

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

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

ORDER OF 17 JANUARY 2018

2018

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

EFFETS JURIDIQUES DE LA SÉPARATION
DE L'ARCHIPEL DES CHAGOS
DE MAURICE EN 1965
(REQUÊTE POUR AVIS CONSULTATIF)

ORDONNANCE DU 17 JANVIER 2018

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INTERNATIONAL COURT OF JUSTICE

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No. 169

17 January 2018

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

(REQUEST FOR ADVISORY OPINION)

ORDER

Present: President ABRAHAM; Vice-President YUSUF; Judges OWADA, TOMKA, BENNOUNA, CAÑADO TRINDADE, XUE, DONOGHUE, GAJA, SEBUTINDE, BHANDARI, ROBINSON, GEVORGIAN; Registrar COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 66 of the Statute of the Court and to Articles 44, 102 and 105 of the Rules of Court,

Makes the following Order:

Whereas on 22 June 2017 the United Nations General Assembly adopted, at the 88th meeting of its Seventy-First Session, resolution 71/292, 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:

- (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 Chagosian origin?";

Whereas certified true copies of the English and French texts of that resolution were transmitted to the Court under cover of a letter from the Secretary-General of the United Nations dated 23 June 2017 and received on 28 June 2017;

Whereas, by letters dated 28 June 2017, the Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to Article 66, paragraph 1, of the Statute;

Whereas, by an Order dated 14 July 2017, the Court decided, in accordance with Article 66, paragraph 2, of its Statute, that the United Nations and its Member States are likely to be able to furnish information on the question, and fixed 30 January 2018 as the time-limit within which written statements on the question may be presented to it, and 16 April 2018 as the time-limit within which States and organizations having presented written statements may submit written comments on the other written statements;

Whereas, pursuant to Article 65, paragraph 2, of the Statute, under cover of a letter dated 30 November 2017 from the Legal Counsel, the United Nations Secretariat communicated to the Court a dossier of documents likely to throw light upon the question, which was received in the Registry on 4 December 2017;

Whereas, by a letter dated 10 January 2018 and received in the Registry on the same day, the Legal Counsel of the African Union requested that this organization (i) be permitted to furnish information, in writing and orally, on the question submitted to the Court for its advisory opinion and (ii) be granted an extension of one month for the filing of its written statement,

Decides that the African Union, which is likely to be able to furnish information on the question submitted to the Court for an advisory opinion, may do so within the time-limits fixed by the Court;

Extends to 1 March 2018 the time-limit within which all written statements on the question may be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute;

Extends to 15 May 2018 the time-limit within which States and organizations having presented written statements may submit written comments on the other written statements, in accordance with Article 66, paragraph 4, of the Statute; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this seventeenth day of January, two thousand and eighteen.

(Signed) Ronny ABRAHAM,
President.

(Signed) Philippe COUVREUR,
Registrar.
