



CHAGOS REFUGEES GROUP
Fighting for rights of Chagossians worldwide

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Struggling for Our Fundamental Rights: The Exiled People of the Chagos Archipelago

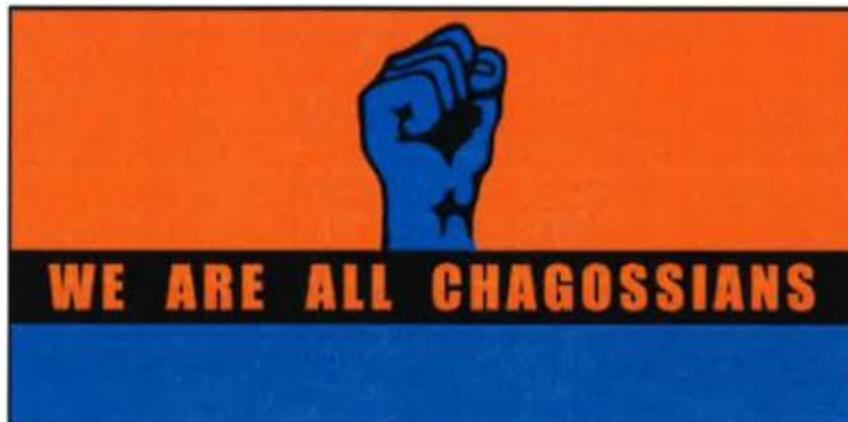
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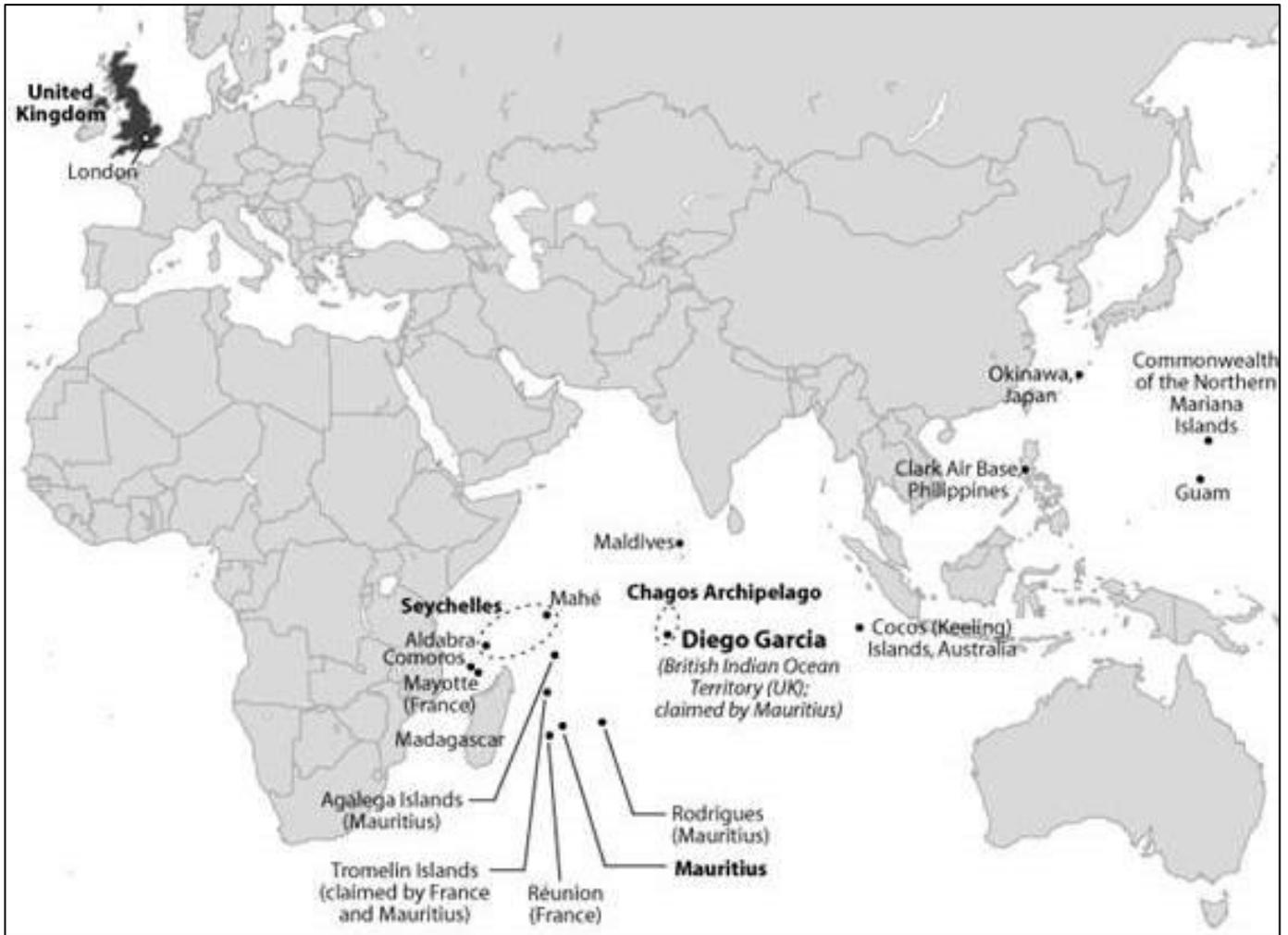
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Background

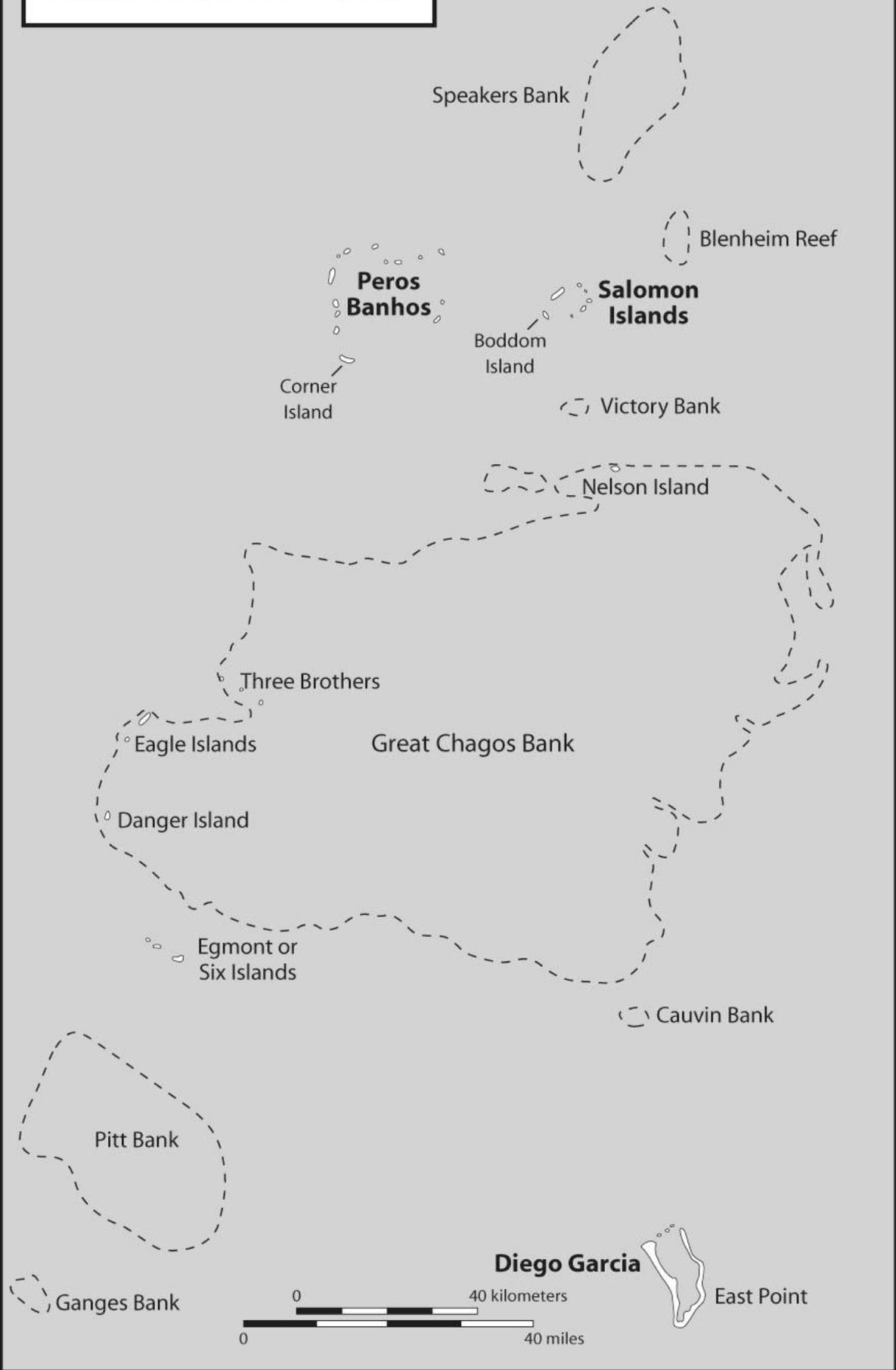
- In the 1970s, the US Government created a military base on the Indian Ocean island Diego Garcia in the British-controlled Chagos Archipelago.
- Prior to the base's creation, the US Government convinced and secretly paid the UK \$14 million to forcibly remove the indigenous Chagossian people of Diego Garcia and the Chagos Archipelago.
- Numbering around 2,000, the Chagossians were deported and discarded in abject poverty 1,200 miles away in the slums of the Indian Ocean islands of Mauritius and the Seychelles.
- Since their expulsion, Chagossians have been barred from returning to their homeland and remain deeply impoverished.
- Although the US Government ordered and orchestrated the expulsion and paid the UK Government to carry it out, the US Government has systematically abdicated its responsibility for the appalling conditions of the Chagossians and has repeatedly covered up its instrumental role in their exile.
- In 2012, more than 30,000 people signed a petition to the White House demanding the US Government recognize the wrongs committed against the Chagossians. Unfortunately, the Obama administration again refused to accept US responsibility for wrongfully expelling the Chagossians from their homeland. Congress has only addressed the issue during a single hearing in 1975.
- On December 31, 2016, an automatic 20-year extension of the 1966 US/UK Diego Garcia base agreement begins. The new "Exchange of Notes" is a pivotal opportunity to redress the harm done to Chagossians.

Our Aims in the United States

- The Chagossians are not calling for the removal of the base on Diego Garcia or challenging its existence.
- The Chagossians are asking the US Government to state publicly that it recognizes Chagossians' basic right to live in their homeland and that it does not oppose the resettlement of Chagossians on Diego Garcia and in the rest of the Chagos Archipelago, with equal rights to work on the base.
- Congressional hearings to publicly air the US role in the Chagossians' exile and current plight and to identify steps the US Government should take to rectify these wrongs.



CHAGOS ARCHIPELAGO





EXILED FROM DIEGO GARCIA: A SHORT HISTORY OF THE CHAGOSSIANS

Shortly after the end of the American Revolution, enslaved peoples from Africa became the first settlers in the Indian Ocean's Chagos Archipelago, when they were brought to work on the archipelago's largest island, Diego Garcia. Followed by their free descendants and indentured labourers from India, a diverse mixture of peoples, religions, and traditions merged to create a unique society in Chagos. Today, the only people living in Chagos are soldiers and civilian contractors working on the billion-dollar U.S. military base on Diego Garcia. Between 1965 and 1973, the U.S. and U.K. governments forcibly removed the inhabitants of Chagos to create the military base. The people, known as Chagossians, were left in impoverished exile on the western Indian Ocean islands of Mauritius and the Seychelles.

In a setting of idyllic white sand beaches and fertile green vegetation, the ancestors of today's Chagossians built a society that by the 20th century included numerous villages complete with hospitals, roads, churches, and schools. The people began to speak their own language, Chagos Creole. The population grew to over 1,000. Life was not luxurious, but in exchange for their labor on Chagos's coconut plantations, Chagossians enjoyed guaranteed employment, regular salaries in cash and food, free housing and land for gardens and animals, health care, vacations, pensions, schooling, and free access to Chagos's abundant fishing grounds and flora. Life was peaceful and easy in Chagos. Poverty and misery were unknown, and Chagossians enjoyed good health.

In the 1960s, this life transformed. The Kennedy and Johnson administrations convinced the British to detach the Chagos Archipelago from colonial Mauritius to create a new colony solely for military use, called the British Indian Ocean Territory (BIOT). As part of a confidential 1966 agreement, U.S. officials ordered the removal from the new territory of what were then about 1,500 Chagossians. The U.S. Government secretly paid the British \$14 million to create the BIOT and remove the Chagossians.

Beginning in 1968, any Chagossians leaving Chagos for vacations or medical treatment were denied their customary return passage to their homes and left stranded—often without their families and their possessions—in Mauritius. At the turn of the decade when the British restricted the number of regular supply ships visiting Chagos, others left as food, medicines, and other necessities dwindled.

In 1971, officials of the British Government, acting on U.S. orders and with some assistance from U.S. soldiers, unlawfully forced the remaining inhabitants of Diego Garcia to board overcrowded cargo ships and leave their homes forever. The ships dumped some of the Chagossians 150 miles away in Chagos's far-off Peros Banhos and Salomon islands and others 1,200 miles away on the docks of Mauritius and the Seychelles. In the process, British Government agents and U.S. Navy Seabees first shot, then poisoned, and finally gassed and burnt the islanders' pet dogs in sealed sheds. By 1973, the Chagos Archipelago had no more permanent inhabitants as the last Chagossians were deported to Mauritius and the Seychelles.

In Mauritius and the Seychelles, the Chagossians received no resettlement assistance and quickly found themselves living in what the *Washington Post* called "abject poverty." To this day, Chagossians living in Mauritius and the Seychelles face impoverishment and unemployment. Many live in homes of corrugated metal and wood with poor or nonexistent water and sanitation services. Many suffer from poor health and low levels of education. Many have been the victims of ethnic discrimination from Mauritians and Seychellois, and many have suffered through other forms of daily harm and humiliation accompanying life as a marginalized underclass in exile. In their own words, their life is one of *sagren*—the grief of being exiled from their natal lands—and *lamizer*—a miserable, abject poverty beyond that of low incomes alone.

But Chagossians have also resisted their treatment at the hands of the great powers. From the very moment they were deported, many demanded to be returned to Chagos or to be properly resettled. In the 1970s and

1980s, many suffered through hunger strikes and arrest to win small compensation payments from the British Government. The money totaled around \$6,000 per person. For most, it was only enough to pay off substantial debts incurred since the expulsion or to get what for many was their first formal home in the slums of the Mauritian capitol, Port Louis. Chagossians in the Seychelles received nothing at all.

The Chagossian struggle was reinvigorated in 1997 when the Chagos Refugees Group launched a historic lawsuit against the U.K. In November 2000, Chagossians were victorious: The British High Court ruled the Chagossians' removal illegal. Initially, the British Government accepted the ruling and issued laws allowing Chagossians to return to all of Chagos except Diego Garcia, although the Government provided no assistance to facilitate resettlement. Living in poverty 1,200 miles away and with their old society in ruins, the Chagossians had little means with which to return, let alone to rebuild sustainable lives there.

In 2001 and 2002, most Chagossians joined new lawsuits in U.K. and U.S. courts demanding the right to return to Chagos and compensation for their removal and to rebuild their societies. Lawyers filed a class action suit in U.S. District Court for the District of Columbia against the U.S. Government and several Government officials, including Robert McNamara and Donald Rumsfeld. The suit accused the defendants of acts including forced relocation; racial discrimination; cruel, inhuman, and degrading treatment; and genocide. In 2005, the suit was dismissed on the grounds of the political question doctrine—or the inability of the judiciary to overrule the executive on matters of military and foreign policy. The D.C. Circuit Court upheld the ruling, and the Supreme Court declined to hear the case.

In Britain, Chagossians were victorious twice more in suits against the U.K. On the government's final appeal, however, Britain's highest court, the House of Lords, upheld the Chagossians' exile in a 3-2 decision. The ruling effectively reaffirming colonial law and concluding that the government's military and financial interests trump the Chagossians' right to live in their homeland. An appeal to the European Court of Human Rights was dismissed on the grounds that many Chagossians accepted compensation in the 1980s when in reality only 471 Chagossians received monies totaling around \$6,000 per recipient.

Recently, support for the Chagossians has gained momentum worldwide. The European Parliament has passed a resolution calling on the EU to support a return. The African Union has also condemned the unlawful deportation of the Chagossians. At least three Nobel laureates have called for their return. In Britain, dozens of members of Parliament and other politicians have joined an all-party group supporting the Chagossians' struggle. In 2013, more than 30,000 people signed a petition to the White House asking President Obama to redress the wrongs Chagossians have suffered. Sadly, the Obama administration refused to accept U.S. responsibility for wrongfully expelling the Chagossians.

Pressure on the U.S. and U.K. Governments is mounting as new developments have left Chagossians and their supporters believing that the right of return is imminent. In January 2015, a British Government study found that it was feasible for Chagossians to resettle their islands—where U.S. military personnel have lived for nearly five decades and where their ancestors lived for generations. A UN court soon ruled that the U.K. Government acted illegally in creating a Marine Protected Area (MPA) in the Chagos Archipelago after a State Department cable showed the U.S. and Britain saw the MPA as the best way to prevent Chagossians from ever returning home. The British Supreme Court similarly ruled in June 2016 that Chagossians could challenge the MPA in a new 2017 case.

The Supreme Court also urged the British government to decide once and for all if Chagossians can return home. If British officials refuse, the majority wrote, a Chagossian could again sue to challenge such a decision. The end of 2016 marks the end of a renegotiation period for the 50-year-old base agreement for the Diego Garcia base. While the agreement is subject to an automatic 20-year renewal, the renegotiations offer a pivotal moment to redress the injustices done to the Chagossians. In the political, legal, and social arenas, the Chagossians are determined to pursue all avenues for justice and for their fundamental rights to be restored.

THE CHAGOSSIAN PEOPLE A TIMELINE OF THEIR EXILE AND STRUGGLE TO RETURN HOME

- 1783—First inhabitants arrive in Chagos Archipelago as enslaved Africans; after emancipation, indentured Indians arrive helping to form new, unique society and a people first known as the *Ilwa*.
- 1960—U.S. Navy approaches Britain about building a base on Diego Garcia. Secret negotiations begin.
- 1964—During secret U.S./U.K. talks, U.S. indicates desire for “exclusive control” of Diego Garcia “without local inhabitants.” U.K. officials agree.
- 1965—At U.S. urging, U.K. pressures its colony Mauritius to cede Chagos and creates the British Indian Ocean Territory, violating UN decolonization rules forbidding the division of colonies.
- 1966—Exchange of Notes gives U.S. access to Diego Garcia for 50 years with automatic 20-year renewal. U.K. secretly agrees to remove Chagossians for \$14 million hidden from Congress, Parliament.
- 1968—Chagossians in Mauritius for vacations or medical treatment barred from returning home and stranded in Mauritius. Britain limits supplies of food, medicines to help depopulate the islands.
- 1970—Navy tells Congress the islands have no permanent population as part of a U.K./U.S. plan to “maintain the fiction” that Chagossians are transient workers and not indigenous to the islands.
- 1971—Construction begins on Diego Garcia. British agents and U.S. Navy personnel gas and burn Chagossians’ pet dogs. Chagossians on Diego Garcia deported to Mauritius and Seychelles.
- 1973—Last Chagossians deported from other Chagos islands to Mauritius.
- 1975—*Washington Post* breaks the story in Western press, describes Chagossians living in “abject poverty” in Mauritius. One day of Congressional hearings held before interest fades.
- 1982—Chagossians hold hunger strikes, protests, and U.K. agrees to £4 million compensation. Chagossians receive about \$6,000/recipient. U.S. spends hundreds of millions to expand Diego Garcia base.
- 2000—After Chagossians sue for right of return, U.K. High Court rules for expulsion was illegal.
- 2004—After allowing a return following 2000 ruling, U.K. Government issues Queen’s “Orders in Council” decreeing Chagossians barred from returning, effectively overturning 2000 victory.
- 2008—After two more High Court rulings find the exile unlawful, U.K.’s highest court overturns Chagossians’ lower court victories, upholding the exile and colonial law.
- 2010—U.K. creates Chagos Marine Protected Area (MPA) with exemption for Diego Garcia base. Wikileaks cable shows U.K., U.S. officials agreed MPA was best way to prevent Chagossians from going home.
- 2015—U.K. releases study confirming the feasibility of Chagossians resettling Chagos. UN Permanent Court of Arbitration rules U.K. acted illegally in creating an MPA.
- 2016—British Supreme Court urges U.K. Government to decide finally if Chagossians can return. If refused, Chagossians can sue again. In November, U.K. says Chagossians cannot return despite the Government study showing return’s feasibility. New Chagossian suits will proceed in 2017.

KEY ARTICLES

‘Everyone Has the Right to Live on Their Island. Why Not Us?’

fpif.org/everyone-right-live-island-not-us/

By David Vine

12/6/2016

President Obama’s administration took a small step toward listening to indigenous people protecting their land this week.

The Army Corps of Engineers [announced](#) on December 4 that it would not grant a permit for the Dakota Access Pipeline to cross under Lake Oahe near the Standing Rock Indian Reservation in North Dakota — at least not without an environmental impact assessment. Standing Rock Sioux chair [Dave Archambault II](#) remarked in an interview, “It feels like, finally, for the first time in history — over centuries — somebody is listening to us.”

Native peoples across the country can surely relate, given the long history of broken treaties and broken [promises](#) about [land](#) and rights, by [presidents](#) dating to the days of U.S. independence. Thousands of miles away, in the middle of the Indian Ocean, there’s another indigenous people who understands being ignored, overlooked, and forgotten.

For almost 50 years, these people have lived in exile, pleading to return to their homeland. Like the [Sioux](#) and [other native groups](#) in the Americas, they had their land stolen by the U.S. government. Only in this case, the theft came not two or three centuries ago, but within the past two generations.

The people, called [Chagossians](#), once lived on the small Indian Ocean islands of the [Chagos Archipelago](#). The Chagossians’ ancestors arrived around the time of the American Revolution as enslaved and indentured laborers from Africa and India. By the mid-eighteenth century, following emancipation, this diverse group had formed a new and distinct people, with its own language and cultural practices. (While they may not fit popular images of an *indigenous people*, Chagossians fit contemporary anthropological and legal definitions of the term; importantly, no other group predated the Chagossians in Chagos and other indigenous peoples [recognize](#) the Chagossians as indigenous.)

In the 1960s, the Chagossians’ way of life would come to an end. Despite the supposed end of colonialism and changing racial attitudes in the United States, the Chagossians’ black and brown skin and lack of economic and political power made them an easy target for [removal](#). U.S. Navy officials had recently [identified](#) the Chagossians’ largest island, Diego Garcia, as a site for a [military base](#) in the British-controlled archipelago. Military leaders didn’t want to deal with locals. As one declassified cable explains, they told the British government they wanted “exclusive control (without local inhabitants).”

A CIA estimate of the Chagossian population was telling about U.S. officials' attitudes: "NEGL"—negligible. A British official called them "[Tarzans](#)" and, in a racist *Robinson Crusoe* reference, "Man Fridays."

In a [1966 deal](#), the Pentagon [agreed](#) to secretly transfer [\\$14 million](#) to Britain in exchange for the right to build a base on Diego Garcia and the Chagossians' removal. When the Navy began base construction in 1971, British officials and Navy personnel rounded up the people's [pet dogs](#), locked them in sealed sheds, and then gassed them and burned their carcasses. Chagossians watched in horror.

Chagossians were soon [forced](#) onto the decks and into the holds of overcrowded cargo ships. The ships were carrying dried coconut and guano — bird shit used as fertilizer. Some have compared the conditions to those on slaving ships. The ships deposited Chagossians 1,200 miles away on the docks of the western Indian Ocean islands of Mauritius and the Seychelles. They received no resettlement assistance. By 1973, the last Chagossian left the islands.

Two years later, a *Washington Post* reporter found the community living in "abject poverty." The United States has since invested billions on Diego Garcia, using the [base](#) extensively in the wars in Iraq, Afghanistan, and elsewhere in the Greater Middle East. For almost 50 years, Chagossians have asked to go home. Much like the Standing Rock Sioux and their native and non-native allies, Chagossians have [protested](#), petitioned, held sit-ins and hunger strikes, and sued the [U.S.](#) and [U.K.](#) governments to return. In November, after years of up and down struggle, Chagossians were waiting to hear if British officials would finally allow them to go home. British leaders had promised a decision since early 2015, when a [government study](#) showed that resettling the islands was feasible (an unsurprising finding, given the thousands of U.S. military personnel living there over the decades).

Almost two years after the study's release, U.K. Minister of State Joyce Anelay said [no](#). Anelay, who ironically also enjoys the titles of Baroness and Lord, said the decision was based on resettlement's "feasibility" and "cost to the British taxpayer." And, she added, it was also based on "defense and security interests," given "the interaction of any potential community with the U.S. Naval Support Facility — a vital part of our defense relationship." In short, the British government concluded that keeping the U.S. military happy was worth more than Chagossians' rights.

The United States has long been the [hidden figure](#) in this sad story. U.S. officials came up with the idea for the base, and they requested and paid for the Chagossians' removal. For too long, U.S. administrations have hidden behind Britain, denying any responsibility for Chagossians' lives. For too long, U.S. officials have helped deny the basic human right of living in one's homeland, despite the presence of civilians living next to U.S. bases worldwide — even next to the base in Guantánamo Bay, Cuba.

The Chagossians aren't asking to remove the base on Diego Garcia or constrain its operations. Some want to work there, like civilian employees from the Philippines and elsewhere who work at other overseas U.S. bases. Some want to return to Chagos islands 150 miles from the base. Former Reagan administration Pentagon official [Lawrence Korb](#) and other military experts agree resettlement poses no security risk.

Although the U.K. decision was another painful disappointment for the Chagossians, they can challenge it in court — and already have two pending lawsuits against the British government. “We will continue our fight any way we can,” said [Sabrina Jean](#), leader of the [Chagos Refugees Group UK](#).

With the Dakota Access Pipeline, President Obama showed some awareness of the long history of injustice faced by Native American peoples. Because U.S. government officials wanted a base and a people removed, the Chagossians have been living in exile for almost 50 years. President Obama should listen to Chagossians' demands and publicly recognize their right to go home. He should instruct the Pentagon to provide logistical assistance for resettlement and give Chagossians equal rights to jobs on base.

While some might say President Trump will reverse the decision, as he may try to with the Dakota pipeline, there is still time for President Obama to do the right thing, and to force the next president to consider whether he wants to perpetuate the country's long history of trampling on indigenous rights.

“Everyone has the right to live on their island,” Jean told the [BBC](#), “but why not us?”

David Vine is Associate Professor of Anthropology at American University and author of *Island of Shame: The Secret History of the U.S. Military Base on Diego Garcia* (Princeton University Press, 2009). He has conducted unpaid research for the Chagossians since 2001.

Fifty years after being displaced, the Chagossians still hope to return home

<http://www.theworldweekly.com/reader/view/magazine/2016-06-17/fifty-years-after-being-displaced-the-chagossians-still-hope-to-return-home/8369>

Sean Carey

17 June 2016 - last edited 17 June 2016

There are hopes that the fate of the Chagossians, who were displaced to make space for a US military base, may be settled as America's lease from the UK is due to expire this year. But competing demands remain. The clock is ticking on the fate of the Chagos islands. Located in the middle of the Indian Ocean, the overseas UK territory has been the site of a strategic US military base for the past half-century, but the 50-year agreement that allows it to use the islands is set to expire at the end of 2016.

At this point, the agreement for the military instalment will be automatically extended by 20 years if neither side chooses to terminate it. This is almost certainly what the UK and US hope will happen, but the issue has been made significantly more complicated by the demands of two other parties.

Firstly, Prime Minister Anerood Jugnauth has reasserted Mauritius' claim over the islands. The archipelago was previously part of Mauritius, and Jugnauth has reiterated his position that the UK's dismemberment of Chagos before it granted the former colony independence in the 1960s was illegal.

In a tense meeting with the UK Foreign Office in Port Louis recently, these demands reached a head as Jugnauth gave the UK an ultimatum: set a date for the return of the islands by the end of June, or Mauritius will seek a resolution at the United Nations General Assembly to refer the matter to the International Court of Justice.

And secondly, adding further to the complexity of the situation, the former residents of the Chagos islands are still fighting for their right to return.

In what is often described as one of the most shameful episodes of Britain's post-war history, around 1,500 indigenous people were forcibly removed from the islands between 1968 and 1973 to make way for the US base on the island of Diego Garcia. Most were dropped in Mauritius and some in the Seychelles, though many have since claimed British citizenship and moved to the UK.

Particularly in the last decade or so, many Chagossians have been engaged in a legal struggle for the right to return, and in the coming weeks, the UK Supreme Court is set to make what could be an historic ruling.

⁴⁴ Keeping promises

Over the past 50 years, the US base on Diego Garcia – an “unsinkable aircraft carrier” positioned off the coasts of East Africa, the Middle East and India – has been a crucial node in the country's military activities. The US is therefore eager to keep a hold of the base and, despite the many other unanswered questions regarding the fate of the Chagos islands after the end of 2016, it seems that this issue is actually fairly assured.

According to Col. Lawrence Wilkerson, former chief of staff to Colin Powell, the CIA has used Diego Garcia for “nefarious activities”, specifically the rendition programme. He told Vice News that the island was used as “a transit site where people were temporarily housed, let us say, and interrogated from time to time”. The UK government has not confirmed that the island was used by the CIA.

From Mauritius' perspective, Jugnauth has insisted that the events that led to the archipelago being removed from Mauritius and effectively loaned to the US 50 years ago were illegal. And he has also spoken of the UK's long-standing promise that the islands will be returned to Mauritius when it is “no longer needed for defence purposes”.

According to a ruling by the Permanent Court of Arbitration (PCA) in The Hague in 2015, this assurance is legally binding, and now that the Cold War is over, Jugnauth argues that these conditions have been met. However, at the same time, the Prime Minister – like his predecessor before him – has said that if Mauritius regains sovereignty of the islands, the US would be allowed to maintain its presence.

In effect, Jugnauth doesn't want to see the US military base disbanded, but would rather like Mauritius to have direct talks with Washington in order to negotiate the rent and terms of any extension.

This is unlikely to happen without the go ahead of the UK, however, and if its past actions are anything to go by, it seems the UK will be reluctant to hand over sovereignty. For instance, the aforementioned 2015 case at the PCA came in response to the UK's unilateral establishment of a Marine Protection Area (MPA) around the islands in 2010. This move seemed to assert the UK's belief in its absolute sovereignty over the territory and deprived Mauritius of its fishing rights, prompting the island nation to take the matter to court.

In its ruling, The Hague judges deemed the MPA to have been illegally imposed, and referred to “The United Kingdom’s undertaking to return the Chagos archipelago to Mauritius”. The court suggested that the UK’s promises to Mauritius 50 years ago were legally binding.

Nevertheless, an official at the UK Foreign and Commonwealth Office responded to the judgment, commenting that “there is no question about UK sovereignty in the British Indian Ocean Territory”.

This impasse is what has led Jugnauth to issue his ultimatum and threat to take the issue to the International Court of Justice.

✚ Fighting for the right to return

Over the past decade and a half, legal courts have also been the main site of the Chagossians’ struggle for the right to return. In the 2000s, the exiled islanders led by Olivier Bancoult, head of the Chagos Refugees Group, launched legal appeals and won cases in the UK High Court and Court of Appeal. But they faced a setback in 2008, when the matter was referred to the House of Lords, the highest court in the land, which ruled against the group’s right to return in a split 3-2 ruling.

The House of Lords’ judicial functions have since been taken over by the UK Supreme Court, however, and in the coming weeks, these judges are set to review its predecessor’s ruling in light of new developments. A key issue for the five-strong panel of justices is whether the UK government’s redraft of an independent feasibility study – from one that was favourable to the islanders’ resettlement to one that wasn’t – materially affected the Law Lords’ verdict.

The Chagossian plaintiffs are optimistic that the Supreme Court will reassert their right to return, and if this is the case, the practical details of how their resettlement might work have already been examined. A new KPMG feasibility study commissioned by the UK government in 2012 established that the islanders’ return was entirely possible and suggested a variety of differently costed resettlement scenarios. The minimum was £63 million (\$89 million) over three years, the maximum £414 million (\$580 million) over six years. So far, the UK’s current Foreign Secretary, Philip Hammond, has been wary of any long-term financial commitments and unsympathetic to the islanders’ right of return – though even if the Supreme Court rules against resettlement, it is not implausible that his position will change in a bid to neutralise Mauritian claims for sovereignty.

In any event, Bancoult also met with the Commissioner of the BIOT on his recent visit to Mauritius during which he was told “a decision on resettlement will be made very soon”, not that that reassured him. “We keep hearing those words ‘very soon’ and nothing ever seems to happen,” says Bancoult.

Bancoult is also dismissive of concerns about the financial costs. “There never seems to be a problem providing money for the British Virgin Islands and other overseas territories so why should Chagos be the exception?” he asks.

Half a century after the UK severed the Chagos islands from Mauritius and forcibly removed 1,500 people from their homeland, the natural moment to right these wrongs is fast approaching. But with a number of uncertain and moving parts, whether this opportunity will be taken come the end of 2016 remains to be seen.

UN Ruling Raises Hope of Return for Exiled Chagos Islanders

Britain acted illegally, say judges in scathing ruling that upholds Mauritius’s rights and restricts US ability to expand ‘rendition’ air base on Diego Garcia

Britain acted illegally in the way it has exercised territorial control over the [Chagos Islands](#), a UN tribunal has ruled, raising questions over the UK's claim to sovereignty and offering hope of return to hundreds of evicted islanders.

In [a withering judgment](#), the UK is accused of creating a marine protected area (MPA) to suit its electoral timetable, snubbing the rights of its former colony Mauritius and cosyng up to the United States, which has a key military base – allegedly used for the rendition of terrorist suspects – on the largest island, Diego Garcia.

The ruling effectively throws into doubt the UK's assertion of absolute ownership, restricts the Americans' ability to expand their facility without Mauritian compliance and boosts the chances of exiled Chagossians being able to return to their homeland.

A partly dissenting opinion from two of the five judges on the permanent court of arbitration at The Hague is even more scathing, stating that “British and American defence interests were put above Mauritius's rights” both in 1965 when the British Indian Ocean Territory (BIOT) was established and in 2010 when the marine zone, which involves a ban on fishing, was set up.

The ruling, which was made under the 1982 United Nations convention on the law of the sea to which the UK is a signatory, is binding. It torpedoes the status of the MPA and orders the UK and Mauritius to renegotiate. By coincidence, the government this week declared [another marine protected area around Pitcairn Island](#) in the southern Pacific.

The five-judge panel found that the creation of the MPA, announced by the former foreign secretary [David Miliband](#) in the final months of the last Labour government, breached its obligations to consult nearby Mauritius and illegally deprived it of fishing rights.

The US was “consulted in a timely manner and provided with information”, all five judges state, whereas a meeting with [Mauritius](#) in 2009 reminded the tribunal “of ships passing in the night, in which neither side fully engaged with the other regarding fishing rights or the proposal for the MPA”.

The government of Mauritius will view the judgment as a resounding victory, vindication of its ultimate right to sovereignty over the archipelago and confirmation that it must be consulted about future developments on the islands.

The UK has promised to return the Chagos Islands to Mauritius when they are no longer needed for defence purposes.

[Mauritius has argued that the UK illegally detached the Chagos archipelago](#) from Mauritius in 1965 – before the country was given its independence – contrary to UN general assembly resolution 1514, which specifically banned the breakup of colonies prior to independence.

The judgment declares: “The United Kingdom's undertaking to return the Chagos archipelago to Mauritius gives Mauritius an interest in significant decisions that bear upon the possible future uses of the

archipelago. Mauritius' interest is not simply in the eventual return of Chagos archipelago, but also in the condition in which the archipelago will be returned.”

Relations between the UK, Mauritius and the Chagossians have been fraught ever since the 1,500 islanders were removed to make way for the US base in 1971.

The judgment refers to a disputed US telegram that records a meeting with British officials in 2009 in which one is alleged to have said: “BIOT’s former inhabitants would find it difficult, if not impossible, to pursue their claim for resettlement on the islands if the entire Chagos archipelago were a marine reserve”.

The ruling also confirms that in an exchange of notes between Washington and London during 1966 “kept secret at the time, the United States agreed to contribute £5m to the costs of establishing the BIOT, to be paid by waiving United Kingdom payments in respect of joint missile development programmes”.

Prof Philippe Sands QC, of Matrix Chambers, who was lead external counsel for Mauritius, said: “This is a historic and far-reaching judgment: for Mauritius, for Africa, for the international rule of law. It offers hope that Mauritius and Britain will be able to move forward to bring to an end an unhappy legacy of colonialism in the Chagos archipelago and Diego Garcia. It opens the door to a return to legality, in relation to matters of sovereignty and the conservation of a remarkable environmental space.”

Sabrina Jean of the Chagos Refugees Group in the UK said exiled islanders were now focused on the outcome of a study being conducted by the accountants KPMG on behalf of the Foreign Office.

“Our case is fighting for the right of return of the Chagossian community. We are focused on the feasibility study and what was said in it, and they have said that Chagossians could return. It depends on the study, but we are quite confident that a fair resettlement can be done. As we’ve always said, we Chagossians are ready to go.”

If there were to be a fair resettlement offer, she said, some of the Chagossians would definitely wish to return home, while others would want to visit the islands make up their minds.

The main judgment says: “The UK has not been able to provide any convincing explanation for the urgency with which it proclaimed the MPA on 1 April 2010,” and suggests that its “haste” was “dictated by the electoral timetable in the United Kingdom or an anticipated change of government”.

It adds: “Not only did the United Kingdom proceed on the flawed basis that Mauritius had no fishing rights in the territorial sea of the Chagos archipelago, it presumed to conclude – without ever confirming with Mauritius – that the MPA was in Mauritius’ interest.”

Two of the judges, James Kateka and Rüdiger Wolfrum, go further, referring to “language of intimidation” used by the then colonial secretary in the 1960s.

The two judges observe that: “The 1965 excision of the Chagos archipelago from Mauritius shows a complete disregard for the territorial integrity of Mauritius by the United Kingdom, which was the colonial power.

“British and American defence interests were put above Mauritius’ rights. Fast forward to 2010 and one finds a similar disregard of Mauritius’ rights, such as the total ban on fishing in the MPA. These are not accidental happenings.”

In effect, they find that the UK does not have sovereignty because the archipelago should never have been separated from Mauritius. The other three judges say the tribunal does not have jurisdiction to resolve this aspect of the issue.

In 2013, a spokesman for David Miliband told the Guardian: “The marine protected area has been a great step forward and went through all proper government processes.”

A Foreign and Commonwealth Office spokesperson said: “We are pleased that the tribunal found there was no improper motive in the creation of the MPA. There is no question about UK sovereignty in the British Indian Ocean Territory; as the legitimate power, the UK is committed to working with neighbouring states, including Mauritius, to ensure proper conservation management of the marine protected area.”

“We will now work with Mauritius to explore how its fishing ambitions are compatible with conservation in the territory.”

Poisoned waters

The declaration of a Marine Protected Area around remote Indian Ocean atolls must have appeared to the world at large to be an unqualified environmental benefit when first announced by Gordon Brown’s government in 2010.

But in the poisoned diplomatic waters surrounding the Chagos Islands, it only served to arouse suspicions that the colonial power had devised a new excuse for excluding Mauritian fishermen and preventing the return of exiled islanders.

At the heart of UK and US interests in what it known as BIOT (British Indian Ocean Territory) lies the island of Diego Garcia, a military outpost of crucial strategic significance.

BIOT was established in 1965 out of islands claimed by Mauritius. In the early 1970s, the UK government began clearing the plantations, deporting the Chagossians and clearing the land for a naval and air base to be leased to the United States military.

The gradual prising open of official files by this case and other court challenges has revealed a history of Foreign Office calculation and condescension epitomised for critics in the phrase “Man Fridays ” – deployed to undermine the notion that Chagossians were native to the islands.

<http://www.theguardian.com/world/2015/mar/19/un-ruling-raises-hope-of-return-for-exiled-chagos-islanders>

Exiles from Chagos Islands given hope of returning soon to their lost paradise

The long-fought-for end to expulsion from Indian Ocean atolls to make way for a US base may finally rest on an outlay of £64m

[Jamie Doward](#)

Saturday 7 February 2015, The Guardian

It is a scandal stretching across six decades: the forced removal of hundreds of native people from a British overseas territory to make way for a US military base. That Diego Garcia, the main island in the Chagos archipelago – seven atolls in the Indian Ocean – has played a part in the CIA's torture programme has only added to Britain's sense of shame.

However, [after myriad legal battles](#) – and now that more than half of the 1,800 Chagossian people who were removed from their homeland between 1967 and 1973 have died – there is a real possibility that the survivors and their children will finally be allowed to go home. Sabrina Jean, 41, whose parents were native Chagossians, said the appetite to go back among those born on the 60 or so islands that comprise the archipelago – now referred to as the British Indian Ocean Territory – remains undimmed. “Most of those still alive would like to return,” she said. “We are hopeful.”

The key to whether their hopes are realised resides in a feasibility report conducted by the consultancy KPMG due to be published within days. An interim report confirmed re-homing them on Diego Garcia was viable. The final report is expected to reach the same conclusion. The government will outline how it intends to proceed in March.

The exiled and their supporters strongly believe that the government now has little option but to allow some form of return. “It is 16 years since Chagossians began their campaign,” said David Snoxell, deputy commissioner of the British Indian Ocean Territory, from 1995-97. “Expectations have been hugely raised by William Hague and this latest feasibility study which he commissioned. It would be inconceivable for the coalition to refuse them the right to return, when the only possible obstacle is cost. The very least government can do is to try out a pilot resettlement on Diego Garcia.”

KPMG suggested that allowing the Chagossians to live on Diego Garcia would cost a minimum of £64m, spread over three years. However, there is a fear that the figure may be seized upon by a government determined to slash its deficit as an excuse for kicking the issue into the long grass again.

TV presenter Ben Fogle, who has visited the [Chagos Islands](#) and campaigns for their people's right to return, describes the £64m figure as ludicrous given that the Chagossians only wanted a gradual resettlement programme.

“They [KPMG] are taking a western, London model,” Fogle said. “It assumes you need a brick hospital, a brick school, roads and sanitation. This is a simple island paradise. The remains of their wooden buildings are still there. It will be a slow process to ensure everything is in place, such as ensuring there is consistent fresh drinking water and a sewerage system, but they lived there very happily before.”

“But we are only talking about maybe 50 to 100 going back in the beginning. And even if you do take the figure of £64m, that’s a drop in the ocean for righting a wrong.”

Following their forced removal, several hundred Chagossians ended up in Britain, where many settled in Crawley, West Sussex. Others were shipped to Mauritius, where they had to forge a new life with almost nothing. Many were not compensated for what happened to them. Those who did receive something saw much of their compensation skimmed off by middlemen.

Testimony on the UK Chagos Support Association [website](#) paints a vivid picture of what happened to those forcibly exiled to Mauritius. “Most of us were very sick from the trip,” one Chagossian recalled. “Many children died a few days after we reached Mauritius. We had no alternative but to beg and live outdoors. Some of us begged refuge at the place of people who would employ them, others were lucky to have relatives, but soon were forced to leave.”

The contrast with how they had lived before their exile is stark. The original Chagossians enjoyed a simple but peaceful life that revolved around coconut plantations and fishing. “They didn’t need money,” Jean explained. “If they wanted fish they just went to the sea and grabbed it. They had gardens where they grew fresh vegetables, and every weekend they had cultural festivals.”

Obstacles to the Chagossians’ return were still being put in place as recently as five years ago. [Leaked US embassy cables reveal](#) that in 2009 the Labour government’s decision to have the [entire archipelago declared a marine park](#) was seen in some quarters of the Foreign Office as a way of preventing the Chagossians from returning.

According to US officials, Colin Roberts, the Foreign and Commonwealth Office’s then director of overseas territories, now governor of the Falklands, believed that “establishing a marine park would, in effect, put paid to resettlement claims of the archipelago’s former residents”. The memo explained that “Roberts believed that the UK’s environmental lobby is far more powerful than the Chagossians’ advocates”.

Another key obstacle has been the position of the US. Diego Garcia is a key US military base from which B-2 and B-52 bombers flew sorties to Iraq and Afghanistan. The base has also been a refuelling site for [CIA](#) planes used to ghost high-value detainees to interrogation black sites. There are strong but unconfirmed claims that Diego Garcia itself was used for interrogating detainees. In return for allowing the US to use the island as a base, Britain receives a discount on US nuclear weapons technology. But a senior diplomatic source said that, while the Pentagon might have reservations, the US state department was sanguine about the prospect of sharing Diego Garcia with its original inhabitants. “After all, it hasn’t stopped them in Cuba,” the source said.

“All of the obstacles have been pretty much resolved,” said Stefan Donnelly, interim chairman of the UK Chagos Support Association. “There is a real opportunity for the government to resolve this national disgrace. This is the best chance for the Chagossian people in 40 years. They are starting to die off.”

<http://www.theguardian.com/world/2015/feb/08/chagos-islands-us-military-diego-garcia>

The Price for Justice: Resettlement of the Chagos Islands

Monday, 16 February 2015 10:35 By [Alyssa Rohricht](#), [Truthout](#)

In over 40 years, despite multiple court cases in two different countries (some lost, some won, some won and later overturned), hunger strikes, protests, media events, petitions to the UN, and even Kickstarter campaigns, the exiled people of the Chagos Islands, some 300 miles south of the Maldives in the Indian Ocean, have yet to see justice.

Now, the hopes of the Chagossians are pinned to a study commissioned by the UK government - a study the Chagossians hope will be the answer they need to take them home.

The Chagossians are the indigenous people of the Chagos Islands (today called the British Indian Ocean Territory, or BIOT) - a group of seven atolls comprising more than 50 small islands in the Indian Ocean. In the late 1960s and early 1970s, the Chagossians were forcibly removed from their ancestral homeland by the UK and US governments so the land could be leased [to the Pentagon for 50 years](#).

Throughout the proceedings for the feasibility study in 2000, the Chagossians were never consulted. During the campaign to remove the islanders, British agents, with the help of the US military, rounded up the Chagossians' pets and gassed them. The people were then corralled onto a ship and dropped on the shores of the nearby Seychelles islands and Mauritius with no homes, food, money or support. A US military base was established on the island of Diego Garcia in Chagos. Today, the Naval Support Facility Diego Garcia, ironically nicknamed the "Footprint of Freedom," is one of the most strategically important US military bases in the world.

Since the start of their exile, the Chagossians have been fighting to return to their island homes, and, thus far, both the UK and US governments have failed to take responsibility or provide any real recompense to the islanders. The UK-commissioned feasibility study - a draft of which was released in November of 2014 - is an important step in achieving some justice for this largely marginalized group of people. The study is intended to help determine whether a resettlement of the Chagossians is feasible on the islands.

This is not, however, the first feasibility study to address the issue of resettlement of the Chagossians. Another UK-commissioned resettlement study conducted in June of 2000 was ultimately deemed unreliable when it was found that a backroom "debriefing" meeting had been conducted between BIOT officials, the UK Foreign Commonwealth Office (FCO), and the consulting company called upon to carry out the report.

Prior to meeting with BIOT officials and the FCO, the authors of the study seemed to conclude in favor of resettlement for "up to or around one thousand" and stated that there was "no obvious physical reason why one or both of the two atolls should not be re-populated." However, following the "debriefing" meeting, the conclusion was substantially changed for the final version of the report (only a month later), citing many qualifications for resettlement, specifically noting the "fragile" island ecosystems.

Throughout the proceedings for the feasibility study in 2000, the Chagossians were never consulted. Meanwhile, the UK Foreign Commonwealth Office was in direct contact with the consultants and had already communicated - before the scientific research was carried out - what the hoped-for results of the study would be, further compromising the soundness of the research and the independence of the

consultants.

After over 40 years of fighting, the Chagossians seem to be better positioned for the right to return than any other time since their forced displacement. In addition to the study - the full draft of which should be released any day - the US and UK governments have just entered into a two-year negotiation period on whether to extend the lease of Diego Garcia to the United States for another 20 years, an agreement that bears considerably on whether the Chagossians might return home.

The draft feasibility study focuses largely on the environmental impacts of resettlement and the financial cost. Ultimately, the draft concluded that there are "no insurmountable legal obstacles" preventing a resettlement on BIOT. Three options were considered in the study. The first option would involve the large-scale resettlement of approximately 1,500 Chagossians at an estimated cost of £413.9 million (roughly \$625.9 million) over six years. Option two would involve a medium-scale resettlement of around 500 people, estimated at £106.9 million (roughly \$161.4 million) over four years. The third option involves a pilot run of resettling 150 people "with incremental growth over time" with an initial population of about 150 people, costing an estimated £62.9 million (roughly \$95.1 million) to establish and maintain for a three-year period.

While the costs that would be incurred through resettlement are explained in great detail and analyzed through every possible angle in the draft report, including the costs of energy, housing, public buildings, utilities, harbors, an airport, island transportation and defense, the ways in which the costs can be offset are mentioned only in passing. Below are just seven ways that the costs of resettlement could be managed to allow Chagossians to return home and achieve at least some semblance of justice from the UK and US governments:

Eco-Tourism

The Chagos Islands are part of what is currently the largest no-take marine protected area in the world. This means that the waters surrounding the islands are some of the most pristine on the planet, with diverse ecosystems of fish and coral. A high-end eco-tourism industry could be very lucrative for the Chagossians.

The island country of Palau derives a majority of its annual GDP from the tourism and eco-tourism industry to the tune of millions of dollars per year. In Costa Rica, similarly, the economy relies heavily on eco-tourism. For the Chagos Islands, many of which are uninhabited and likely unable to support a permanent population, the islands could be set up as prime destinations for those interested in exploring islands with little human influence. The BIOT is currently a frequent resting place for "yachties" who anchor on the uninhabited islands, and the nearby Seychelles Islands already support a thriving eco-tourism sector. While the Chagos Islands offer many challenges in comparison to places like Palau and Costa Rica (which are able to support large influxes of tourists), this could generate a strong source of sustainable income for the Chagossians and offer many areas for employment by targeting only very high-end travelers at a smaller scale.

Scientific Research/Monitoring of the Marine Protected Area

Scientific research to monitor the health of the marine and terrestrial ecosystems would be an essential component of Chagossian resettlement, especially in the careful study of the marine protections in place. The Chagossians have already expressed an earnest desire to maintain the health of the islands and to

ensure their sustainability with a human settlement. Training the islanders to carry out scientific monitoring of the islands and to collect information regarding the migration of protected bird and fish species, take samples of soil and water, and monitor the abundance of aquatic life would be an easy way to both generate income for the Chagossians and maintain the integrity of the vital ecological communities in and around the islands.

Work on the Diego Garcia Military Base

The US military base on Diego Garcia employs some civilian workers for various occupations on the base. Preferential hiring of Chagossians on the base would be a natural way to supplement some of the costs of resettlement. In more recent years, a few Chagossians have been hired in this capacity, so expanding this program should be quite simple. Civilian jobs on military bases are varied and provide work in many different professions and thus could accommodate many of the skills Chagossians already have.

BIOT Administration/Governance

Chagossian resettlement would require a restructuring of BIOT administration, and Chagossians would need to be a central part of the governance of the islands. While there would likely be very few governmental and administrative positions, they would nonetheless help to provide a consistent income to some of the resettled islanders, meanwhile giving the Chagossians some autonomy over their own governance.

Small-scale agriculture and Subsistence Fishing

Just as was their practice when the Chagossians originally inhabited the Chagos Islands, the islanders could once again look to the fertile land around them for sustenance. While the marine protections on the island state that it is a "no-take" fishing zone, the Diego Garcia base is currently allowed to engage in sport fishing. Eliminating this practice and allowing the Chagossians to provide for themselves through subsistence fishing would bolster their self-sufficiency. Likewise, small plots of family gardens and small-scale agriculture would be similarly helpful.

.io Domain Name

One of the largest potential "cash crops" for the Chagossians is the .io domain name that is associated with the Indian Ocean territory. The domain name has become increasingly popular for tech companies who see the "io" as a reference to the tech term "input/output."

Currently, the .io domain profits are going to the UK government and some of those profits are being used for the administration of the BIOT. If the Chagossians were able to return to their islands, the profits would go to the permanent inhabitants and administrators of the Indian Ocean territory - i.e. The Chagossians themselves. The domain name of .tv brings millions of dollars per year to the people of the small island of Tuvalu. Likewise, profits from .me benefit the people of Montenegro. The .io domain could potentially provide millions of dollars to the Chagossians to support resettlement and cover the cost of maintenance of the settlements going forward. Additionally, this would open up potential jobs for the Chagossians to manage the promotion and sales of the domains.

Reparations

Possibly the single most important thing to consider when looking at the potential costs for resettlement of the Chagossian people to their homelands is the reparations due them for their decades of undue suffering

brought on by both the UK and US governments. This should be central to the conversation on how to pay for and sustain a resettlement of the islands.

A study conducted by anthropologist and American University professor, David Vine; Rutgers University professor of law and economics Philip Harvey; and senior research associate at Johns Hopkins University S. Wojciech Sokolowski found that damages owed to the Chagossian people fall between \$5.4 billion and \$13.2 billion from 1970 through 2008.

The calculation took into account harms suffered by the Chagossian people during the initial expulsion from their land and the over 40 years in exile, and it considered both the direct harms incurred by the individuals first expelled from the islands and the indirect harms incurred by the decedents of those individuals.

The highest cost estimate of the feasibility study found that large-scale resettlement of around 1,500 people would cost approximately \$625.9 million over six years. For the roughly 5,000 Chagossians living today - a people who were exiled from their homes in a brutal campaign, who lost their land, their pets, their income and jobs, the connection to their ancestors buried on the islands, and their cultural heritage, and who have suffered for decades in exile, often in extreme poverty - \$625.9 million seems a small price to pay for justice.

As negotiations between the UK and the US governments regarding Diego Garcia and the US military base begin, it is imperative that US officials work a resettlement option into the agreement.

The UK government has yet to take any responsibility for the injustice done to the islanders over 40 years ago and has thus far not provided any compensation to the exiled community. While the violence committed against the Chagossians cannot be undone, the US government can take considerable steps toward mitigation of those crimes. This includes full resettlement of all of the Chagossian people who wish to return - both first generation and subsequent generations born in exile. This also includes substantial reparations in part through resettlement assistance and continued aid as the islanders rebuild their homes and communities.

Both governments have abdicated responsibility for their role in the exile and years of suffering imposed upon the Chagossian people. The feasibility study and renegotiation of the base offer an opportunity for both the US and UK governments to work toward restitution for the Chagossians so that they might finally see justice and return home once again.

<http://www.truth-out.org/opinion/item/29097-the-price-for-justice-resettlement-of-the-chagos-islands>

TO LEARN MORE

❖ *Chagos Refugees Group*

chagosrefugeesgroup.org

❖ *Watch a "60 Minutes" report (12 min)*

www.youtube.com/watch?v=lxVao1Hn1Is

❖ *Watch John Pilger's "Stealing a Nation" (56 min)*

johnpilger.com/videos/stealing-a-nation

❖ *Let Us Return USA*

www.facebook.com/uschagossupport

www.LetUsReturnUSA.org

❖ *UK Chagos Support Association*

www.chagossupport.org.uk

www.facebook.com/chagosislands

❖ *The History*

www.chagossupport.org.uk/background/history

❖ *Read Island of Shame: The Secret History of the U.S. Military Base on Diego Garcia*

press.princeton.edu/titles/9441.html

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