

**LEGAL CONSEQUENCES OF THE SEPARATION OF THE CHAGOS  
ARCHIPELAGO FROM MAURITIUS IN 1965  
(REQUEST FOR ADVISORY OPINIONS)**

**JOINT RESPONSE OF THE REPUBLIC OF BOTSWANA  
AND THE REPUBLIC OF VANUATU  
ON FRIDAY 7 SEPTEMBER 2019**

**Question (Judge Antônio Augusto Cançado Trindade, CR 2018/25, p. 58):**

*As recalled in paragraph (a) of the UN General Assembly's Request for an advisory opinion of the International Court of Justice, General Assembly resolution 71/292 of 22 June 2017, the General Assembly refers to obligations enshrined into successive pertinent resolutions of its own, as from 1960, namely: 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.*

*In the course of the present oral advisory proceedings, references were often made to such resolutions by several delegations of Participants.*

*In your understanding, what are the legal consequences ensuing from the formation of customary international law with the significant presence of opinio juris communis for ensuring compliance with the obligations stated in those General Assembly resolutions?*

**Joint Response:**

1. The General Assembly resolutions mentioned in Judge Cançado Trindade's question show that the peoples' right to self-determination, as well as the corresponding obligation to respect the peoples' right to self-determination, were already in existence under customary international law during the period of their adoption, i.e., 1960-1967.

2. In order to ensure the compliance with the obligation to respect the peoples' right to self-determination as reflected in the abovementioned General Assembly resolutions:

- **The administering Power** is under an obligation:

- to immediately take steps to transfer all powers to the peoples of the territories which have not yet attained independence, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom; and
- to take no action which would dismember the administered territory and violate its territorial integrity.

- **All States** are under an obligation:

- not to recognize the illegal situation resulting from a violation of the right to self-determination;
- not to render aid or assistance in maintaining the situation created by such a violation; and
- to see to it that any impediment, resulting from the violation, to the exercise by the people of its right to self-determination is brought to an end.

- **the United Nations, especially the General Assembly**, is under an obligation to consider what further action is required to bring to and end the illegal situation resulting from the violation of the right to self-determination.



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