

The rule of law at the national and international levels (Agenda item 86)

Statement by the Republic of Mauritius 22 October 2020, New York

Thank you Chair,

I am pleased to make a statement on this important topic of our Agenda, item 86 on the Rule of Law at the National and International Levels. Allow me first to congratulate you and your Bureau on your election and to commend you on your stewardship of this Committee.

The subject matter of today's session has been on the agenda of the GA every year since its sixty first session in 2006.

With the establishment of our organization in 1945, a fundamental choice was made, a clear choice for the rule of law to govern international relations. This choice did not come into existence overnight but is rather a result of the realization that the old system has never helped humanity to live together in peace or in harmony.

Among the greatest achievements of the United Nations is the development and promotion of international law, which is central to promoting economic and social development, as well as to advancing international peace and security.

The UN Charter has been guiding our resolve to establish conditions under which justice and respect for the obligations arising out of treaties and other sources of international law can be maintained.

Every year since 2006 the GA has recognized that the rule of law does not exist in a vacuum. Member States have repeatedly affirmed that ‘human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations’.

We have reaffirmed in our Declaration on the 75th Anniversary of the UN, that the UN Charter is the cornerstone of international law. Indeed the principles and purposes of the Charter of the UN remain timeless, universal and an indispensable foundation for a more peaceful and just world. A rules-based order where all States, large or small have an obligation to respect and comply with the law is the basis of ensuring peace and security.

As such, the International Court of Justice (ICJ) established by the UN Charter as the principal judicial organ of the United Nations, continues to play a crucial role in maintaining and promoting the rule of law throughout the world, dispensing justice in the cases before it, issuing authoritative statements of the law, and peacefully resolving disputes.

The ICJ has been promoting, defining and reinforcing the rule of law through its judgments and Advisory Opinions. The increasing number of cases brought to the Court and their diverse geographical distribution confirm the universal character of the jurisdiction of the UN principal judicial organ, and the high esteem in which the international community holds it.

It is unfortunate that, against this strong trend, the colonial power that brought the first case to the ICJ has now totally disregarded the institution it helped create.

Last year, the ICJ confirmed that the decolonization of Mauritius was not lawfully completed, because it had not been conducted in a manner consistent with the right

to self-determination of peoples, and that the continued administration of the Archipelago by the United Kingdom, in spite of the fact that it is an integral part of the territory of Mauritius, constitutes a wrongful act entailing the UK's international responsibility. The ICJ determined that the United Kingdom is under an obligation to bring to an end its unlawful administration of the Chagos Archipelago as rapidly as possible.

The ICJ confirmed, in its authoritative legal ruling, that the Chagos Archipelago is and has always been part of the territory of Mauritius and Mauritius is the sole State lawfully entitled to exercise sovereignty over the Chagos Archipelago, and sovereign rights over the appurtenant maritime spaces.

Following the ICJ's confirmation of Mauritius's sovereignty over the Chagos Archipelago, as Mauritius had always claimed, the United Nations has revised the UN map in Feb 2020 clearly depicting and confirming the Chagos Archipelago as part of the territory of Mauritius.

It is highly unfortunate that even today we witness attempts to undermine the rule of law. We are disappointed at the failure of the UK to bring to an end its unlawful administration of the Chagos Archipelago by 22 November 2019 as was required by resolution 73/295.

Mauritius wishes to thank Member States of the United Nations for their support to ensure that international law and the principles of justice apply equally to all States and are fully adhered to.

The United Kingdom's persistent defiance of the Court and its refusal to implement resolution 73/295 stand in stark contrast to its longstanding commitment to the rules-based international system. It is difficult to see how the United Kingdom can purport to be a champion of human rights and rule of law, while in the same breath maintaining an unlawful colonial administration in Mauritius – the last British colony in Africa - and preventing the return of the people it forcibly removed five decades ago.

It is a fundamental principle of the rule of law system that there should be no double standards in the application of the law. Under the Charter, the rules of international law are applicable to all States, and the obligations imposed by the law must be complied with. International law should not be “powerful against the powerless and powerless against the powerful”. There cannot be an ‘a la carte menu’ option to choose when and where international law can be applied or enforced. International law has universal applicability from which we cannot derogate.

The leading voices of the world must be exemplars when it comes to respect for international law. Respecting international law, recognizing one another's legitimate interests, supporting multilateralism and promoting the common good are the only ways to build a better world.

To these ends, Mauritius firmly believes that we must continue to work together to deliver accountability, justice, and reaffirm our commitment to the core tenets of international law.

Mauritius is grateful to this distinguished Committee for the important work it has done for the further codification of international rules, including State

Responsibility. We are hopeful that these efforts will advance the rule of law and correct historical wrongs around the world, just as the ICJ has done in the case of the Chagos Archipelago.

Thank you