

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 UNITED KINGDOM

COMES NOW the United Kingdom and for their Memorial to the Court states the following:

STATEMENT OF LAW:

1. In 1965, the United Kingdom entered into the Lancaster House Agreement with Mauritian ministers (and others) granting the United Kingdom the ability to separate the Chagos Islands from the rest of the territory.
2. Mauritius was granted independence through a process that was completed on 12, March 1968.

STATEMENT OF FACT:

In 1964, when Mauritius was a non-self-governing territory, the United Kingdom discovered via oceanic survey one of their Chagos Islands would be an ideal spot for a military base. The Lancaster Agreement was signed by the parties, among others, which gave the UK the right to the Chagos Islands.

Upon their independence in 1968, the Mauritians wanted to take back the Chagos Islands. While many attempts have been made since this time, they have yet to find success. In 2010, Mauritius attempted to facilitate this return through the institution of proceedings under the UN Convention on the Law of the Sea (UNCLOS).

It was the UK's assertion of their "Large Marine Protected Area" that led to Mauritius' desire to reclaim their islands. Mauritius argues this claim is a direct contradiction to its 200-nautical-mile Exclusive Economic Zone. Mauritius also claims the MPA violates its right to self-determination and sovereign territorial claims to the Chagos Islands after independence.

The UK was accused with violating the UNCLOS and the case went to the UN General Assembly. A resolution was passed leaving the ICJ responsible for giving an opinion determining what the status of Mauritius' decolonization is, whether it was lawfully complete when they gained independence. The ICJ is also asked to decide what, if any, consequences arise under international law from the continued administration by the United Kingdom of the Chagos Archipelago.

STATEMENT OF JURISDICTION

1. Article 65 of the Statute of the Court, grants the Court the ability to give an advisory opinion on any legal question requested of it by an authorized United Nations body. The General Assembly has requested this opinion.

2. With the adoption of A/RES/71/292 on 22 June 2017, the General Assembly requested that the International Court of Justice (ICJ) answer the legal questions.
3. Operative Clause 6 of A/RES/1514(XV), which reads: “Any attempt aimed 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.”

ARGUMENTS:

1. The agreement in 1965 gave the UK rights to the Chagos Islands. It gave Mauritius exclusive rights to the islands if, and only if, the UK has carried out its military purpose with the land and has given up its own claim to sovereignty.
2. While we are comfortable with the ICJ viewing this agreement and matter, the agreement was really a case of British law and an agreement within our own state. We would like to acknowledge this and encourage the ICJ to respect our sovereignty in this matter.
3. The agreement of 1965, which Mauritius is using as a legally binding document, was only an informal set of agreements.
4. We do not disagree with Mauritius claim to right of the area once its military purpose has been exhausted, this however is not the case

SUMMARY AND REQUESTS

We do recognize the ICJ’s jurisdiction to give an opinion on this matter, given Article 65 of the Statute of the Court as well as resolutions A/RES/71/292 and A/RES/1514(XV), however, we are aware of our own sovereignty and believe this matter really is one within our own country. We request the court recognize our sovereignty and the non-binding nature of the 1965 Agreement. We agree, as we always have, to relinquish the land when its military purpose is no longer. In turn, we request the courts advise Mauritius to accept our control over the islands and respect the Marine Protected Area that is in place which, while it may conflict with the conversations had in 1965, does not break any binding law in place.