

IN THE INTERNATIONAL COURT OF JUSTICE

REQUEST FOR ADVISORY OPINION

LEGAL CONSEQUENCES OF THE SEPARATION OF THE CHAGOS ARCHIPELAGO FROM MAURITIUS IN 1965

MEMORIAL OF THE REPUBLIC OF MAURITIUS

COMES NOW the Republic of Mauritius and for their Memorial to the Court states the following:

STATEMENT OF LAW:

1. The Republic of Mauritius and the United Kingdom both adhere to the UN Convention on the Law of the Sea.
2. The Chagos Archipelago was part of Mauritius under three different colonial admins, making it a part of the state/integral to their geography

STATEMENT OF FACT:

1. Prior to Mauritius being a sovereign, self-governing state; In 1965, The United Kingdom Mauritian ministers entered into the Lancaster House Agreement, which granted the United Kingdom to separate the Chagos Islands from Mauritius.
2. In 1968, the Republic of Mauritius became an independent sovereign state.
3. The tribunal held by the UN Convention on the Law of the Sea found that they did not have jurisdiction, but unanimous understanding that the assertion of a Marine Protected Area by the United Kingdom was in direct violation of the provisions of the UNCLOS, and that the United Kingdom is obligated under international law to return the Chagos Archipelago to the Republic of Mauritius.

STATEMENT OF JURISDICTION

1. The Republic of Mauritius accepts the jurisdiction of the International Court of Justice with the powers given to them under Article 65 Statute of the Court and Article 96 Charter of the UN , with the ability to give an advisory opinion on the case at hand.

ARGUMENTS

1. Mauritius was not a sovereign nation when the Lancaster House Agreement was signed in 1965 but rather was a non-self-governing territory. This makes the provisions unlawful under international law which protects peoples' and nations' self-determination.
2. The right to self-determination had emerged as Customary International Law prior to the signing of the Lancaster House Agreement. The United Nations agreed to adhere to this through the UN charter.

3. The United Kingdom used its colonial power status to strongarm Mauritian ministers to give up the Chagos Archipelago as a condition of Mauritian independence.