. The Government of Mauritius has repeatedly pressed us to specify a date for the transfer of sovereignty. We have explained to them why we cannot do that. We made an agreement in 1965 and the United Kingdom is standing by that agreement.

We created the British Indian Ocean Territory for defence purposes, and in 1966 concluded an agreement with the United States of America for joint defence use of the territory. The extensive facilities that have since been established are primarily used as a forward operating location for aircraft and ships, and they make an essential contribution to regional and global security and stability. Moreover, they contribute to guaranteeing the security of the Indian Ocean itself, from which all neighbouring States benefit, including Mauritius. The facilities play a critical role in combating some of the most difficult and urgent problems of the twenty-first century, such as terrorism, international criminality, piracy and instability in its many forms.

Our current agreement with the United States lasts until 2036. We cannot, 19 years away, predict exactly what our defence purposes will require beyond that date. We should not and will not make arbitrary, ill-informed or premature decisions. We cannot gamble with the future of regional and global security. Mauritius's attempted assurances on the base's future lack credibility. In contrast, the United Kingdom stands by its commitment. When we no longer need the territory for defence purposes, sovereignty will pass. That, by the way, is exactly what we did in relation to the very similar agreement reached with Seychelles in 1965. We ceded sovereignty of islands to Seychelles when we no longer needed them for defence purposes.

In our dealings with Mauritius, we have tried to set out bilateral relations on a positive future path rather than focus on the past. But we should be clear about the past. The simple fact is that we negotiated the detachment of the Chagos archipelago with the elected representatives of Mauritius — the same people with whom we were separately negotiating the independence of Mauritius. The representatives of the Mauritian people had authority to negotiate with us in both negotiations, and in both cases they reached agreements with us. On the detachment of the Chagos archipelago, they negotiated, first, compensation, which we paid; secondly, various rights for Mauritius; and, thirdly, the long-term commitment to cede the islands to Mauritius when they were no longer needed for our defence purposes.

Our promise to cede sovereignty of the islands to Mauritius when they are no longer needed for defence purposes is not a sign that we lack confidence in our sovereignty. On the contrary, we were and remain confident about our sovereignty. In its recent arbitral award, the tribunal constituted under the United Nations Convention on the Law of the Sea found that it had no jurisdiction to rule on the Mauritius sovereignty claim, contrary to what Mauritius has sought to imply in its notes to members of the General Assembly.

In 1965, we undertook to cede the territory in due course because we were setting it up for a specific purpose but could envisage a future situation in which the territory might no longer make a useful contribution to defence purposes. That moment has not yet come. The base is playing a vital role. Until that moment does come, and subsequently, we want to enjoy positive, friendly and constructive relations with the people and the Government of Mauritius. We have much in common and many reasons to work together. For our part, we are always willing to sit down and talk to our partners about contentious bilateral matters that divide us. Although our efforts so far have not been successful, I repeat that offer now to the Government of Mauritius. This is a bilateral matter for bilateral talks. It is not a matter for an advisory opinion to be given to the General Assembly.

The United Kingdom has always been and continues to be a strong upholder of international law. We are not opposing this draft resolution because we have changed our principles or because we believe the rule of law does not apply in this case. Rather, we oppose the draft resolution because referring a bilateral dispute to the International Court of Justice is not the appropriate course of action.

In conclusion, for all of these reasons, we strongly oppose the draft resolution. A request for an advisory opinion would be a distraction and, I fear, an obstacle to the path of bilateral talks, which is our preferred course of action. And it would set a terrible precedent, both for the General Assembly and for the Court. If Mauritius will not withdraw it, I urge Members to vote against the draft resolution.

Ms. Sison (United States of America): The draft resolution before us today (A/71/L.73) seeks to place before the International Court of Justice a bilateral territorial dispute concerning sovereignty over the Chagos archipelago, which the United Kingdom administers as the British Indian Ocean Territory. By pursuing the draft resolution, Mauritius seeks to invoke the Court's advisory opinion jurisdiction not for its intended purpose but rather to circumvent the Court's lack of contentious jurisdiction over this purely bilateral matter.

The United States has consistently recognized United Kingdom sovereignty over the Chagos archipelago, which has been under continuous British sovereignty since 1814. For nearly four decades, the United States and the United Kingdom have operated a military base on Diego Garcia in the Chagos archipelago, which contributes considerably to regional and international security.

The General Assembly's power to request advisory opinions is an important one. It allows the General Assembly to seek assistance from the International Court of Justice in carrying out its functions under the Charter of the United Nations. However, we must be cautious not to allow this important power to be misused for the political gain of individual States. While Mauritius is attempting to frame this as an issue of decolonization relevant to the international community, at its heart it is a bilateral territorial dispute, and the United Kingdom has not consented to the jurisdiction of the International Court of Justice.

Were Mauritius's request to proceed, it would undermine the Court's advisory function and circumvent the right of States to determine for themselves the means by which to peacefully settle their disputes. Any State currently engaged in efforts to resolve a bilateral dispute should vote against the draft resolution in recognition of the risk that supporting it suggests that any such dispute could be referred to the Court in this manner, without a State's consent, when the other party does not like how talks are proceeding. Establishing such a precedent is dangerous for all States Members of the United Nations. It could lead to the normalization of litigating bilateral disputes through General Assembly advisory opinion requests, even when a State directly involved has not consented to the jurisdiction of the International Court of Justice.

If, despite these serious concerns, the draft resolution were adopted, the International Court of Justice would need to consider whether it would be appropriate for it to respond to this request. In our view, it would not. The advisory function of the International Court of Justice was not intended to settle disputes between States. A

decision to refer this dispute to the International Court of Justice would also interfere with ongoing efforts to achieve a solution through bilateral channels.

As our colleague from the United Kingdom has discussed, the United Kingdom has engaged in extensive and ongoing dialogue with Mauritius in an effort to address Mauritius's stated reasons for pursuing sovereignty and has made reasonable offers to Mauritius. We regret that Mauritius has chosen to circumvent these bilateral talks and we continue to believe that this issue can be addressed only through efforts from both sides to negotiate a solution in good faith.

For the foregoing reasons, the United States will vote against this draft resolution and encourages all Member States to do the same.

Mr. Akbaruddin (India): When the United Nations was established in 1945, more than seven decades ago, almost a third of the world's population lived in territories that were non-self-governing and dependent on colonial Powers. As a country that has gone through the throes of decolonization, India, since its own independence in 1947, has always been in the forefront of the struggle against colonialism and apartheid.

India was a sponsor of the landmark 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly, 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 Decolonization Committee, also known as the Committee of 24, which was established to monitor implementation of the 1960 Declaration and to make recommendations on its application. We continue to be an active member of that Committee today. Our ceaseless efforts to put an end to colonialism are therefore now a matter of record.

As a result of the sustained collective efforts of the United Nations membership, today fewer than 2 million people live in non-self-governing territories, according to United Nations documentation. Since the creation of the United Nations, more than 80 former colonies have gained their independence and taken their rightful place in the General Assembly. However, the process of decolonization that began with our own independence is still unfinished, seven decades later. In fact, in 2011 the Assembly proclaimed the decade 2011-2020 to be the third International Decade for the Eradication of Colonialism. We would like to see that long-drawn-out process concluded.

That said, India shares the international community's concerns about security in the Indian Ocean. We are conscious of our collective commitment to ensuring the security and prosperity of our oceanic space. On balance, however, it is a matter of principle for India to uphold the process of decolonization and respect for the sovereignty of nations. As part of our long-standing support to all peoples striving for decolonization, we have also consistently supported Mauritius, a fellow developing country in Africa with whom we have age-old people-to-people bonds, in that country's quest for the restoration of its sovereignty over the Chagos archipelago.

Continuing our consistent approach to this important issue of decolonization, India supports draft resolution A/71/L.73, proposed by Mauritius and co-sponsored on behalf of the members of the Group of African States, and will vote in favour of it.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): My delegation will cast its vote on draft resolution A/71/L.73 today based on the following reasons.

First, we are committed to the common African position on the issue, as reflected in the relevant resolution adopted by the African Union in January at its twenty-eighth Summit. Secondly, the Movement of Non-Aligned Countries (NAM) is committed to the issue, as reflected in NAM's final declaration at its Summit held on Margarita Island, Venezuela, in September 2016. Thirdly, this is one of the pending issues that are preventing us from putting an end to colonization, and we therefore hope that we can find an appropriate solution to it that accords with the Charter of the United Nations and the principles of international law.

Mr. Kamau (Kenya): Kenya aligns itself with the statements delivered earlier by the representatives of the Republic of the Congo, on behalf of the Group of African States, and Venezuela, on behalf of the Movement of Non-Aligned Countries.

Today we shall join all 54 States members of the African Union in voting in favour of draft resolution A/71/L.73, on the separation of the Chagos archipelago from Mauritius. For Kenya, this vote is a historical imperative in our solidarity with a sister African nation, born of the suffering and the blood that was shed in the

struggle for our own country's independence, and of the need to uphold freedom, liberty and human rights in Africa and the rest of the world. The solidarity of the African Union on the issue signifies and exemplifies the depth of our eagerness to ensure the swift, permanent and peaceful resolution of the matter of the Chagos archipelago, and to see the restoration of Mauritius's national sovereignty over its rightful historical territory.

The historical injustice and deep scars of the human rights abuses that have accompanied the occupation and exploitation of the archipelago demand that all nations that believe in the principles of the Charter of the United Nations should stand up to be counted in support of today's draft resolution. After all, all that is being asked for here is an advisory opinion from the International Court of Justice — a mere advisory opinion of an international court that we all respect. What could possibly be so unpalatable about that? There can be no difference, indeed no moral or ethical space, between a commitment to human rights today and the correction of grave historical injustices perpetrated in the past, no matter how embarrassing or how high the cost. We believe that our civilization and our membership in the United Nations demand this of us.

Mr. Mero (United Republic of Tanzania): My delegation appreciates your leadership in convening today's meeting, Mr. President. This is the right time to consider this issue in the wake of the consultations and discussions held by the contending parties.

We are convening today to consider the issue of the Chagos islands as raised by the African Union. My delegation aligns itself with the statements delivered earlier by the representatives of Venezuela, on behalf of the Movement of Non-Aligned Countries, the Republic of the Congo, on behalf of the Group of African States, and Angola, on behalf of the Southern African Development Community.

In principle, we believe that the process of decolonization is essential and that consultations are a recipe for arriving at a solution wherever there is disagreement among the parties. The arguments on both sides show that consultations have taken place and that bilateral arrangements to resolve the issue have been discussed. In the wake of today's meeting and the statement made by the representative of the United Kingdom, my delegation feels that the time has come for the two countries to convene and address the process of decolonizing the Chagos islands.

In conclusion, we wish to encourage the parties to consent to reach a final resolution of the issue of the Chagos islands. Tanzania joins the other countries of Africa in supporting Mauritius.

The President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/71/L.73.

I now give the floor to the representative of the Secretariat.

Ms. De Miranda (Department for General Assembly and Conference Management): This statement is made in accordance with rule 153 of the rules of procedure of the General Assembly and has also been made available on the PaperSmart portal.

The implementation of the mandates contained in draft resolution A/71/L.73, 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", would give rise to additional resource requirements under the regular budget. However, the work associated with rendering the requested advisory opinion would require further assessment and consultations with stakeholders in order to determine the detailed related costs. Accordingly, it is not possible for the Secretariat to determine at this stage the full extent of the programme budget implications arising from the draft resolution.

However, based on precedents set by recent advisory opinions delivered by the International Court of Justice, it is estimated that the cost of an advisory opinion concerning the Chagos archipelago could range from approximately $450,000 to $600,000. Should the General Assembly adopt the draft resolution, the Secretary-General would submit a detailed revised estimates report for the proposed programme budget for the biennium 2018-2019 to the General Assembly for its consideration at the seventy-second session of the General Assembly.

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

Mr. Rycroft (United Kingdom): The Assembly will understand that, for the reasons given in my statement

earlier, the United Kingdom strongly opposes draft resolution A/71/L.73. I will not repeat all those reasons now.

However, I must underline again that this is a bilateral dispute between two States, the United Kingdom and Mauritius. Both the United Kingdom and Mauritius have excluded disputes with other Commonwealth States from their acceptance of the compulsory jurisdiction of the International Court of Justice. The draft resolution is therefore a back-door route to the Court. The General Assembly is being used to cut across the principle that States are not obliged to have their bilateral disputes submitted for judicial settlement without their consent. Doing so would set a dangerous precedent, and it would be an obstacle to bilateral discussions, which are the right way to resolve this dispute. We therefore call on all members of the Assembly to join us in voting against the draft resolution.

Ms. Sison (United States of America): As we stated in our earlier remarks, the United States continues to view this as a purely bilateral matter that would have more appropriately been resolved through continued diplomatic engagement. Voting in favour of draft resolution A/71/L.73 would set a dangerous precedent, suggesting that the General Assembly could refer a bilateral dispute for an advisory opinion anytime one party chooses that path over engaging in good-faith negotiations. We urge all Member States to carefully consider the consequences of such a decision and to vote against this draft resolution.

Mr. Barros Melet (Chile) (*spoke in Spanish*): With respect to agenda item 87 on the Republic of Mauritius's request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos archipelago from that country in 1965, Chile would like to inform the Assembly that it does not associate itself with the statement delivered by the representative of the Bolivarian Republic of Venezuela, who spoke in his capacity as the Chairman of the Coordinating Bureau of the Non-Aligned Movement (NAM). Our position is in accordance with the reservation expressed by our country under chapter II of the final document of the seventeenth summit of the Heads of State and Government of the NAM, which took place at Margarita Island, Venezuela, in September 2016.

Chile bases its national position on international law, whose values and purposes serve as a guarantee for the sovereign equality of States, as well as their integrity and the peaceful settlement of disputes. Similarly, Chile has promoted and continues to promote the rule of law as a pillar of international relations. Today, pursuant to that principle, Chile takes note of the 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, which includes matters that may be dealt with bilaterally in compliance with the rules of international law.

Chile also wishes to observe that the question posed by Mauritius points to a solution that is defined within the decolonization process, regarding which the international community has an interest that it be interpreted within the terms and principles set forth in resolution 1514 (XV). For those reasons, Chile will abstain in the voting on draft resolution A/71/L.73.

Mr. Drobnjak (Croatia): Croatia remains a strong and unequivocal advocate of decolonization and firmly supports respect for the resolutions to that effect adopted by the General Assembly, including the pivotal resolution on the granting of independence to colonial countries and peoples, namely, resolution 1514 (XV).

At the same time, with regard to bilateral disputes between States, we believe in the proper application of international law and the use of appropriate avenues for addressing such disputes. In that connection, as the jurisprudence within the architecture of applicable international law must be stable and predictable, so must also be the ways of reaching such international recources. It is for that reason that we shall vote against the draft resolution before us (A/71/L.73) and continue to support the pursuit of direct talks in good faith between Mauritius and the United Kingdom on all outstanding issues.

Mr. Delattre (France) (*spoke in French*): The situation at the heart of draft resolution A/71/L.73, submitted by the Group of African States, is a bilateral dispute, for which we can only hope for a solution. For some months now we have called on our Mauritian and British friends to reach such a solution through negotiation. We regret that they have not yet reached a settlement, but we believe that the possibilities offered by negotiation have certainly not been completely exhausted.

In that context, we are not convinced that the adoption of a request for an advisory opinion of the International Court of Justice would facilitate such a settlement. A sovereignty dispute between States, which is the case here, should be resolved in accordance with the principle of the concerned States' consent to court adjudication. We must all be attentive to respecting a principle that the International Court of Justice has considered to be fundamental.

That is why the French delegation is unable to vote in favour of the draft resolution before us. However, we wish to express our hope that the parties to the dispute will continue to make efforts to reach a negotiated solution. We therefore hope that in the near future the parties will be able to reach a agreed solution that is in their interests and in the interests of their partners and friends, of which France is one.

Ms. Beckles (Trinidad and Tobago): Trinidad and Tobago wishes to give the following explanation of vote prior to the voting on draft resolution A/71/L.73, submitted under agenda item 87, "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".

At the outset, Trinidad and Tobago wishes to reiterate its commitment to the Non-Aligned Movement and to the peaceful settlement of disputes. At the same time, we also recognize that the opinion of the Court is not binding and serves to further advance international law and bring about an independent solution to the issue at hand. For those reasons, Trinidad and Tobago will vote in favour of draft resolution A/71/L.73.

The President: We have heard the last speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolution A/71/L.73, 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".

For members' information, the draft resolution has closed for e-sponsorship.

I give the floor to the representative of the Secretariat.

Ms. De Miranda (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 A/71/L.73: Argentina, Bolivia, Cuba, Ecuador, Nicaragua and Venezuela.

The President: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Angola, Argentina, Azerbaijan, Bahamas, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, 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, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Jordan, Kenya, Kiribati, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Marshall Islands, Mauritania, Mauritius, Mozambique, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Papua New Guinea, Peru, Philippines, Republic of Moldova, Rwanda, Sao Tome and Principe, Saudi Arabia, Serbia, Seychelles, Sierra Leone, South Africa, South Sudan, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Afghanistan, Albania, Australia, Bulgaria, Croatia, Hungary, Israel, Japan, Lithuania, Maldives, Montenegro, New Zealand, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Andorra, Armenia, Austria, Bahrain, Barbados, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Canada, Chile, China, Colombia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Grenada, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Luxembourg, Malta, Mexico, Micronesia (Federated States

of), Mongolia, Myanmar, Netherlands, Norway, Oman, Palau, Panama, Paraguay, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu

Draft resolution A/71/L.73 was adopted by 94 votes to 15, with 65 abstentions (resolution 71/292).

The President: Before giving the floor for explanations of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Bird (Australia): Australia acknowledges the range of carefully considered positions on the matter before us and wishes to take this opportunity to explain its vote.

We respect the decision of the Government of Mauritius to bring forward resolution 71/292, which we appreciate was sponsored by all members of the Group of African States.

Australia has been a strong supporter of the United Nations decolonization agenda over many decades. We are deeply conscious that the decolonization process around the globe is not complete, and we have sympathy for the desire of Mauritius to resolve outstanding issues in relation to the Chagos archipelago, consistent with the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.

In Australia's view, however, the vote raised a more specific question, namely, whether it is appropriate to request the International Court of Justice to render an advisory opinion on very specific issues that directly concern the rights and interests of two nations, Mauritius and the United Kingdom. On that question, Australia's long-standing position is that it is not appropriate for the advisory opinion jurisdiction of the Court to be used to determine the rights and interests of States arising in a specific context.

We also note that the Diego Garcia military base plays a pivotal role in the global fight against terrorism. We consider that it is in the interest of all members of the General Assembly to ensure that there is no uncertainty about the status of that base that could jeopardize its contribution to international peace and security.

For those specific reasons, Australia voted against today's resolution. We nevertheless encourage both Mauritius and the United Kingdom to intensify their dialogue, with a view to achieving a durable solution consistent with both countries' commitment to the international rules-based order.

Mrs. Carrión (Uruguay) (*spoke in Spanish*): Uruguay, in line with its tradition of respect for international law and its support for the request for the advisory opinion of the International Court of Justice, as well as its support for the decolonization processes and the sovereignty and territorial integrity claims of peoples, voted in favour of resolution 71/292 submitted for the consideration of the Assembly.

Uruguay values the initiative of the Republic of Mauritius in requesting an advisory opinion of the International Court of Justice. Similarly, Uruguay continues to encourage dialogue in the search for just and lasting settlements to disputes.

Mrs. Puerschel (Germany): Germany's abstention in the voting on resolution 71/292 is not to be understood as expressing any view whatsoever on the legal consequences of the matters in question. In our view, the dispute between Mauritius and the United Kingdom is bilateral in character.

We welcome the fact that both parties are willing to settle the issue peacefully, as provided for in the Charter of the United Nations. We note, however, that one party to the dispute has expressly not agreed to involve the International Court of Justice in this matter, which is in conformity with the Court's Statute.

Mr. Li Yongsheng (China) (*spoke in Chinese*): China abstained in the voting on resolution 71/292, which was just adopted.

I wish to reiterate China's firm support for the decolonization process and its understanding of the position of Mauritius on the question of decolonization.

Recently, the countries concerned made efforts, through consultation and negotiation, to seek solutions to the question concerning the Chagos archipelago. China notes that the aforementioned negotiation has not yielded progress. China calls upon the countries concerned to continue to make efforts in good faith and to continue to carry out bilateral negotiations and

consultations, so as to seek an appropriate solution to the question of Chagos archipelago as soon as possible.

Mr. Gómez Camacho (Mexico) (*spoke in Spanish*): Mexico recognizes the International Court of Justice as the supreme jurisdictional body in charge of peacefully resolving disputes through the application of international law. My country has accepted the jurisdiction of the Court and acknowledges its contribution to the strengthening of the rule of law through the issuance of advisory opinions.

Mexico has turned to and supported the use of the Court for the issuance of advisory opinions in significant cases of international law. The advisory opinion requested by Mauritius complies with the requirements established by the Charter of the United Nations and by the Statute of the Court, and implies the establishment of dialogue, as well as the search for a negotiated bilateral solution beyond the opinion that the Court could offer.

My delegation abstained in the voting on resolution 71/292, because we consider that, regardless of the opinion that could be issued by the Court, the solution to this case must, in fact, be found at the bilateral level. Mexico calls on the United Kingdom and the Government of Mauritius to seek, with political determination, a swift solution to this case, which is important since both are member States of the Commonwealth of Nations.

Mr. Van Bohemen (New Zealand): New Zealand is a strong supporter of the international rule of law and the peaceful settlement of international disputes through recourse to international courts and judicial mechanisms. However, we do not believe that the advisory jurisdiction of the International Court of Justice offers a useful method for clarifying the issues in this case. While advisory opinions can provide valuable guidance to the United Nations organ requesting the opinion, we do not see the jurisdiction as appropriate in this dispute.

Mr. Lundkvist (Sweden): Sweden firmly supports the International Court of Justice and its role in settling disputes submitted to the Court in accordance with article 36 of its Statute. Sweden also supports and encourages the use of advisory opinions in accordance with article 65 of the Statute. In our view, the competence of the Court in disputes referred to it by States and the mandate of the Court to give an advisory opinion are two different functions under the Statute of the Court and should be kept apart.

While issues of decolonization and the right to self-determination are of concern to the international community, bilateral disputes over sovereignty should be dealt with in accordance with article 36 of the Statute. For those reasons Sweden abstained in the voting on resolution 71/292 just adopted.

Mr. Zamora Rivas (El Salvador) (*spoke in Spanish*): The topic under discussion today is undoubtedly one that involves bilateral relations. The problem is that the discussion has not gone deep enough; the actual root of the problem — namely, why is there a relationship between Mauritius and the United Kingdom at the bilateral level— has not been addressed? This issue is not the same as cases when our countries have bilateral discussions on territorial or border issues. The International Court of Justice exists to resolve those types of problems.

But what is before us is something else altogether, as it deals with sovereignty. As almost everyone here has acknowledged, the problem is not the borders between one country and another, in this case counties that are thousands of kilometres away from each other. They have no common borders at all. Rather, it is a problem of decolonization. It is a problem of the sovereignty of one country that had part of its territory removed before independence was granted. That is an issue for the United Nations. Therefore, we do have jurisdiction. If we deny that, then we have to deny the Special Committee of 24 and the Fourth Committee, as if they had nothing to do with such matters. The issue before us involves bilateral relations between a colonizing Power and a colonized country.

In that respect, we would like to thank both the United Kingdom and the United States for their visits. The United Kingdom visited us personally in our Mission to present their position. We would also like to thank the Government of Mauritius, which did the same. With one side asking us to vote in favour, while the other said we should vote against, we examined the proposal and decided to vote in favour of the proposal for an advisory opinion, because we believe that this case is a problem between a colonial Power that appropriated the right to cut off a part of the territory of a former British colony before accepting the independence of Mauritius. This problem is of a political nature. It has to do with decolonization. However, it is also of a legal nature. As

a result, just like with any legal problem, the General Assembly has the right under the Charter, as we have seen this morning, to request an advisory opinion.

We are not requesting the submission of the problem of Mauritius with the United Kingdom to the International Court of Justice. We are asking for an advisory opinion from the Court. That is a right that we all enjoy, and it is a right that needs to be exercised. It is also a right that has already been exercised by the Assembly. In June of 1971, the International Court of Justice, at the request of the General Assembly and the Security Council, issued an advisory opinion on the case of Namibia, stating that the interference of a neighbouring country in a territory that was going to be declared independent was against international law, by a vote of 13 in favour and two against, the Court took a decision that was in favour of what the Security Council had requested, namely, an advisory opinion by the Court.

We also had the case in 1975 on the matter of a territory that was colonized by Spain, Western Sahara. That issue was the subject of consultations, and the International Court of Justice accepted the case and provided a legal response. That is all we are asking the Court to do now. The Court is not going to resolve the matter, because such issues are not resolved in the Court. However, the Court, as the supreme jurisdictional body of the United Nations, can be requested by the General Assembly and therefore has the obligation to provide a legal response on the issue, which is all that Mauritius is asking for right now.

As a result, the request is legitimate. The resolution is a legally sustainable request supported by our legislation. In that respect, and expressing our gratitude once again for the opinions of both sides, El Salvador voted in favour of the request of Mauritius, because we believe that it is the only alternative that is in accordance with international law.

Allow me to say that as a small country, we are protected by international law. We do not have nuclear weapons; we do not have big armies to defend our sovereignty. It is international law that defends us, and as a result we have the obligation to support everything that is being done to enhance international law. Resolution 71/292, just adopted this morning, is a resolution that enhances the role of international law in the resolution of disputes.

We must stress that discussions should continue between the United Kingdom and Mauritius; however, those discussions must include the question of sovereignty. The representative of the United Kingdom here in New York explained very clearly to me that they are ready to negotiate and talk about cooperation. He said that they are offering assistance to Mauritius. He said that they were willing to offer security guarantees to Mauritius, and they have ask Mauritius to participate in the marine reserve that the British unilaterally set up and which, according to certain judges, violated international law. But he told me that he categorically refused to discuss sovereignty. Unfortunately, that is the current problem. That is why we believe that it is necessary to seek the advisory opinion of the International Court of Justice.

Mr. Blanchard (Canada): Canada abstained today because it does not take sides in foreign territorial disputes. However, as friends to both Mauritius and the United Kingdom, Canada encourages those two States to resolve or manage their dispute peacefully and amicably. I would like, however, to add a few points that I think are important in this instance.

Canada supports the International Court of Justice and the important role it can play in the peaceful settlement of disputes. But it is a fundamental principle and key to the effectiveness of the Court's work that the settlement of contentious cases between States through the International Court of Justice requires the consent of both parties. Seeking the referral of a contentious case between States through the General Assembly's power to request an advisory opinion circumvents that fundamental principle, in our view.

Mrs. Pucarinho (Portugal): Portugal abstained in the voting on resolution 71/292, adopted today. Portugal supports the goal of non-self-governing territories to exercise 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 resolution 1514 (XV) and adopted on 14 December 1960.

Portugal is also a firm believer in the principle of the peaceful settlement of disputes and, in particular, in the role played, in that regard, by the International Court of Justice. Portugal expresses its hope that the parties will continue pursuing all means aimed at reaching a

peaceful settlement of the dispute so as to resolve that matter in accordance with international law.

Mr. Heumann (Israel): Without addressing the substantive issues raised in resolution 71/292, Israel is of the view that the resolution seeks to refer a bilateral dispute to the International Court of Justice. In our view, it is inappropriate to have recourse to the advisory opinion mechanism in order to involve the International Court of Justice in a territorial dispute that is essentially bilateral in nature. The underlying approach reflected in the resolution represents, in our view, a misuse of the advisory opinion provision under Article 96 of the Charter of the United Nations and undermines the principal distinction between the jurisdiction of the Court in contentious cases and its advisory jurisdiction — a distinction that should be maintained for the sake of the United Nations and the International Court of Justice itself. It is for that reason that Israel voted against the resolution.

Mr. Vieira (Brazil): Brazil voted in favour of resolution 71/292. We continue to encourage all of the parties involved to remain genuinely engaged in dialogue and committed to the peaceful settlement of this issue.

Decolonization constitutes one of the unfinished tasks of the United Nations and is therefore an issue of interest to the international community as a whole. The General Assembly has a crucial role to play in advancing the process of decolonization. One of the tools at its disposal, as set out in the Charter of the United Nations, is to request that the International Court of Justice provide clarification on legal issues through its advisory jurisdiction.

A vote in favour of this resolution does not mean a commitment to any particular interpretation of the underlying issue. It means a request for the principal legal body of the United Nations to provide, through a non-binding opinion, legal elements that may guide all parties to definitively settle this question.

Mr. Suan (Myanmar): Myanmar has always been a steadfast advocate of decolonization. We stand by, in good faith, the 1960 United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples. However, we believe that the ongoing bilateral negotiations represent the best way to avoid confrontation and to bring a mutually accepted solution to Mauritius and the United Kingdom. Myanmar therefore abstained in the voting on resolution 71/292.

Mr. Habib (Indonesia): Indonesia is among the countries that went through a long and difficult process of decolonization. For that reason, we understand fully what it means for the people of a nation to obtain their rightful independence and sovereignty from their former colonial Power.

Such was the mandate of our Constitution, which underlined that it is the inalienable right of all nations to achieve their independence. Furthermore, we are of the strong view that the principle of territorial integrity is a fundamental right of any sovereign State, as stipulated in the Charter of the United Nations.

The sovereignty of Mauritius over the Chagos archipelago is well recognized, and every effort should be undertaken to realize the fulfilment of the legitimate rights of Mauritius. In that regard, we appeal to all concerned parties to explore all diplomatic negotiation tools based on the principles of reconciliation and the peaceful settlement of disputes, with the aim of fulfilling the mandates of the relevant General Assembly resolutions, including resolution 1514 (XV) of 14 December 1960, and resolution 2066 (XX) of 16 December 1965.

Furthermore, it is necessary to establish a clear time frame for the return of the territory under discussion. In that regard, a long-lasting solution that is mutually agreed by all concerned parties must be fully upheld as the noble goal of that negotiation. The parties involved in this matter need to show their genuine intention and strong commitment to bringing an acceptable win-win solution to the table.

Based on those considerations, as a friend to all concerned States and in order to ensure that the outcome of this matter can be obtained through peaceful negotiations and after carefully examining the proposal and its implications, my delegation abstained in the voting on resolution 71/292.

The President: We have heard the last speaker in explanation of vote. May I take it that the General Assembly wishes to conclude its consideration of agenda item 87?

It was so decided.

The meeting rose at 1 p.m.