29 May 2019

Dear Lord Ahmad

During our inquiry into the UK’s influence in the United Nations, we took evidence on the status of the Chagos Islands. We note that the UN General Assembly has recently adopted a resolution that welcomes the February 2019 International Court of Justice advisory opinion on the legal consequences of separating the Chagos Archipelago from Mauritius in 1965. However, the UNGA resolution introduced by Senegal on behalf of the African States goes further than the ICJ’s advisory opinion, by setting a six-month deadline by which the UK Government must act to end its administration of the islands.

The Committee would be grateful if you could provide the following information:

- Your assessment of the implications of the UN General Assembly Resolution for the UK’s administration of the Chagos Islands, especially in view of the six-month deadline it imposes.
- How UKMIS sought to persuade other UN member states to support the UK’s position and the extent to which the UK Mission to the UN (UKMIS) anticipated the scale of the defeat—with 116 voting for the resolution, 56 abstaining and only 6 voting against (including the UK).
- The implications of this vote for the UK’s credibility and influence at the UN, and for its wider status as an international champion of the rule of law and how you intend to prevent similar defeats going forward.

We would be grateful if you could provide this information by Friday 21 June.

I will be placing this letter and your response in the public domain.

Tom Tugendhat MP
Chair
Tom Tugendhat MP  
Chair, Foreign Affairs Committee  
House of Commons  
London  
SW1A 0AA

19 June 2019

Dear Tom,

Thank you for your letter dated 29 May 2019 in which you ask for information following the United Nations General Assembly resolution on the implementation of the International Court of Justice (ICJ) Advisory Opinion relating to the British Indian Ocean Territory (BIOT).

You asked for my assessment of the implications of the resolution for the UK's administration of BIOT. The UK has no doubt about our sovereignty over BIOT. The ICJ Advisory Opinion made no determination on sovereignty. Both the Advisory Opinion and the UN GA resolution are non-binding, and fail to give due regard to significant facts and legal issues. This includes the UK's binding commitment to cede sovereignty of the territory to Mauritius when it is no longer needed for defence purposes. We stand by this binding commitment.

You asked how the UK Mission to the United Nations sought to persuade Member States to support the UK's position and the extent to which we anticipated a defeat. The UK engaged with Member States in New York and in capitals to explain our position. We anticipated that Mauritius' misrepresentation of this bilateral sovereignty dispute as a decolonisation issue would make it a difficult vote for many States. Nevertheless, seventy-seven Member States did not vote in favour of this resolution. Many of these States share our concerns that Mauritius has circumvented the principle that the ICJ should not consider bilateral disputes without the consent of both States. I am grateful to our Permanent Representative and her team for their efforts.

With regard to the implications of this vote for the UK's credibility and influence at the UN, we have been clear why we disagree with the misuse of the ICJ and UN GA on this issue. Nevertheless, we respect the ICJ and the rule of law, and so we participated fully in the ICJ process despite our concerns that this could have wider implications for all UN States in the future. This does not call into doubt the UK's
leading role in the UN. We remain the only permanent member of the Security Council to spend both 2% of GDP on defence and 0.7% GNI on development (over 50% of which is spent through multilateral channels), and we are the third biggest financial contributor to the UN.

Across my Ministerial portfolio, and through my role as Prime Minister’s Special Representative for Preventing Sexual Violence in Conflict and Special Envoy on Freedom of Religion or Belief, I see examples every day of the work the UK does to uphold the institutions and norms that underpin the Rules Based International System. I am proud of this ongoing work, and consequently assured that the UK remains recognised as one of the most prominent international champions of rule of law across the globe. Indeed it is the UK’s sovereignty over BIOT that enables the defence facility there to make a vital contribution to upholding international peace and security. For nearly 40 years the joint United Kingdom – United States defence facility on Diego Garcia has helped the UK, US, other allies and our regional partners, including Mauritius, combat some of the most challenging threats to international peace and security, including those from terrorism, organised crime and piracy. These functions are only possible under UK sovereignty. As US Secretary of State Pompeo recently stated, “... the United States unequivocally supports UK sovereignty over the British Indian Ocean Territory. Its status as a UK territory is essential to the value of the joint US-UK base on Diego Garcia and our shared security interests.”

Yours sincerely,

Lord (Tariq) Ahmad of Wimbledon
Minister of State for the Commonwealth and the UN
Prime Minister’s Special Representative for Preventing Sexual Violence in Conflict
Prime Minister’s Special Envoy on Freedom of Religion or Belief