



*Embajada de Cuba
en los Países Bajos*

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The Embassy of the Republic of Cuba in the Kingdom of The Netherlands presents its compliments to the Honorable Registrar of International Court of Justice and has the honour to submit the written statement of the Republic of Cuba in accordance with the timetable set by the Court with regard to the United Nations General Assembly Resolution 71/292 adopted on 22 June 2017, by which it decided, pursuant to Article 65 of the Statute of the Court, to request the International Court of Justice to render an advisory opinion on the following questions:

- (1) Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in 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?
- (2) What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?"

The Embassy of the Republic of Cuba in the Kingdom of The Netherlands avails itself of this opportunity to renew to the Honorable Registrar of International Court of Justice the assurances of its highest consideration.



The Hague, 28 February, 2018

To the Honorable Registrar of International Court of Justice
The Hague

WRITTEN STATEMENT OF THE REPUBLIC OF CUBA TO THE INTERNATIONAL COURT OF JUSTICE CONCERNING THE REQUEST OF AN ADVISORY OPINION ON THE FOLLOWING QUESTIONS:

- (a) “Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in 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?”;
- (b) “What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?”.

The General Assembly of the United Nations by its resolution A/RES/71/292 of 22 June 2017, requested an advisory opinion, in conformity with Article 96 of the Charter of the United Nations and 65 of the Court Statute.

The Independence of the Chagos Archipelago, including Diego García, and its full return as part of the territory of Mauritius has its legal basis on the General Assembly resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965, as international obligations that must be complied in a good faith by the international community, and in accordance with the principles of International Law.

The International Court of Justice, with the submission of its advisory opinion on the questions contained in the United Nations General Assembly resolution A/RES/71/292 of 22 June 2017, will act in respect of the International Law and its principles, as recognized by the international community as a whole. Its unanimous actions in favor of the compliance with the resolutions adopted by the General Assembly of the United Nations concerning decolonization will contribute to international peace and justice.

The Court can contribute with the General Assembly to exercise its jurisdiction on decolonization and to fulfill the complete decolonization of Mauritius, in accordance with the General Assembly resolution 1514 (XV) of 1960.

The Republic of Cuba aligns with the position of the Non-Aligned Movement and reaffirms that the Chagos Archipelago, including Diego García, which was illegally separated by the former colonial power from the territory of Mauritius, in violation of International Law and the UNGA resolutions 1514 (XV) of 1960 and 2066 (XX) of 1965, are integral part of the territory of the Republic of Mauritius.

Additionally, Cuba expresses its concern for the violation of the principles *ius congens* of International Law related to the respect to the territorial integrity of the Republic of Mauritius, its right to exercise sovereignty over the Chagos Archipelago; as well as the right to return to the

Archipelago of the Mauritian citizens forcibly displaced by the United Kingdom of Great Britain and Northern Ireland.

The respect to the principles above referred means the respect to the Charter of the United Nations and to the resolution 2625 (XXV) of the General Assembly of the United Nations, of 24 October 1970, which contains the Declaration on Principles of the International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. In correspondence with these legal documents, the sovereign equality means that every State shall enjoy of the inalienable rights to its full sovereignty, the inviolability of the territorial integrity of the States, as well as the full compliance in good faith with the international obligations under the principles and norms of International Law generally recognized.

The Government of the Republic of Cuba expects that the International Court of Justice, by submitting the advisory opinion requested by the resolution A/RES/71/292 of 22 June 2017 of the General Assembly of the United Nations, acknowledges that the process of decolonization of Mauritius was not lawfully completed when its independence was granted in 1968 after the separation of the Chagos Archipelago from Mauritius; that the principles of territorial integrity and sovereign equality of the States have been violated; and that the obligations contained in the 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 have not been complied with.

Likewise, the Government of the Republic of Cuba expects that the International Court of Justice presents the legal consequences derived from the non-compliance with the above-mentioned resolutions; as well as the inability for Mauritius to resettle its nationals in the Chagos Archipelago, particularly those of Chagossian origin, in the exercise of its sovereign rights.

