



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2017/32

24 July 2017

Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965

(Request for Advisory Opinion)

The Court makes an Order organizing the proceedings; it fixes the time-limits for the presentation of the written statements and written comments on those statements

THE HAGUE, 24 July 2017. Following the request by the General Assembly of the United Nations for the International Court of Justice to render an advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (see Press Release 2017/27 of 29 June 2017), the International Court of Justice made an Order organizing the proceedings.

In its Order dated 14 July 2017, the Court decided that “the United Nations and its Member States [were] likely to be able to furnish information on the question submitted to the Court for an advisory opinion”. Pursuant to Article 66, paragraph 2, of its Statute, it has fixed 30 January 2018 as the time-limit within which statements on the question may be presented to the Court, and 16 April 2018 as the time-limit within which States and organizations having presented written statements may submit written comments on the other statements, in accordance with Article 66, paragraph 4, of the Statute.

The subsequent procedure was reserved for further decision.

History of the proceedings

On 22 June 2017, the United Nations General Assembly adopted resolution 71/292 in which, referring to Article 65 of the Statute of the Court, it requested the Court to render an advisory opinion on the following questions:

- (a) “Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV)

of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?”;

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

Certified true copies of the English and French texts of that resolution were transmitted to the Court under cover of a letter from the Secretary-General of the United Nations dated 23 June 2017 and received on 28 June 2017. The Secretary-General indicated in his letter that, pursuant to Article 65, paragraph 2, of the Statute, all documents likely to throw light upon the question would be transmitted to the Court as soon as possible.

By letters dated 28 June 2017, the Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to Article 66, paragraph 1, of the Statute.

The full text of the Order will shortly be available on the Court’s website (www.icj-cij.org).

Written statements and written comments on those statements are confidential at this stage in the proceedings.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an *ad hoc* court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality,

established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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