

Speech: “Questions on the British Indian Ocean Territory have long been a bilateral matter between the UK and Mauritius. “

Thank you Mr President.

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 for 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 UK and Mauritius. And 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 UN members, two Commonwealth partners, should have reached this Chamber in this way. A more constructive path is still available and I call for the withdrawal of this draft resolution to keep that path open.

Despite the terms of the draft resolution, this is not a matter of decolonisation. Mauritius became independent in 1968, through mutual agreement between the Council of Ministers of Mauritius and the UK 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 this 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 of you in this hall could come to regret.

We do not doubt the right of the General Assembly to ask the ICJ 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, Mr President, the request for an advisory opinion is an attempt by the Government of Mauritius to circumvent a vital principle: the 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 passed, 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 of you here today have told us privately that you too see this as bilateral business and have urged us to use bilateral means to resolve it. So in turn, let me urge all of you who have told us this – and not only you – to vote against the draft resolution today. In particular, any of you planning to abstain because this is bilateral, please vote no precisely because this is bilateral.

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 Ministerial level here in New York this week. Despite every effort by the UK, we have not yet succeeded in bridging the differences between us. I regret this, but we remain committed to bilateral discussion.

This 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 co-operation. These offers were relevant to the dispute and were seriously made. I regret that Mauritius did not engage on 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, Mr President, to see that the draft Resolution links the former inhabitants of the Chagos Archipelago, the Chagossians, with our sovereignty. It's a surprise, because Mauritius has not made more than a passing reference to the cause of Chagossians during all our bilateral talks. The Mauritian focus throughout the talks was its demand for a transfer of sovereignty.

Nevertheless, the welfare of 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 UK 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. These 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; their desire for connections with the territory. So, we are implementing a 50 million US dollar support package, which is being designed to improve Chagossian livelihoods in the communities where they now live: in Mauritius, the Seychelles and the UK.

We have already consulted Chagossian groups in all three countries and will continue to do so.

As I say, Mr President, the Mauritian focus throughout the talks has not been the Chagossians, but Mauritius's claim for 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 this. We made an agreement in 1965 and the UK 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 21st 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, or 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 UK 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 the Seychelles in 1965. We ceded sovereignty of islands to the 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; second, various rights for Mauritius; and third, this long-term commitment to cede the islands to Mauritius, when 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 we remain confident about our sovereignty. In its recent Arbitral Award, the UNCLOS Tribunal found that it had no jurisdiction to rule on Mauritius's sovereignty claim – contrary to what Mauritius has sought to imply in its notes to members of this 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 the moment does come and subsequently, we want to enjoy positive, and friendly, and constructive relations with the people and with 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 Resolution because we have changed our principles, nor because we believe the rule of law does not apply in this case, rather we oppose this Resolution because referring a bilateral dispute to the ICJ is not the appropriate course of action.

So in conclusion, Mr President, 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 this Assembly and for the Court. If Mauritius will not withdraw it, I urge members to vote against the resolution.

Thank you Mr President.