

LEGAL CONSEQUENCES OF
THE SEPARATION OF CHAGOS FROM MAURITIUS IN 1965
(REQUEST FOR ADVISORY OPINION)

Written comment of the Argentine Republic in relation to the reply by the Republic of Mauritius to the question put by Judge Gaja

In view of the possibility given by the Court to participants to the oral proceedings, Argentina presents the following written comment in relation to the reply by the Republic of Mauritius to the question put by Judge Gaja at the end of the hearing on 3 September 2018 in the morning.

The question was as follows: “In the process of decolonization relating to the Chagos Archipelago, what is the relevance of the will of the population of Chagossian origin?”

Argentina agrees with Mauritius that the Chagos Archipelago, having been considered by the United Nations General Assembly as an integral part of the territory of the Non-Self-Governing Territory of Mauritius, “the process of decolonization relating to [it]” is part and parcel of the process of decolonization of Mauritius.

Argentina also agrees that the “will of the population of Chagossian origin” must be considered not for the determination of the status of the Chagos Archipelago, but in relation to the question of their deportation and the consequences thereof, particularly the question of its resettlement in the territory from which the population was expelled. In its resolution 2066 (XX), the General Assembly recognized the right of the Mauritian people to independence and did not recognize the existence of a “Chagossian people”, separate and distinct from the Mauritian people. On the contrary, the said resolution warned the administering Power against the separation of some islands (in obvious reference to the Chagos Archipelago) as being contrary to the territorial integrity of Mauritius.

Argentina further agrees that the resettlement is a matter of free choice to be decided on an individual basis by each person of Chagossian origin.


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