



CHAGOS REFUGEES GROUP

Fighting for rights of Chagossians worldwide

PRESS KIT

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

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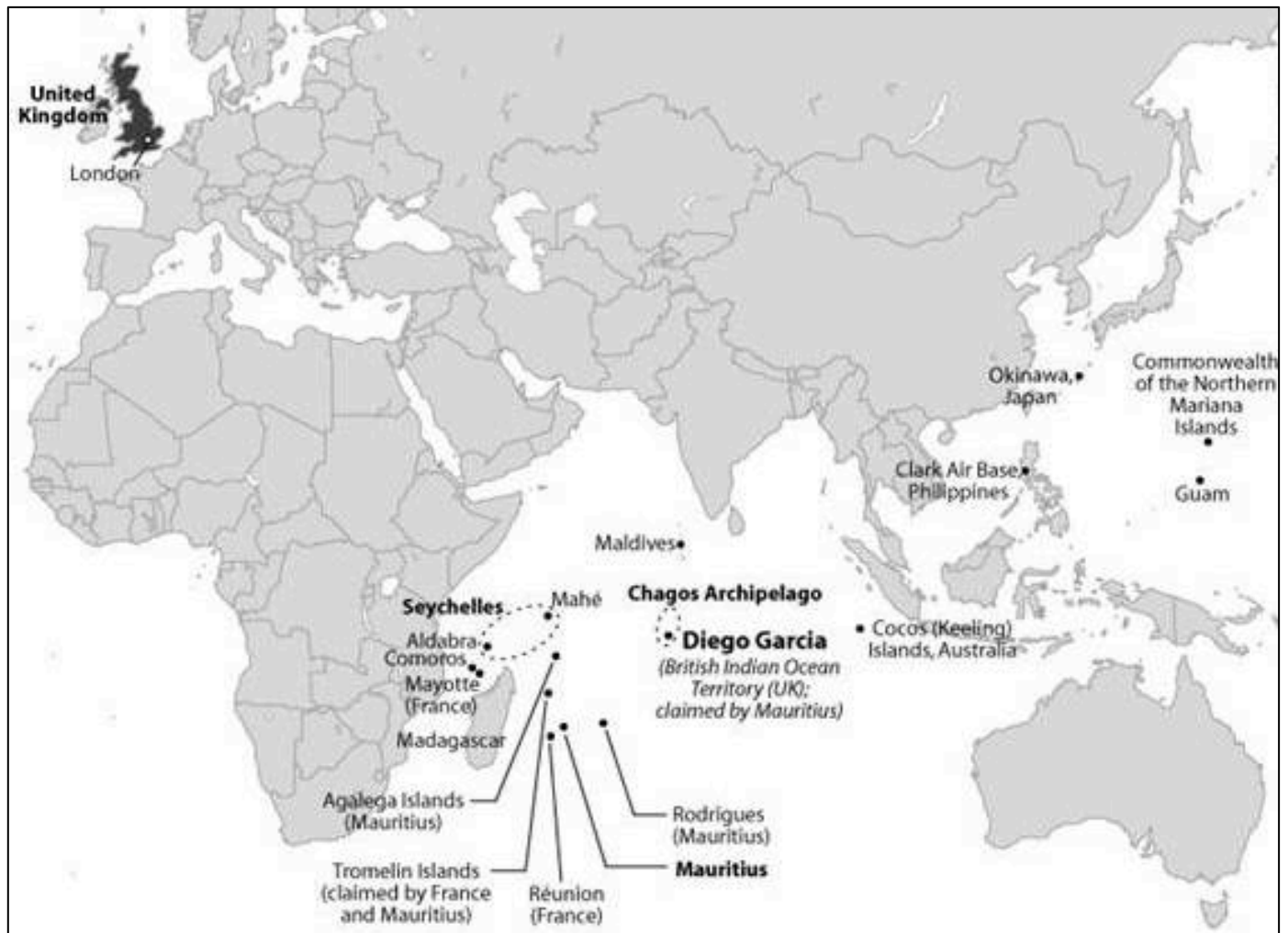
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Background

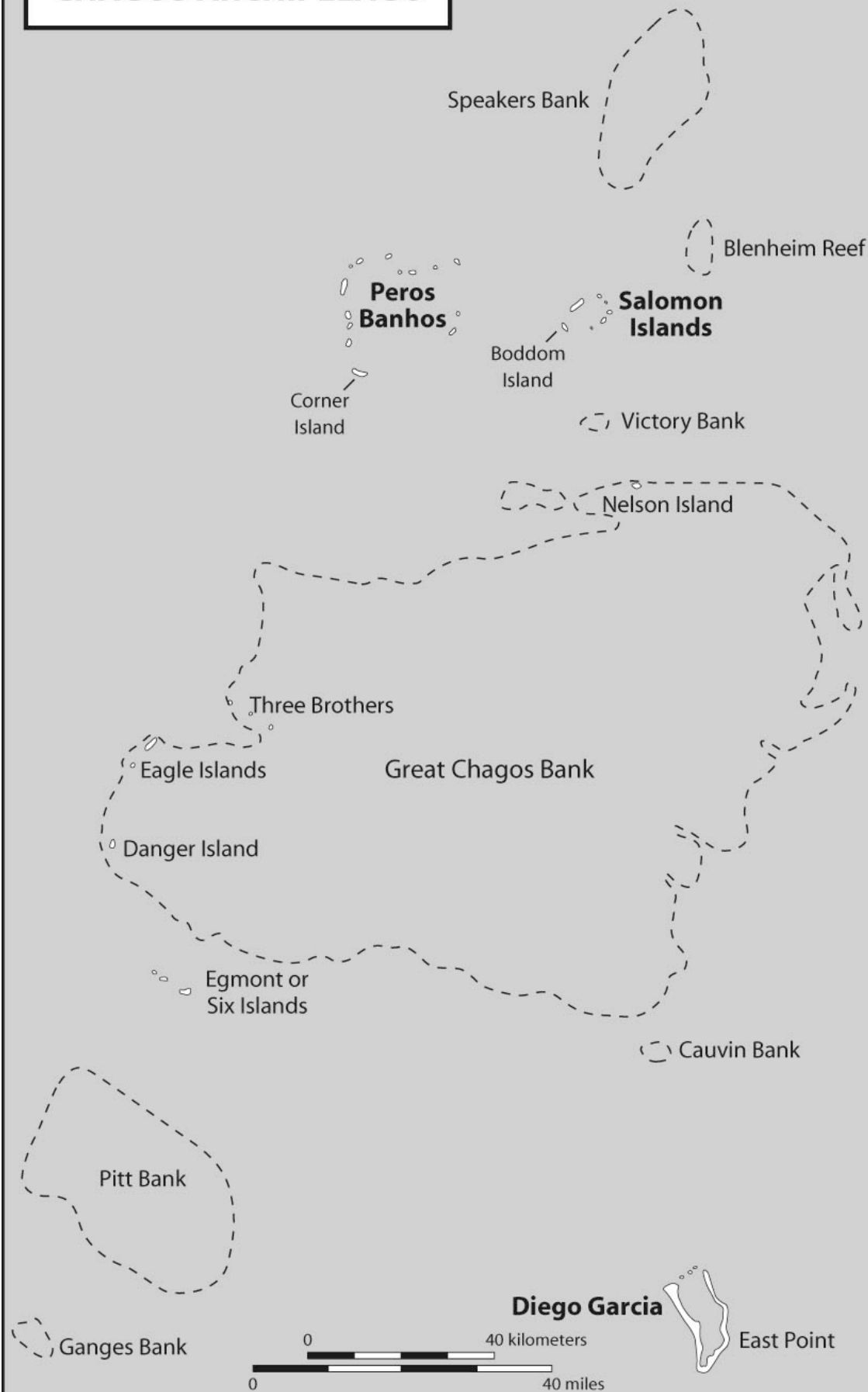
- In the 1970s, the US Government created a military base on the Indian Ocean island Diego Garcia in the British-controlled Chagos Archipelago.
- Prior to the base's creation, the US Government convinced and secretly paid the UK \$14 million to forcibly remove the indigenous Chagossian people of Diego 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.
- In late 2014, the 2-year period to renegotiate the Diego Garcia base agreement commenced with the initial 50-year term expiring in 2016. While the bilateral executive agreement is subject to an automatic 20-year renewal, the renegotiations are a pivotal moment to redress the harm done to the Chagossians.

Our Aims

- 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, a British Government study found no significant legal barriers to resettling the islands (where U.S. military personnel have lived for more than four decades). In March, a UN court 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. In June, Chagossians challenged the MPA in the newly created U.K. Supreme Court while also arguing to re-open their British legal struggle. At the same time, a 2-year period to renegotiate the Diego Garcia base agreement has just commenced, with the initial 50-year term expiring in 2016. While the bilateral agreement is subject to an automatic 20-year renewal, the renegotiations offer a pivotal moment to redress the injustices done to the Chagossians.

The plight and struggle of the Chagossians has been widely documented. The Chagossians are determined to pursue all avenues for justice to prevail and for their fundamental rights to be restored.

THE CHAGOSSIAN PEOPLE

A TIMELINE OF THEIR EXILE AND STRUGGLE TO RETURN HOME

- 1783—First permanent settlement in the Chagos Archipelago, on its largest island, Diego Garcia.
- 1957—U.S. Navy examines Diego Garcia as a potential base site.
- 1960—U.S. Navy begins discussions on Diego Garcia with British naval counterparts.
- 1962—Formal negotiations begin between Robert McNamara and U.K. Minister of Defence.
- 1963—President Kennedy approves the base and orders McNamara to carry out the plan.
- 1964—Formal U.S./U.K. talks on Diego Garcia. U.S. indicates interest in gaining “exclusive control” of Diego Garcia “without local inhabitants.” Tentative agreement reached, with the U.K. to assume responsibility for setting up a new colony, including Diego Garcia, exclusively for military base sites, and to remove all inhabitants.
- 1965—U.K. pressures its colony Mauritius to cede Chagos and creates the British Indian Ocean Territory (BIOT). McNamara authorizes secret \$14 million transfer to U.K. to create the BIOT and remove its population.
- 1966—U.S./U.K. Exchange of Notes gives U.S. access to Diego Garcia for 50 years with an automatic 20 year renewal of the agreement unless either government cancels it within 2 years of 2016. In unpublished, confidential minutes, U.K. agrees to remove Chagossians.
- 1968—Chagossians traveling to Mauritius for vacations or medical treatment prevented from returning to Chagos and stranded in Mauritius. Supplies of food, medicines, and other necessities in Chagos running low. Others coerced into leaving. Population declines.
- 1970—Congress appropriates first construction funds for Diego Garcia base after years of Navy lobbying. Navy tells Congress the islands have no permanent population. State Department Legal Adviser writes internally that U.S. shares responsibility with U.K. for Chagos’s inhabitants and their welfare.
- 1971—Construction begins on Diego Garcia. British agents and U.S. soldiers gas and burn Chagossians’ pet dogs. Remaining inhabitants forced onto cargo ships and deported to other Chagos islands, Peros Banhos and Salomon, or to Mauritius and Seychelles.
- 1972—Chagossians in Salomon deported to Peros Banhos, Mauritius, or Seychelles.
- 1973—Chagossians in Peros Banhos deported to Mauritius. The expulsion is complete. No Chagossians remain on their islands.
- 1975—Washington Post breaks the expulsion story for the first time in Western press, describes Chagossians living in “abject poverty” in Mauritius. Senators Culver and Kennedy force Ford Administration to report on the inhabitants; hearings held before interest fades.
- 1978—Chagossians receive £650,000 compensation paid by U.K. to Mauritian Government.

- 1982—After hunger strikes and protests, U.K. agrees to £4 million compensation, forces mostly illiterate Chagossians to thumbprint English contract renouncing right of return. U.S. spends hundreds of millions of dollars to expand base on Diego Garcia.
- 1997—Chagos Refugees Group files suit against the British Crown.
- 2000—British High Court rules for Chagossians that expulsion was illegal under British law.
- 2001—Chagossians sue the U.S. Government and officials including McNamara and Rumsfeld.
- 2003—Chagossians' second U.K. suit for compensation found in favor of the Crown despite the court admitting Chagossians "treated shamefully by successive U.K. governments."
- 2004—U.K. Government, in the name of the Queen, passes royal Orders in Council decreeing Chagossians barred from return to Chagos; effectively overrules 2000 victory.
- 2005—U.S. suit dismissed. An appeals court later upholds the ruling and the Supreme Court declines to hear the case. Challenge in British court to Orders in Council allowed. Chagossians sue U.K. in European Court of Human Rights.
- 2006—Chagossians win suit that rules Orders in Council unlawful; British government appeals.
- 2007—Chagossians win appeal over Orders in Council; British government appeals to the U.K.'s highest court, the House of Lords.
- 2008—Law Lords, by a 3-2 margin, overturn Chagossians' lower court victories, upholding the exile. The ruling upholds colonial law and finds that the government's financial and military interests trump the people's right of abode in Chagos.
- 2009—European Parliament passes a resolution calling on the EU to support the Chagossians' resettlement of the Chagos Archipelago.
- 2010—U.K. creates a Marine Protected Area (MPA) in the Chagos Archipelago with an exemption for Diego Garcia. Later, Wikileaks releases a cable showing U.K. and U.S. officials agreed that creating the MPA was the best means of keeping the Chagossians from ever returning to Chagos.
- 2011—Assembly of the African Union condemns unlawful excision of the territory and MPA's illegality.
- 2012—European Court of Human Rights dismisses Chagossians' case claiming that acceptance of small amounts of compensation in 1980s by some Chagossians means the entire people have no grounds to sue.
- 2014—U.S./U.K. negotiations to renew the bilateral base agreement purportedly begin in December.
- 2015—U.K. releases study confirming the viability of Chagossians resettling their islands. In March, the UN Permanent Court of Arbitration rules the U.K. acted illegally in creating an MPA in the Chagos Archipelago, bolstering Chagossians' movement to return. In June, Chagossians challenge the MPA and argue to re-open the case challenging their exile before the newly created U.K. Supreme Court. A ruling is expected soon.
- 2016—Chagossians are still in exile, awaiting a ruling from the U.K. Supreme Court.

Louis Olivier Bancoult Bio: Known as the “Nelson Mandela” of the Chagossian People

Olivier Bancoult is President and co-founder of the Chagos Refugees Group (CRG). Under Bancoult's leadership, for more than thirty years the CRG has promoted the welfare, interests, and rights of the exiled Chagossian people living in Mauritius, the Seychelles, and the UK. The Chagossians were expelled from their homeland in the 1960s and 1970s to make way for the creation of a U.S. military base on the Indian Ocean island of Diego Garcia. Bancoult, a fifty-year-old electrician by training, has gained international acclaim for fighting for Chagossians' right to return to their homeland and for leading his people to victories in three lawsuits against the British government, which controls Diego Garcia. In 2000, 2006, and 2007, the British High Court ruled that the removal of Bancoult's people from their homeland was illegal; however, the victories were overturned in 2008 by a 3-2 decision in the House of Lords. Undeterred, Bancoult has continued to lead the Chagossians' legal and political struggle to return to their homeland and gain proper reparations for their expulsion. Bancoult has represented the Chagossians in London and Washington, DC, at the United Nations and the Vatican, and at numerous international forums in Europe, Africa, and Asia. With a newly published British government study finding no legal barriers to a return and the renewal of US/UK negotiations over the Diego Garcia base agreement, Bancoult visited the United States in April 2015, to call on the Obama Administration and United Nations delegations to support Chagossians' right to return, resettlement assistance, and justice for the Chagossians.

KEY ARTICLES

Chagos Islands: The ‘point of return’ beckons for Chagossians

Sean Carey

New African Magazine, 9 February 2015

Over four decades ago, citizens of the picturesque Indian Ocean archipelago of Chagos were tricked or forcibly removed from their land by the UK to make way for a US military base following a secret deal between the two countries. The suffering of the forcibly exiled Chagossians, and their fight to return home is well documented. Now a new report brings hope their ordeal could soon be over. Dr Sean Carey finds out how.

Olivier Bancoult, the leader of the Mauritius-based Chagos Refugees Group is cautiously upbeat. “Our right of abode seems to have been recognised at last,” he says in response to the news that a British Foreign and Commonwealth Office (FCO) commissioned report, carried out by professional services firm KPMG, to look into the repatriation of the forcibly exiled Chagossians, may soon make his people’s return to their ancestral home possible.

“After everything we have been through in the courts and in our lives, we never expected the British government to do this, so we are all pleasantly surprised to know that the day that we can return to Chagos is coming ever closer,” he says.

Although resettlement is not yet a done deal, Bancoult’s positive reaction is justifiable. He is one of around 1,750 Chagos islanders, the descendants of African slaves and workers, who were forced into exile by the UK authorities at the height of the Cold War so that the US could build and use Diego Garcia as a military base.

The largest and southernmost island in the Chagos Archipelago, part of the British Indian Ocean Territory (BIOT), is a hugely important US installation with anywhere between 2,000 and 5,000 US military and civilian personnel (and some 40 British naval officers) in residence. The horseshoe-shaped coral atoll, dubbed the “Footprint of Freedom” by the Pentagon, has been used as a launch pad for B-2 and B-52 bombers for the wars in Iraq and Afghanistan. It has also played a part in the so-called war on terror by being used for the refuelling of two “rendition” flights in 2002. So the fact that resettlement in Chagos is being explored is highly significant; it demonstrates that there has been a massive shift in attitudes towards the exiled islanders in both Washington and Whitehall in recent years.

Legal battles

Before it was a different story. With the conspicuous exception of the late Robin Cook, who, as UK foreign secretary, was willing to allow the Chagossians to return to islands other than Diego Garcia, after Bancoult’s spectacular victory in the UK High Court in 2000 won them that right, Labour foreign secretaries – Jack Straw, Margaret Beckett and David Miliband – prevented their return.

In 2010 Miliband, for example, responded to a campaign led by influential conservation bodies, including the Pew Environment Group, the Zoological Society of London, and the Royal Society for the Protection of Birds, and declared that (except for Diego Garcia) the remaining 640,000 square kilometres of the BIOT was to become the largest “no-take” Marine Protected Area (MPA) in the world. This MPA “would, in effect, put paid to resettlement claims of the archipelago’s former residents”, in the view of Colin Roberts, the FCO Director, Overseas Territories, according to a leaked cable from the US Embassy in London released by Wikileaks. That cable, written by US Embassy political counsellor Richard Mills, concludes that “[he does] not doubt the current [Labour] government’s resolve to prevent the resettlement of the

islands' former inhabitants". Miliband is now President of the New York-based International Rescue Committee (IRC) charity, which works with refugees and displaced persons in 18 African and 22 other countries. A search on the IRC website for "Chagos" yields zero responses.

However, in 2013 the then Conservative Foreign Secretary William Hague, acclaimed biographer of anti-slavery campaigner William Wilberforce, signalled a new approach to the issues. He instructed KPMG to carry out the study into the feasibility of resettlement in Chagos. This was a follow-up to one commissioned by Cook in 2000 that lasted two years and which, although never completed, nevertheless contained the recommendation that around 1000 Chagossians could settle without any problem in the archipelago. Another report, running to over 600 pages, carried out by management consultancy Royal Haskoning, was then published in 2002. This time the conclusion was markedly different: even short-term resettlement, it was claimed, was unfeasible due to storms and seismic activity. Relying on this finding, which FCO officials and government ministers were happy to portray as the advice of "independent" consultants, the feasibility study was terminated.

In June 2004, Jack Straw authorised a new Order-in-Council using the Royal Prerogative to ban the Chagossians from returning home. This led to further litigation by Bancoult's lawyers. The UK government eventually won that case in a 3-2 judgement in the House of Lords in 2008. However, this was not the end of the legal story. Bancoult's lawyers are preparing to challenge this ruling again, having submitted an application to the UK Supreme Court, based on papers released by the FCO in May 2012 in response to a separate legal challenge, concerning the newly proclaimed MPA. They had long suspected systematic FCO interference in the shaping of the Royal Haskoning report – in particular that the recommendation that 1000 islanders would be able to resettle had been deleted – but could not find the evidence. The papers released in 2012 contain "all the relevant documents", which the Bancoult legal team had been told were destroyed, according to barrister and coral scientist Richard Dunne.

He thinks these documents demonstrate "how officials had required changes to be made to the report such that the final conclusion was, in fact, not supported by the detailed evidence and which revealed that the study was fundamentally flawed."

Richard Dunne suggests that the release of documents relating to the FCO feasibility study is legal dynamite. "If these documents had not been concealed at the time and we had known this, then an effective challenge could have been mounted to a central pillar of the government's case," he says. "I have no doubt that the judgement by the House of Lords would have been different and perhaps the Orders-in-Council would have been ruled unlawful."

Political victories

The legal context is critically important for the islanders' right of return but so are the politics. There is no doubt that a key factor driving the change in policy towards resettlement is that an optional 20-year extension to the 50-year agreement between the UK and US regarding the use of Diego Garcia needs to be in place by 2016. Over the last decade or so, the issue of the Chagossians' exile has been an embarrassment to the UK. Not surprisingly, media commentators in countries as diverse as Iran, Israel, Qatar, Russia and Sri Lanka, nations often castigated over human rights and other abuses by some UK commentators, have been quick to point out the plight of the islanders – in particular pointing to the difference in treatment meted out to the Chagossians compared with their fellow British citizens in the Falkland Islands.

A second factor driving change is that the endorsement of the Chagossians' right of return by celebrity supporters, including 2008 Nobel Prize- winner for literature J-M. G. Le Clézio, adventurer and broadcaster, Ben Fogle, best-selling historical novelist, Philippa Gregory, and dub (reggae) poet Benjamin Zephaniah, has helped significantly in raising the profile of the issue.

Their voices have gone at least some way to counterbalancing the powerful, “fortress conservation” lobby clustered around the London-based Chagos Conservation Trust. A third element is that the establishment of the UK’s Chagos Islands All-Party Parliamentary Group (APPG) in 2008 has succeeded in raising awareness of the Chagos issue amongst UK parliamentarians, many of whom, including John Prescott, deputy prime minister in Tony Blair’s Labour government, were completely unaware that the 1966 exchange of notes between the US and the then Labour government headed by Harold Wilson over the use of Diego Garcia, led to the deportation of the islanders, under the pretence that they were “contract workers”. Significantly, Prescott has said: “I’m ashamed UK governments allowed this to happen. It was wrong and we must make amends.”

The recently published draft report by KPMG, based on meetings with some of the extended Chagossian community in Mauritius, Seychelles and the UK, states that there are “no fundamental legal obstacles” to resettlement. KPMG also makes it clear that arguments concerning defence, security, climate change, sea level rise, increased storminess and viability are not a barrier either. The best options, according to the study, are for a pilot, small-scale resettlement of around 150 people at a cost of £63 million over three years or a medium-sized community of around 500 people at a cost of £107 million over four years. A larger-scale resettlement of around 1500 people, initially on Diego Garcia and then expanding to some of the outer islands in the archipelago, may require a whopping £414 million investment over six years.

Concerned that the government will take fright over such financial projections, the APPG has come up with other ideas. One suggestion is that the UK should not source expensive building materials for resettlement in the US and EU but instead explore cheaper options in Africa and Asia and learn from the experience of other countries in the region, such as the Maldives and Mauritius in running small, remote island communities. Another is that a pilot resettlement should be confined initially to Diego Garcia and then proceed incrementally from a lower base in terms of numbers and living conditions than that outlined by KPMG.

Back in Port Louis, Bancoult thinks that the proposed initial resettlement on Diego Garcia rather than the outer islands of the archipelago is a sensible way to proceed. “It’s a place that has a harbour and an airstrip so travelling by boat or plane isn’t a problem,” he says. “And it has all the facilities, such as electricity, water and hospitals.” It seems likely that the initial numbers returning will be low – perhaps less than 100 people – with more returning later when they see what can be achieved. In any event, like many islanders, Bancoult is confident that economically and socially sustainable communities can be created in the archipelago. “Once the settlement on Diego is up and running we can explore the possibility of people returning to the outer islands like Peros Banhos and Salomon,” he says. “Chagossians are very resourceful – we can make a living through fishing, coconut processing, handicrafts, and perhaps later through eco-tourism. We can also forge regional trading partnerships with people in the Seychelles, Réunion and Mauritius.”

Reassuring the green lobby, he adds: “Conservationists, who have opposed our return, have nothing to fear from our presence; it’s in our interest to look after the environment. But Chagossians can never accept that the fish in the sea have more rights than we do.”

Next steps

Even though new UK Foreign Secretary Philip Hammond is unlikely to be as sympathetic as his predecessor, William Hague, the issue of the Chagossians’ return now has considerable momentum, as well as powerful advocates. Indeed, Hague, now Leader of the House of Commons, has already indicated that he supports an “inclusive and transparent” discussion once the final KPMG report is available. No doubt the Speaker of Parliament, John Bercow, a former member of the APPG, will back the debate. “There is widespread support for the Chagossians in parliament,” says David Snoxell, former British High Commissioner to Mauritius (2000-2004) and coordinator of the APPG. “2015 is the 800th anniversary of Magna Carta, which provides that no ‘free man’ shall be exiled. There could be no better way of

celebrating the freedoms and the Rule of Law enshrined in Magna Carta than by allowing the Chagossians, who are also British, to return home. The British public, the UN, African Union, Commonwealth and international community, would welcome this. It would strengthen the credibility of the UK's promotion of international human rights."

Of course, successive Mauritian governments have maintained their claim to sovereignty over the Chagos Archipelago (including Diego Garcia), which was excised from the colony of Mauritius in breach of international law prior to the country's independence in 1968. Mauritius has been informed by the UK on numerous occasions that the archipelago will be returned when it is no longer needed for defence purposes. This long-standing grievance resulted in Mauritius taking its case regarding sovereignty and the legality of the UK's unilateral decision to declare BIOT an MPA to an international Arbitration Tribunal established under the United Nations Convention of the Law of the Sea (UNCLOS) in 2010.

A judgement is expected early this year, coincidentally the 50th anniversary of the establishment of BIOT. But the Chagos Refugees Group, aware that some Mauritian politicians have accused its members of being "unpatriotic" is wary of being drawn into this legal dispute. "Our main priority is the right of return," says Bancoult. "We have always asked how others, Americans, can live on our islands where we, the indigenous people, are not allowed to. For us sovereignty is a secondary issue."

<http://newafricanmagazine.com/chagos-islands-point-return-beckons-chagosians/#sthash.tX80r2l4.dpuf>

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

[Owen Bowcott](#), [Sam Jones](#); The Guardian Thursday 19 March

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 is 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](#)

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](#). (Image: [The U.S Pentagon](#) via Shutterstock)

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

❖ *UK Chagos Support Association*

www.chagossupport.org.uk

www.facebook.com/chagosislands

❖ *Let Us Return USA*

www.facebook.com/uschagossupport

www.LetUsReturnUSA.org

❖ *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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