

MASTERARBEIT / MASTER'S THESIS

Titel der Masterarbeit / Title of the Master's Thesis

„Colonialism in the 21st Century: A Global History of the
Chagos Islands “

verfasst von / submitted by

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angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of
Master (MA)

Wien, 2018 / Vienna 2018

Studienkennzahl lt. Studienblatt /
degree programme code as it appears on
the student record sheet:

A 067 805

Studienrichtung lt. Studienblatt /
degree programme as it appears on
the student record sheet:

Individuelles Masterstudium:
Global Studies – a European Perspective

Betreut von / Supervisor:

ao. Univ.-Prof. Mag. Dr. Friedrich Edelmayer, MAS

UNIVERSITÄT LEIPZIG



universität
wien

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Table of Contents

Table of Contents	i
Tables and Figures	iv
Foreword and Acknowledgements	v
Abstract	vi
Zusammenfassung	vii
Introduction	1
Chapter One: Life Before the Base: A History of the Chagos Islands and the Chagossians, 1500-1957	
1.1 What and Where are the Chagos Islands?	5
1.2 Settlement and Colonization of the Chagos Islands, 1500-1814	9
1.3 Life, Labour and Culture Under Slavery, 1810-1835....	13
1.4 Life, Labour and Culture After Emancipation, 1835-1880	17
1.5 Colonialism in the Twentieth Century: Changes and Continuities 1880-1962	23
Chapter Two: How the Chagos Islands Gained Their Military Strategic Importance and the Creation of the BIOT, 1820-1965	
Introduction.....	31
2.1 The New Hegemony: The Creation of the United Nations	32
2.2 Pax Americana and the Monroe Doctrine 1821-1945 and Beyond.....	35
2.3 Base Imperialism	41
2.4 The Strategic Island Concept.....	52
2.5 The Suez Crisis: Changing Geopolitics in the Cold War	53

2.6 The Special Relationship and UK-US Collaboration on the “Strategic Island Concept”	55
2.7 Why Diego Garcia? Anatomy of a Fantasy Island	59
2.8 Mauritian Independence and Sovereignty over the Chagos Islands	64
2.9 Selling the Seychelles	72
Chapter Three: The Deportation of the Chagossians, 1965-1979	
3.1 Constructing the Base and Maintaining the Fiction	77
3.2 Moulinie & Co. Removals Ltd.	81
3.3 The Aldabra Base Turns Turtle	82
3.4 Finding the Funding.....	83
Chapter 4: Colonialism and Chagossians’ Power and Place in the World Order	
4.1 The Chagossians and the Dialectic of Anticolonialism ..	90
4.2 Colonial Contradictions of the UN	92
4.3 The USA: Shy Colonists?	94
4.4 The Colonization of Islands as Military Bases	97
4.5 Mauritius, the UK and the USA: Who Represents the Chagossians?.....	99
4.6 Discrimination Against the Chagossians: Colonialism gets Personal	101
4.7 Colonialism in the Twentieth Century?	104
Chapter Five: Justice for the Chagossians	
5.1 Introduction.....	108
5.2 The Force of Law and the Idea of Justice.....	109
5.3 Contrasting Fortunes: Exile and the Construction of the Base.....	112
5.4 Mobilization of The Chagossians	115
5.5 Political Differences	118

5.6 The Chagossians and Mauritius: Allies or Adversaries?	120
5.7 The Chagossians versus the United Kingdom	125
5.8 Onward Migration in the UK	128
5.9 The Chagossians versus the USA	130
5.10 The Marine Protected Area	131
5.11 The Unequal Application of International Law	133
5.12 Hope for the Chagossians	137
Conclusion	139
List of Abbreviations	141
Bibliography	142

Tables and Figures

Figure 1: Map of the Indian Ocean Depicting the Chagos Islands and Diego Garcia	7
Figure 2: Map of Diego Garcia and the British Indian Ocean Territory	8
Figure 3: US Military Bases Abroad	43

Foreword and Acknowledgements

Though I have only been able to study second hand sources for this thesis, the journey has been a revelation. I intend to meet the Chagossian people and help them in their fight for justice however I can. I hope that this thesis will aid them by raising awareness through the telling of their highly important story.

I would like to give my thanks to the people who have helped me write this thesis with their support, feedback, and their general work in the background that has kept me happy and well.

Thanks to Maria Mogy for keeping me in the library with the promise of cookies and for being my life support when I was fixed to the writing desk. Thanks also to Jonathan Clark for proof reading my work and offering me rigorous feedback. Thanks to my parents Philip and Elizabeth White whom I owe everything to and who I think suffer more from their incomprehension of what I'm doing than I do personally.

I would also like to thank Professor Friedrich Edelmayer for first making me aware of Diego Garcia and the Chagos Islands, for his calm, confident advice and for lending his encouragement for me to write.

Last but not least, because scores of citations sometimes do not suffice, I would like to thank Professors David Vine, Peter Sand and Laura Jeffery in particular for their excellent works which have formed the foundation of this thesis and extend my thanks to all the other giants whose shoulders I stand on.

Abstract

The first people to live on the Chagos Islands were brought onto them unwillingly as slaves. Over decades the work of these slaves transformed the forebodingly isolated Chagos archipelago into a home. Social conditions on the islands were characterised by the economic demands of the dominant imperial capitalists and the plantation owners on the one side, and on the other side by the labourers' resistance against the oppression and penury they were subjected to as they struggled to make the islands liveable. This antagonistic relationship was preserved until the 1950s when the United Kingdom decided to accommodate the overwhelming military power of the USA to maintain their power and relevance at the head of a changing world order. At this point the onus shifted from keeping the plantation workers on the island to keeping them off it, as the US Pentagon conspired with the UK to turn Diego Garcia into a military base. Part of this arrangement would involve keeping the existence of local inhabitants, secret from the international community, thereby allowing both the US and the UK to avoid the rule of law as they wished. After their violent deportation, the Chagossians began to mobilize in resistance against their subjugation under prevailing colonial powers and fought for their emancipation from their colonial social relations in exile. This thesis tells a global history of the Chagos Islands that details the relations between the powerful colonizers and the resistant Chagossians and evidences how this dialectic shaped and continues to shape the conditions of this relationship through space and over time.

Zusammenfassung

Die ersten Menschen, die auf den Chagos Inseln gewohnt haben, waren SklavInnen, die wider Willens dort hingbracht wurden. Über die Jahrzehnte hinweg ist diese isolierte Inselkette durch die Bestrebungen von denjenigen, die unfreiwillig auf die Inseln kamen, zu deren Heimat gemacht worden. Die sozialen Bedingungen auf den Inseln wurden einerseits von den wirtschaftlichen Ansprüchen der dominanten Kapitalisten und den Plantagen Besitzern gekennzeichnet. Die Arbeiter widerstanden der Unterdrückung und Armut, indem sie danach strebten, das Leben auf dem Archipel erträglich zu machen. Dieses antagonistische Verhältnis bestand bis in die 1950er Jahre. Danach konnte das Vereinigte Königreich seine dominante Stellung auf den Inseln nur mit der Hilfe der USA als neuer Weltmacht erhalten. Zu diesem Zweck konspirierte die britische Regierung auch mit dem Pentagon, um die Insel Diego Garcia in eine Militärbasis zu verwandeln. Zu dieser Zeit, war es nicht mehr Hauptinteresse der Kolonialmächte den Lebensunterhalt der Plantagenarbeiter auf den Inseln zu gewährleisten, sondern die Inselbewohner aus dem Militärgebiet auszusiedeln. Dies sollte es ermöglichen, dass sowohl die USA als auch das Vereinigte Königreich den alleinigen Zugriff auf die militärischen Anlagen haben. Nach ihrer brutalen Deportation, haben die Chagossians begonnen Widerstand gegen diese Unterwerfung zu leisten. Dazu gehörte auch der Kampf gegen die weiter bestehenden kolonialen Sozialstrukturen. Diese Arbeit erzählt die Geschichte der Chagos Inseln in ihren globalen Zusammenhängen. Die Verhältnisse zwischen den mächtigen Kolonialmächten und den widerstandsfähigen Chagossians werden dabei besonders berücksichtigt. Die Arbeit will zeigen, wie die Dialektik zwischen Kolonialmächten und Unterdrückten nach wie vor die Bedingungen auf den Inseln beeinflusst und formt.

Introduction

This thesis, as a piece of Global Studies scholarly work, brings together different pieces of research to create a comprehensive, transnational and transdisciplinary history of the Chagos Islands and the ongoing processes of colonialism and decolonization. In this thesis the history will be told through five chapters. Chapter One tells the history of the Chagos Islands from their colonial inception to the development of a distinct people known as the Ilois (or Chagossians) who descended mostly from slaves and indentured labourers imported onto the island. Chapter Two details the historical international relations between state powers, and the ways in which the United Kingdom (UK), the United States of America (US/USA) and others conspired to transform the Chagos Islands into the British Indian Ocean Territory (BIOT), the UK's last created formal colony. Chapter Three details how the US endeavoured to construct a military base on an island they insisted should be unpopulated, and how the UK protected it by helping spin a web of lies and secrecy and coordinated the forced exile of the Chagossians from their homeland. In Chapter Four an analysis will be conducted on the history given in the previous three Chapters. This chapter explains both how dominant power structures and their resistance through decolonization movements form the context in which the creation of the BIOT and the expulsion of the Chagossians was made possible, and how this case itself constitutes the development and continuation of new forms of colonial and imperial domination into the present. The agency of the actors involved in these colonial practices and their resistance will also be questioned in this Chapter. Chapter Five will then depict the legal history of the Chagossians' fight for justice, scrutinizing how and in what ways the international legal apparatus that supports decolonization processes on the one hand, also allows residual forms of colonialism to continue on the other.

This thesis will conclude by summarizing the problems that this history exposes and indicating the direction in which this may lead the Chagosians' fight for compensation and the right to return.

For the sake of writing a general global history, and due to the historical information at the author's disposal, the actors and units of analysis in this thesis are predominantly nation states and their representatives. This scale of analysis is deployed as a matter of convenience, as existing knowledge and information on the subject is predominantly given by reference to nation-state actors.

This thesis employs Daniel Clayton's definition of colonialism as: "An enduring relationship of domination and mode of dispossession, usually (or at least initially) between an indigenous (or enslaved) majority and a minority of interlopers (colonizers), who are convinced of their own superiority, pursue their own interests, and exercise power through a mixture of coercion, persuasion, conflict and collaboration."¹

As colonialism is typically promulgated within the framework of empire, the distinction between the two is clarified here. In this thesis colonialism "can be distinguished from imperialism in terms of the local intensity and materiality of this geographical struggle [over the form, image and imaginings of geography], centrally over home and territory."² Different forms of colonialism and imperialism share these markers respectively, but vary greatly in their duration, intensity and culture.

¹ Clayton, D., 2009, in Gregory, D. et al., 2009, p. 94.

² Ibid. p. 95.

The form of colonialism is in turn influenced by the attempts to resist this domination and the context of the struggle for decolonization. Decolonization is defined as “the process, often long, tortuous and violent, by which colonies achieve their national aspirations for political independence from the metropolitan colonial power.”³ Therefore, it is generally marked by a fight for independence from a colonial power whilst specific decolonization movements vary from one another in terms of their “duration, depth and character”.⁴

It must be acknowledged that colonialism is not just a one-way street, even if the relation is coercively enforced from one dominant side. The ways in which the colonized relate to the colonizer and how the colonized relate amongst themselves, with their agency constrained by their colonial dominators, may socially reproduce their status as colonized, consciously and subconsciously. Furthermore, the study of colonized peoples as bereft of agency also reproduces this relationship whereby, on one side, the colonized assume their subaltern status as the objects of study by, on the other side, empowered academics who have a “circumscribed task that [they] must not disown.” Therefore, scholars on colonialism constantly risk reaffirming colonial expectations and influence through research.⁵ Post-colonial scholarship seeks ways in which to subvert this order of knowledge. Though this thesis does not attempt to deploy a post-colonial studies framework of analysis, it is mentioned here as a plea for the reader to critically reflect on the origins of the information and sources given, which do not occur abstractly, but are mined and produced, predominantly by powerful, educated colonial actors.

³ Watts, M., 2009, in Gregory, D. et al. 2009, p. 145.

⁴ Ibid.

⁵ Spivak, G., 1988, p. 104.

Thus, this global history of the Chagos Islands will explain the ways in which dominant power structures were formed in the colonial era and continue into the present and evidence the ways in which decolonization remains an incomplete work in progress. The British Indian Ocean Territory (BIOT)⁶ was created during a period of mass decolonization processes around the world and to date remains the United Kingdom's official last standing colony. The BIOT thus portrays a final stronghold of the old colonial establishment. Decolonization will perhaps always be an incomplete process, and new forms of colonialism may occur, but to achieve the formal eradication of colonialism and empire, the realisation of the Chagossians' right to return and live on the Chagos Islands must be pursued.

⁶ In this thesis the islands are predominantly referred to as the Chagos Islands throughout. They are only referred to as the BIOT in the context where laws and actions apply specifically to this territorial construction.

Chapter One: Life Before the Base: A History of the Chagos Islands and the Chagossians, 1500-1957

1.1 What and Where are the Chagos Islands?

The Chagos Islands are an archipelago located in the middle of the Indian Ocean which can be arbitrarily divided into six groups of coral atolls and sand cay islands. These are named, from north to south, Peros Banhos, Salomon, Nelson Island, Three Brothers & Eagle Island, Egmont Islands (Six Isles), and the largest of the islands, Diego Garcia, with a distance of 131 miles spanning between Diego Garcia and Peros Banhos (see Figure 2).

Although the island of Addu in the Maldives lying just 240 miles to the north is the nearest foreign territory to the archipelago, the Chagos Islands have historically been more closely connected with the Seychelles and Mauritius, which lie 1150 and 1340 miles west and south-west of the Chagos archipelago respectively. The nearest mainland point to the Chagos Islands is on the south-west coast of India which lies approximately 1125 miles away (see Figure 1). Located roughly halfway between the east coast of Africa and the west coast of Indonesia, the Chagos Islands are within a long-range equidistant reach of all the surrounding continents.

These islands all enjoy a warm, wet climate which provides them with high amounts of rainfall all year round. They are low lying with a maximum elevation of 36 feet above sea level, yet they are placed at a convenient latitude outside of the tropical convergence zone where tropical storms first form but ultimately do not strike with destructive force. The continental shelf on which they sit, and the surrounding coral atolls also form a useful barrier that hinders the formation of destructive waves,

such as the ones from the “Boxing Day Tsunami” of 26th December 2004.⁷ Diego Garcia is a footprint-shaped atoll with a two-nautical-mile wide opening in its north-western corner, encircling a lagoon that is 6.5 miles wide and 13 miles long.

⁷ Sheppard, C., 2007, p. 135.



Figure 1: Map of the Indian Ocean depicting the Chagos Islands and Diego Garcia, 1996, Source: University of Texas at Austin [online] https://www.lib.utexas.edu/maps/islands_oceans_poles/indian_ocean_w_96.jpg [accessed: 06/02/2018]

Diego Garcia

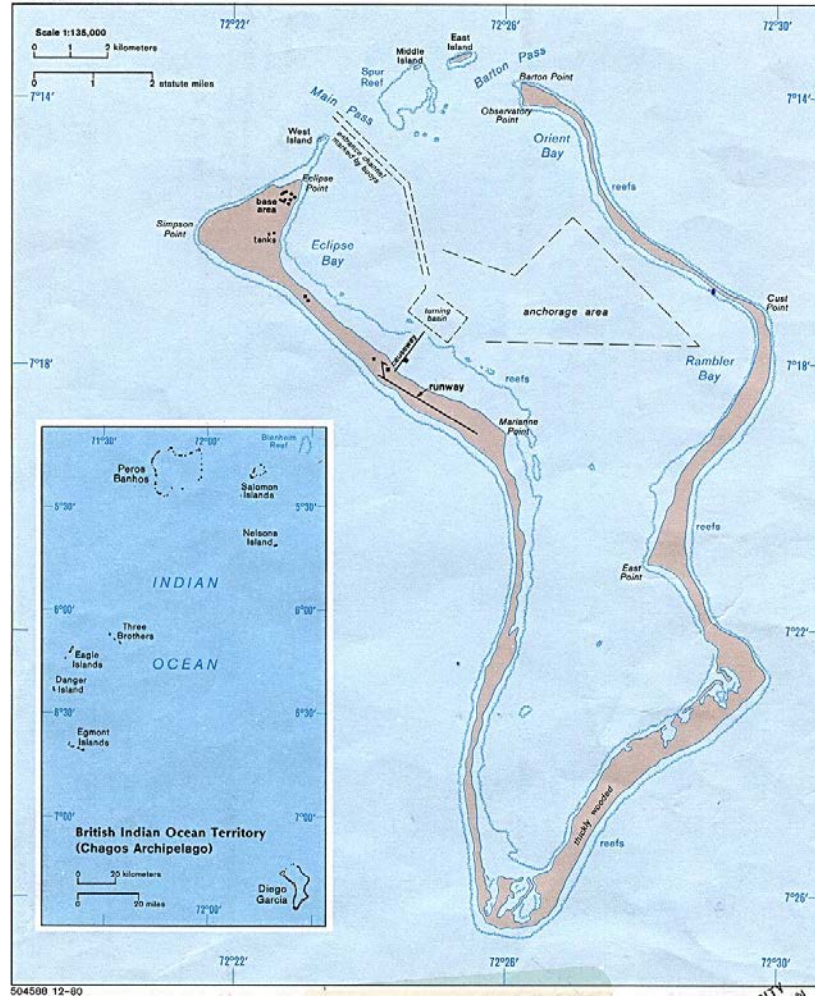


Figure 2: Map of Diego Garcia and the British Indian Ocean Territory, 1980,
Source: University of Texas at Austin, [online]
https://www.lib.utexas.edu/maps/indian_ocean.html [accessed: 06/02/2018]

1.2 Settlement and Colonization of the Chagos Islands, 1500-1814

With their small land size, extreme isolation and central location in the Indian Ocean, the islands were first documented merely as navigational markers by explorers who tentatively mapped potentially treacherous areas of the sea in the 15th and 16th centuries.⁸ Though the date and credit for their exact discovery is disputed, the islands were written into “Western” knowledge and existence in 1512 when they were mapped and named by Portuguese explorers:⁹ Chagos deriving from the Portuguese word for the wounds of Christ, whilst the main island Diego Garcia was originally charted as Dom Garcia, abbreviated to D. Garcia on a subsequent map, and thereafter assumed to be named after Spanish explorer Diego Garcia de Moguer.¹⁰

Over the course of the 16th and 17th centuries the archipelago remained unpopulated. But interest brewed as various, mostly European empires scrambled to plant their flag on Indian Ocean lands great and small, competing for domination of the Indian Spice Trade routes and the use of the islands either as potential outposts, entrepôts, or for resource exploitation. It was in this context that France first established a permanent settlement on Mauritius in 1721, naming it Île de France. From there, the French Company of the Indies imported slave labour from Madagascar and south-eastern Africa, chiefly for the production of sugar cane. In their respective conquests for naval and economic domination, Britain and France both held surveys of the different islands in

⁸ Scott, R., 1961, pp. 34-35.

⁹ Arabic and Persian sailors had long been aware of the islands before the 16th Century, though due to the dangers that reefs posed to ships, these were mapped as unnamed obstacles to be avoided. See, Ray, H. P., 2007 [1999], pp. 31-32; and Carter, M. 2017, p. 214.

¹⁰ Vine, D., 2011a, p. 19; Edis, R., 2004 [1993], p. 24.

the Chagos archipelago. France first claimed Peros Banhos in 1744, whilst Britain surveyed Diego Garcia in 1745, prospecting for a point of naval strategic advantage. In 1780, a French survey identified the lagoon in Diego Garcia as a place “capable of being defended easily” where “many vessels may anchor safely”.¹¹ In late 1783 Pierre Marie le Normand, a French plantation owner based in Mauritius, obtained funds to set off with a crew of 22 slaves and set up a coconut plantation on Diego Garcia. Le Normand and his slaves successfully established a plantation and the first permanent settlement on Diego Garcia, though natural resources were too sparse to be self-sufficient and additional food had to be shipped in to make living conditions bearable. One thing the island was not lacking in was turtles, the meat of which was believed to be restorative for people suffering from leprosy. Le Normand’s plantation settlement thus came to double up as a leper colony.¹²

An incident followed in 1786 when the British East Indian Company arrived to set up their own plantation and forcefully claimed the already inhabited islands for themselves in the name of the British Empire. In retaliation, France hurriedly sent a warship to the archipelago and a sternly worded letter to the British Council. When the word reached the British Council in Bombay, they took the diplomatic decision of abandoning the island, avoiding an act that could have provoked a war.¹³

¹¹ Archives Nationales Paris, 3JJ 358, Anonymous Memoir, in Carter, M., 2017, p. 215; and Scott, R., 1961, p. 68.

¹² Carter, M., 2017, p. 216; Scott, R., 1961, pp. 96-97.

¹³ Scott, R., 1961, p. 75.

Thereafter, the Chagos Islands were governed from the main island of Île de France, the administrative centre of France's Indian Ocean colonies collectively known as the Mascarenes.¹⁴ From here, more Franco-Mauritian plantation owners were given grants under the *jouissance* scheme, allowing their companies to establish new settlements on the Chagos archipelago, based primarily on coconut cultivation. *Jouissance* grants gave the grant holders the right to use and occupy the islands under guarantee from the government (of Mauritius in this case). The guarantors themselves were wealthy financiers in France who were highly unlikely to ever visit the islands. As such, the proprietors of the land on location had unhindered management powers in the name of the guarantors.¹⁵

In 1808 one plantation owner and *jouissance* holder, named Lapotaire, built a copra (dried coconut flesh) processing plant on Diego Garcia for the extraction of coconut oil. Initially he forbade its use on location out of worries that the presence of this relatively valuable commodity would make the island a target for pillaging and pilfering Brits, who were a frequent scourge on the early settlements on the Chagos Islands. Production on the island was, for the time being, restricted to copra production, which would be taken to Île de France to be processed into oil. Lapotaire's copra plantation alone exploited the labour of around 100 slaves.¹⁶

During the Napoleonic wars the price of coconut oil rose on the international market. Lapotaire was then convinced to start ordering the production of coconut oil on Diego Garcia at an advantageous price for

¹⁴ Houbert, J., 1992, p. 468.

¹⁵ Scott, R., 1961, pp. 136-139; This is an arrangement that would echo familiarly a couple of centuries later. See Section 4.4, pp. 81-82.

¹⁶ Ibid. p. 99.

the market on Île de France. The success of the trade can be attested to the proliferation of coconut plantations on the rest of the Chagos Islands and the Lesser Dependencies of Mauritius, which in turn came to be known as the “Oil Islands”.¹⁷ Wherever new plantations sprouted under *jouissance* funding from the French Empire, hundreds of slaves were forced to maintain them, living in such deplorable conditions that when British ships arrived to plunder the islands of its resources and slaves, some remaining, uncaptured slaves were reported to have gone with them voluntarily.¹⁸

After decades of scrimmages with the French Empire, Britain ultimately claimed the Chagos Islands in 1810 after defeating Napoleon's navy to gain control over the Mascarenes (the islands of Mauritius, Reunion and Rodrigues). The British Empire gained official ownership with the signing of the 1814 Treaty of Paris, which ceded Mauritius and its dependencies to Britain. Yet after this, Mauritius and its dependencies all remained culturally French in terms of language, laws and Catholic religion.¹⁹ Britain allowed the French bureaucracy of the Chagos Islands to continue, satisfied with their role of producing coconut oil to supply the market on the main island of Mauritius: not the European ones. Crucially, this allowed the continuation of the informal governance of the Chagos archipelago and the Lesser Dependencies by plantation-owners as self-appointed *administrateurs*. The manner of management and working conditions thus varied from island to island, dependent on the whims of the proprietor/administrator on location.²⁰

¹⁷ The other oil islands in the Lesser Dependencies were St. Brandon and Agalega. Ibid. p. 96.

¹⁸ Vine, D., 2011a, p. 15; Carter, M., 2017, p. 218.

¹⁹ Vine, D., 2009, p. 23.

²⁰ Scott, R., 1961, p. 137.

Britain's colonial governance of the dependencies of Mauritius took a hands-off approach. Possessing Mauritius and its dependencies was most important to Britain for the simple matter of it denying their commercial and imperial rivals the strategic advantage of owning the territory.²¹ Whereas Mauritius was subject to indirect colonial policy, whereby citizens were permitted some autonomy and allowed to self-govern, the British Colonial Office imposed direct colonial rule on the Chagos Islands through which the British could make laws and rule via executive ordinances. The Chagos Islands were thus administered as a "dependency of a dependency", subordinate to Mauritius, which was in turn governed by the British Empire.²² As will be explained, British oversight of the plantations was absent for most of the time, yet its executive power would effectively fix the conditions of work on the Chagos Islands by cutting off links between the slaves, the administrators and the executive rulers. This governance strategy was intentional because the Chagos Islands were distinctly seen as land for the exploitation of natural resources: not as a potential civilisation.²³

1.3 Life, Labour and Culture Under Slavery, 1810-1835

Before the details of colonial life on the Chagos Islands are given, and the causes and reasons for the formation of a distinct Chagossian culture

²¹ Vine, D., 2011a, p. 14.

²² Ibid. p. 19.

²³ Direct and indirect colonial rule were two generally distinct forms of British colonial governance. Direct rule generally applied to extraction colonies, whilst indirect applied to settler colonies (Gregory, D. et al. p. 96). The two often applied in different parts of the same territory, such as in India where the form of governance structure varied according to the states' pre-existing governance structures. For a definition of the distinct and explicit differences between direct and indirect colonial rule in the British Empire, see Iyer, L., 2010, pp. 693-694.

are exhumed, a quick disclaimer is necessary. The exact working conditions of the Chagos Islands are difficult to discern due to the limitations of the sources available. One important factor is the institutional bias of most records from any time pre-dating the 1950s. Most documentations from this long timespan are written by former governors and colonial administrators who, as employed colonial officials, acquiesced to colonialism and the power structures responsible for the prolonged oppression and suffering of the Chagos islanders.²⁴ Furthermore, the majority of the islanders' stories were never recorded in this era, due to the Chagossians being deprived of a comprehensive education and the opportunity to become literate until the 1950s. This means that anyone seeking to gather first-hand, anthropological evidence of the living and working conditions on the Chagos Islands, then and now, have had to rely heavily on oral histories. These, however, also tend to frame life on the islands in a skewed manner, with Chagossians displaying a pervasive nostalgia and pride of place that largely erases and obscures the actual extent of the misery and suffering that most Chagossians must have regularly endured.²⁵ Furthermore, as previously outlined, the administrative system under the *jouissance* scheme and after it, effectively handed all the power of management to plantation owners who could rule precisely as violently as they wished. Conditions varied greatly between each island plantation dependent on the managers. Nonetheless, a general description of the working conditions in this era will be attempted.

Up until the abolition of slavery in the British Empire including Mauritius and its dependencies in 1835, the Chagos Islands were populated almost entirely by slaves, the exceptions being the resident plantation

²⁴ Carter, M., 2017, p. 214.

²⁵ Ibid.; Jeffery, L., 2011, pp. 62-64. This will be discussed in further depth in Chapter 5 on the problems facing the Chagossians' battle for justice.

owners and some “free persons” nominated to help rule the rest. It is recorded that the slaves were transported in from Mozambique, Madagascar and Mauritius (though this notes the place where they were sold from rather than their actual origin). A census of the Chagos Islands from 1826 shows how enslaved blacks outnumbered free persons, and white plantation owners by 377 to 31, with sometimes one or two plantation owners left to manage over a hundred slaves.²⁶

From 1828 the British Colonial Office appointed the Admiralty to survey the working conditions of the slaves and lepers for the first time. These reports portrayed the islands as a place where “the greatest discontent prevails”.²⁷ Other reports claimed that despite working “from sunrise to sunset for six days a week” the slaves were “happy and content.”²⁸ Though the administrator may have perceived it to be so, because slave labour on the Chagos Islands was limited to a *relatively* less intensive, task-by-task working pattern, which was deemed as favourable compared to the onerous, continuous toil required for farming sugar cane in Mauritius.²⁹ This meant that even as slaves, the islanders could, to an extent, control the pace of their work. This offered them the possibility of leisure outside of the time it took to complete their work ration. Additionally, because of the difficulty of bringing new slaves in, the lack of a ready pool of potential replacement slaves, and the high adaptation required of slaves living on the islands, settled slaves on the Chagos Islands obtained a precious value, so it was more in the slave owner’s interests to keep their slaves in *relatively* good health.³⁰ Indeed, it was often the newcomers who suffered the most from the harsh everyday conditions, falling victim

²⁶ Vine, D., 2009, p. 25, Table 1.1.

²⁷ Fraassen V. and Klapwijk, P., 2008, in Carter, M., 2017, p. 219.

²⁸ Lapotaire et al., Letter, October 8th 1828, p. 13, in Vine, D., 2011a, p. 18.

²⁹ Vine, D., 2011a, pp. 18-19.

³⁰ Jeffery, L., 2011, p. 20.

to malnourishment, ill health from the lack of sanitation, or simple fatigue from the physical labour.³¹ Slave owners across the British Empire were nonetheless legally required to provide their slaves with housing, food, clothing and health care, though often to a basic minimum standard.

The piecemeal presence of such small allowances, though important in offering the Chagos islanders a semblance of dignity, should not be overstated. In slavery and colonialism, the main driving force for compliance with the labour conditions was the constant threat of severe violence. This was also used to establish and enforce a skin-colour based hierarchy with white plantation owners at the top, mulatto commanders in the middle who had the opportunity to earn a slightly higher wage for overseeing the black and leper slaves at the bottom.³² A personal sense of self-inferiority and of the commanders' superiority was brutally drilled into the slaves until over time it was tacitly accepted. This was seen as particularly important in the small communities, for it was never out of the question that one of these close-knit groups numbering up to 100 people could rise up and overwhelm the greatly outnumbered plantation owners.³³

Though the material conditions were derisory, the greatest luxury that the slaves on the Chagos Islands had was undoubtedly their free time. Upon completion of their daily tasks they could pursue other leisure interests, like craft-making, singing, dancing or worshipping in church. It was also reported that slaves were encouraged to tend their own gardens

³¹ Carter, M., 2017, pp. 223-225.

³² Vine, D., 2011a, p. 20; Carter, M., 2017, p. 222.

³³ Ibid. p. 22. In larger communities such as on Mauritius, clandestine police could be hired to turn the local populations against one another. With no person a stranger to another on the Chagos islands however, this tactic could not be exploited here.

and raise their own livestock and also had opportunities in their free time to work extra to earn small supplementary wages, sell homemade goods, or catch fish to sell and barter whenever the cargo ships arrived.³⁴ Though this “voluntary” work was essential for necessary provisions and compensated for the excessive thrift of the slave owners, formal land tenure which began under slavery came to play an increasingly important part in Chagossian culture, helping instil a sense of proprietorship and belonging to the land.³⁵

1.4 Life, Labour and Culture After Emancipation, 1835-1880

Following the abolition of slavery in 1835, apprentice schemes were adopted in Mauritius and its dependencies, although if any changes at all were implemented that marked a departure from slavery, they were largely nominal. In his general history of the Lesser Dependencies, Former Governor of Mauritius (1954-1959), Sir Robert Scott, remarked on this period of emancipation: “No attempt seems to have been made by managements... to bring the islanders to a realization of their changed economic status, or to encourage them to take advantage of it.”³⁶

Upon their emancipation islanders continued to work on a more casual basis instead, perhaps kept innocent of this change on purpose. They did see that it was in their interest to reduce the time spent working on their tasks, so they could enjoy their free time rather than increasing or developing their work to earn more wages (Scott neglects to mention any such development opportunities on these islands).³⁷ They were at the

³⁴ Lapotaire et al. 1828, letter, October 8th, 1828, Mauritius Archives Trial Bundle 1:4, in Vine, D., 2011a, p. 18.

³⁵ Vine, D., 2011a, p. 18.

³⁶ Scott, R., 1961, p. 150.

³⁷ Ibid.

same time satisfied with the goods that their meagre wages could afford them in the management shops. Though it can be inferred that by this time already, many of the islanders had become attached to their way of life, a mixture of their own, perhaps, wilful ignorance, and the opportunistic denial of information and education from the *administrateurs* played the most part in the islanders not improving their lot substantially and accepting the simple ways of their everyday life.

There are other signs implying that the islanders had struck out a relatively satisfactory way of life. Under the apprentice schemes in Mauritius, many former slaves abandoned the island, leaving a labour shortage. To plug the gap, indentured labourers had to be imported, mostly from India. Yet on the Chagos Islands, only a small number of Indian labourers were imported, for there was a less urgent labour shortage and little demand for them.³⁸ The vast majority of ex-slaves had stayed on the Chagos Islands as contract workers and were even voluntarily joined by several ex-slaves who had fled from Mauritius. Here, the transition out of slavery proved much more manageable for the plantation owners as the majority of slaves stayed on as apprentices.³⁹

There are connections between the reasons for why the Chagos islanders stayed, as well as for why and how the overall system was maintained. The labour conditions on the Chagos Islands were themselves, somewhat distinct from those on Mauritius, East Africa, India and elsewhere in the Indian Ocean region, with cultural traits resembling those shared amongst other far-removed plantations in the so-called “global plantation network” of the Caribbean, South Pacific, Australia and the

³⁸ Vine, D., 2009, pp. 27-29.

³⁹ Jeffery, L., 2011, pp. 21-22.

USA.⁴⁰ An important aspect of this is that though the islanders were technically economically free, they were still socially marginalised and remained “politically enslaved”. The prevailing former slave-owning establishment still deprived them of equal rights and made to feel inferior so that their bondage and exploitation could be continued.⁴¹

To a large extent the labour conditions were determined by the socio-economic conditions for farming the crop at hand. On the Chagos Islands, which were deemed to have a “climate ideally suited to the cultivation of coconuts”⁴², labour conditions for coconut farming and processing were, though still “very uncomfortable and wretched”⁴³, reported to be “wholesome and unique”⁴⁴ compared to those for sugar cultivation in Mauritius.

This explanation alone does not suffice for explaining why it was in the interest of plantation owners to maintain these conditions. A monocrop economy can only be sustained with constant, ample demand, at a favourable price that does not compromise the limited supply on the Chagos Islands. Though during emancipation there was an added incentive to continue producing coconut oil due to a sustained price rise, global prices still tended to fluctuate.⁴⁵ What kept the industry going was the close-to-slavery cheapness of labour available due to the Chagos islanders selling themselves short. This was a unique case at a time when most other plantations of other crops in the Indian Ocean were facing mass abandonment. Special Justice Charles Anderson predicted in an

⁴⁰ Curtin, P., 1990, pp. 153-155.

⁴¹ Ibid. p. 120.

⁴² Lucie-Smith M., 1959, p. 6, in Vine, D., 2009, p. 24.

⁴³ Anderson, C., 5th September 1838, in Carter, M., 2017, p. 219.

⁴⁴ Carter, M., p.220; Scott, R., 1961, p. 293.

⁴⁵ Scott, R., 1961, pp. 105-106.

1838 report that: “the islands producing Indian corn only will be abandoned at the termination of the Apprenticeship and... the Cultivation of the Cocoa Nut will be continued wherever it is produced to any extent.”⁴⁶

For good and for bad, the working conditions on the Chagos Islands were “dictated and limited by the extraction of copra.”⁴⁷ The cheap and ready supply of labour kept prices down and fed back into ensuring a reliably constant demand for coconut oil on Mauritius. As a result, absolute improvements in working conditions were only provided for logistical, production-based reasons at the whim of the plantation owners. Though Chagos and the other dependencies were supposed to be supervised by an official Protector of Slaves after emancipation, this authority was stationed in Mauritius, and only held visits to the Chagos Islands too rarely to exert any meaningful authority.⁴⁸ Isolated from the supervision of governmental authorities, plantation owners could rule with impunity most of the time. Between 1840 and 1875 some plantation owners were tyrannical in their treatment of their workers, yet regular beatings and enforced penury went on unsupervised for the absence of a police force, reporters, or meaningful managerial oversight.⁴⁹ If they felt the urge to complain, Chagos Islanders would have to wait for the two occasions each year when a cargo ship would arrive on its way to Mauritius and bring them to visit the commanding officer. Any immediate complaints to the *administrateur* or plantation owner would be first met with a disproportionate punishment for insolence, and if they then got through to a higher power, the plantation owner would often only face a small fine.

⁴⁶ Anderson, C., 1938, in Scott, R., 1961, p. 293.

⁴⁷ Scott, R., 1961., p. 150.

⁴⁸ Ibid., pp. 140-141.

⁴⁹ Ibid., p. 262; and Carter, M., 2017, pp. 220-221.

The only things that attracted attention and brought much needed supervision and law enforcement were serious incidences of violent resistance. Take for example the case of Mr. Hugon, a plantation owner on the Egmont atoll (also known as Six Isles). Hugon was notorious for his abuse of labourers, and for his illegal procurement of Indian labourers whom he conspired to have kidnapped, forced to work on his plantation, and traded further on in the illegal slave market. In 1856 Hugon was killed by a group of four such slaves he had forced to work on his plantation. The four men hijacked a ship, demanding their return to Cochin, India, but they were eventually rounded up, and trialled, though the ruling sentenced just two of them for manslaughter and 18 months in prison. Scott remarked that this was, if anything, an indictment of Hugon's illegitimate management practices.⁵⁰ It took many of these incidents to provoke the British colonial government into introducing any change. They maintained the hands-off approach, preoccupied by problems facing the main island of Mauritius.⁵¹

The workers themselves resisted whenever they could, but their attempts to improve their conditions were often thwarted by the negligent governance of the islands up until the late 1870s. Only in 1874 was it decided by the Government of Mauritius and the British Colonial Office that Mauritius should take full responsibility for governing its dependencies. Despite the introduction of new labour laws for Mauritius between 1877 and 1878, which established regulations of working conditions and annual visits from a magistrate to supervise them, this still proved inadequate and the managerial neglect and drudgery continued for many of

⁵⁰ Scott, R., 1961, pp. 262-263.

⁵¹ Carter, M., 2017, p. 220.

the islanders.⁵² As a consequence, deprivation and ill health prevailed. Parasitic diseases were common from the lack of sanitation; malnourishment was prevalent due to the restricted diet that the islands' resources could offer, often aggravated by commanders intentionally withholding already meagre food rations. Islanders often suffered injuries from the brutal punishments given out by commanders who ruled with impunity.⁵³

After several generations, despite the horrors of slavery, the struggle of daily life on barely habitable islands, and a dysfunctional and violent mismanagement, the Chagos Islanders had adapted to these harsh conditions, finding intermittent joys in life. Through a combination of factors from forced bondage, to genuine affinity for the islands, a generation of Chagos Islanders had lived on the islands by the 1880s, and had become rooted with families, friends, and a genuine sense of belonging to the island- albeit one that was abusively forced upon them.⁵⁴

The luxury, spare time that Chagossians had away from their toil was used for recreational activities, allowing them to pursue activities for their own social reproduction. Outside of the hours spent on work tasks, the Chagossians had a way of life that they were content with, despite the difficulties. They could fish, produce crafts, grow food or offer skills like ship mending whenever the supply ships would arrive from Mauritius.⁵⁵ They were permitted free travel on these ships, which Chagos islanders would gladly use to break the routine of day-to-day island life.

⁵² Scott, R., 1961, pp. 160-161.

⁵³ Carter, M., 2017, p. 221.

⁵⁴ Ibid. pp. 222-223.

⁵⁵ Vine, D., 2011a, pp. 23-25.

Gradually, as the population remained settled and grew, a united culture started to develop across the archipelago. The islanders spoke in a unique Kreol dialect, similar to that spoken on the Seychelles and Mauritius⁵⁶ and as the community across the archipelago interacted with each other, they came to collectively call themselves *Ilois*.⁵⁷

Life on the plantations could be generally characterised as a mix of harsh subjugation, interspersed with relative independency and freedom which slowly improved. The distinct working relation between the Chagossians and the plantation owners was kept stable but had barely transitioned politically and economically through the decades as the colonial government gave them no means of improving their situation.

1.5 Colonialism in the Twentieth Century: Changes and Continuities 1880-1962

By 1880 there was evidence that a distinct identity had formed amongst the people of the Chagos Islands- the Ilois, or Chagossians. Though the preceding decades were characterised by neglectful management of the islands, from 1880 there was a distinct flurry of economic activity. This heralded in some changes in life on the Chagos Islands and brought newfound attention from administrators and international actors alike. The gains from this activity were contested between the Ilois, the plantation owners, and foreign commercial and state interests, bringing some changes whilst other things remained the same. This section will outline precisely what these changes and continuities were.

⁵⁶ Kreol being a language distinct within the vast cultural group of creole people. Vine, D., 2011a, p. 26.

⁵⁷ Vine, D., 2009, p. 29, “Ilois” became less popular due to its derogatory usage against them whilst living in Mauritius. Instead “Chagossian” has been embraced by political groups as the preferred term since the 1990s. For the rest of this chapter this will be used to refer to the people in their historic context.

After the passing of the Mauritius Labour Law of 1878 required reports to be carried out by a magistrate, J. H. Ackroyd was appointed to survey the lesser dependencies in the aftermath of some recent high profile rebellions.⁵⁸ His initiative and assistance, along with that of a plantation manager on Diego Garcia, James Spurs, were key in improving living conditions and developing economic activity on the island.⁵⁹ They cooperated with the Ilois on Diego Garcia to build hospitals, churches, the first schools, and “quite superior dwellings” on the atoll.⁶⁰ Spurs’ good repute amongst government officials as well as his commercial links led to him making the first attempt to develop any of the Chagos Islands’ economies beyond agricultural production.

As well as being a plantation manager held in high esteem for his management methods, Spurs was a member of the Orient Steam Navigation Company. He used his commercial links and reputation to network with the Mauritian Government and the Company, hoping to industrialise the economy of Diego Garcia by turning it into an entrepot on the shipping route between Australia and Britain.⁶¹ With their organisation, as of 1882 Diego Garcia became the site for three coaling stations, supplying steamboats crossing the Indian Ocean.

Unfortunately, the activity this brought, with the influx of hundreds of foreign labourers from Europe, China, Somalia and Mauritius, proved disruptive to the balance of life on the island and a strain on precious food and water resources. Diego Garcia was blighted with social unrest

⁵⁸ Scott, R., 1961, p. 4.

⁵⁹ Ibid. pp. 165-178.

⁶⁰ Ibid. p. 165.

⁶¹ Ibid. p. 173.

and crime amongst the imported workers as well as the passengers on the steamships, so Spurs felt it appropriate to build a stationing post and appoint a policeman. This was deemed an extravagant expense, and the ordinance calling to fund the instalment was rejected by the Council of Government in Port Louis, Mauritius. Meanwhile, during the development of the coaling station and the acquisition of its funding, other competing islands in the Indian Ocean proved more advantageous due to their production of profitable resources and their being less isolated than the Chagos Islands. This caused interest in the Diego Garcia station to collapse.⁶² The two companies operating these coaling stations finally went bankrupt in 1888, with Spurs selling the company's assets and leaving for Colombo, Sri Lanka. Copra and coconut oil production was left, once again, to reign as the main industry on the Chagos Islands.⁶³

The coconut industry remained stable throughout the nineteenth and early twentieth century, though the economy also diversified into the production and export of other foods, fish, boat-building services, and guano.⁶⁴ Though the economy had developed somewhat at the turn of the 19th Century, the Ilois were not carried along with the benefits it brought and remained cut adrift from any political apparatus for the improvement of their situation.

Only in 1904 was an ordinance passed “to provide for the government of and the administration of justice in the Lesser Dependencies.”⁶⁵ This was intended to enforce compliance with the 1878 Mauritius Labour Law, clarifying the rights and duties of plantation owning administrators,

⁶² Ibid.

⁶³ Ibid. pp. 169-179.

⁶⁴ Scott, R., 1961, p. 253.

⁶⁵ Ibid., p. 178.

and establishing clear standards on the provision of amenities. Conditions were also further improved by the appointment of a steward on each island in 1911, responsible for ensuring that the Ilois would receive adequate supplies and rations.⁶⁶ This did not however change the administrative structure which remained as how it was formed in the 19th century. Local governance was left exclusively to the proprietor of each plantation. The capacity of magistrates to pressure the company managers to advance the infrastructure and wellbeing of the islands was strengthened by this act, though visits were still only required once a year. The Chagossians' own organisation amongst themselves as well as management from the plantation owners remained, as before, the key system of administration, unaffected by the introduction of contract workers primarily brought in from the Seychelles.⁶⁷

The Chagos Islands thus remained largely self-contained, save for the necessary supplies and links to the outside world provided by the Mauritian and Seychellois cargo ships that sailed in and out of the archipelago twice or three times a year.⁶⁸ This isolation and self-containment was epitomised by the visit of the German battleship, the Emden, in 1914. This German naval crew sailed into Diego Garcia to a warm welcome from the local managers who galivanted with the troops and cheerfully supplied them with provisions before letting them sail away, totally unaware that by that time Britain and its colonies were at war with Germany.⁶⁹

⁶⁶ Carter, M., 2017, p. 223.

⁶⁷ Ibid., pp. 180-182.

⁶⁸ Vine, D., 2009, p. 34.

⁶⁹ Edis, R., 2004, pp. 53-56.

By the 1930s the already long-outdated infrastructure on some islands was decaying and inefficient. Faced with high and rising levels of international competition, and the plummeting price of copra exports, wage reductions were targeted for savings. In the resultant disputes, the Egmont Atoll and Eagle Island plantations were fully abandoned, whereas riots broke out in Peros Banhos that only just avoided descending into murderous violence.⁷⁰ Some Ilois abandoned the islands and sought a better life in Mauritius, but to no avail due to the similarly perilous social conditions that prevailed there. Struggling against impoverishment in the Mauritian capital city of Port Louis, some of the Ilois gained the attention of a French missionary named Roger Dussercle, who went on to document the miserable realities of island life for the Ilois free from administrative bias.⁷¹ The experience of poverty on Mauritius proved to be as insufferable as on the Chagos Islands in these times of economic depression.

By 1942, the islands were operationalised as a sea-plane base and stationed by the Indian Army and the British Royal Air Force for keeping watch of Japanese submarines. The soldiers provided a brief economic stimulus for the Ilois, though, as was the case during the failed Coaling Station venture, the cadets proved a drain on already paltry resources. After the Second World War, it was clear to the Mauritian government and plantation owners that drastic changes had to be made to maintain the industry on the Chagos Islands and other dependencies. They subsequently paid closer attention to the social welfare of their dependencies. Particularly concerned with the working and health conditions, they established crèches, schools, hospitals and waste disposal systems on each

⁷⁰ Carter, M., 2017, p. 223; Vine, D., 2009, pp. 31-33.

⁷¹ Dussercle, R., 1934 in Carter, M., 2017, p. 223.

of the islands.⁷² Pay remained low and material impoverishment persisted for the Ilois, yet the industry remained, and with it, their way of life to which they had grown well accustomed could continue.

By the 1950s the Chagos Islands had its long-awaited social infrastructure, boasting schools, hygienic sanitation facilities and basic health facilities for each of the island communities. The improvements in social provisions, particularly in education, meant that the number of people migrating to and from the islands increased, with the Ilois often shuttling between the two places for leisure, work, access to health services, or to visit family.⁷³ The Ilois thus began to integrate more with Mauritius and by connection, to the wider world.

Nevertheless, the Chagos Island's plantations were losing out in the international competition for coconut oil and copra production. The companies' bosses searched for ways to deal with the falling profits. Eventually, a consortium of two companies led by Seychellois company, Moulanie & Co. and Mauritian, Rogers & Co. decided to purchase a takeover of the Chagos Islands company, predicting that "Diego particularly is bound to come into its own one day."⁷⁴ The new company, Chagos-Agalega Ltd. took over completely in 1962. This takeover proved highly disruptive as management structures were replaced wholesale whilst old companies retreated to the Seychelles and Mauritius, taking with them hundreds of contracted labourers.⁷⁵

⁷² Scott, R., 1961, p. 7; Carter, M., 2017, p. 224.

⁷³ Carter, M., 2017, p. 225.

⁷⁴ Carter, M., 2017, p. 226. This would prove to be a shrewd piece of speculation. See this edition, Section 2.9, p. 73.

⁷⁵ Ibid. p. 227.

Up until 1962 on the Chagos Islands there persisted a social distinction between the Ilois and the plantation owners that subjugated the Ilois in a paternal, colonial power relation, albeit with a gradually decreasing degree of physical violence. This social distinction between the Ilois and the plantation owners was driven by the economic conditions that for so long kept coconut agriculture on the archipelago profitable, no doubt aided by the omnipresent supply of willingly cheap labour. Though the Chagossians were prepared to tolerate their economic poverty, their political poverty was significant.⁷⁶ Whether through a wilful form of institutional neglect, through their own structural conditioning to believe in their own inferiority, or through the lack of education beyond that which was necessary for coconut cultivation, the denial of civil rights deprived them of the ability to formally compromise or improve their situation to a greater extent than in other world colonies.

It is an extremely unfortunate coincidence that the most important improvements in the Ilois' condition that could have seen them become more politically and societally integrated, came just too late, and that they were politically and economically marginalized precisely at a time when human rights were in the process of being institutionalized through the UN. The need for adaptive and attainment skills and civil rights as a prerequisite for influencing their own independence could not have been anticipated by the Ilois, whose economic and social way of life had become deeply entrenched. The political possibility to change their situation was hidden from them, or at least a four to five-day boat journey away. Though they had repeatedly asserted their rights through protest historically, and gradually bent the terms of working conditions in their favour, this had kept them clinging to the islands. Insulated from changes

⁷⁶ Curtin, P., 1990, pp. 119-125.

in the outside world away from the archipelago and even Mauritius. Placed at the peripheral extremes socially, geographically and economically, they could not effect change beyond the constraints of life on the archipelago. The way of life they had developed in combination with the colonial domination they lived under, kept them moored to the islands. In contrast, the colonial proprietors and governors above them had all the ability to change conditions at a whim and move if they wanted to.

At the time, it may be the case that the plantation owners of Chagos-Agalega Ltd., or the Governor of Mauritius at the time, Sir Robert Scott, may have been aware of the plans that were unfolding.⁷⁷ The formation of new international political institutions during and after World War Two had brought about a shift in geopolitics, and the international decolonization movement was in flow amidst uprisings from colonies around the world.⁷⁸ With countries like Mauritius and Seychelles preparing themselves for independence from the British Empire, the potential was there in this moment for peoples of the world to claim and exercise their political rights. The Ilois of the Chagos Islands however were marginalized from any political participation and thus were left at the mercy of the negotiations between the state powers of the United Kingdom, Mauritius and the USA.

⁷⁷ Vine, D., 2009, pp. 39-40, Vine infers that the Governor at the time, Robert Scott, may have known what awaits in more detail than he betrayed, judging from his prescient warning against jerking “them too rapidly into more highly organised forms of society.” Scott, R., 1961, p. 263.

⁷⁸ Cooper, F., 1997a, p. 65.

Chapter Two: How the Chagos Islands Gained Their Military Strategic Importance and the Creation of the BIOT, 1820-1965

Introduction

This chapter will focus primarily on the roles played by the United States, the United Kingdom, Mauritius and the Seychelles in the transformation of the Chagos Islands into the British Indian Ocean Territory. First, the historical context of the formation of the United Nations will be outlined. We will look beneath the veneer of universalism and investigate just whose interests were vested in the UN and how the decolonization movements it catalysed fell short of reaching the Chagos Islands before they could be transformed into the BIOT. The rest of the chapter gives an overview of each of the state actors' historical contexts, their relations to the Chagos Islands, and to each other. This chapter also seeks to gain an understanding of what powers they held over each other in order to accomplish their aims, and how these came into play in the creation of the BIOT.

The events in the period between 1957 and 1971 that foreshadowed the excision of the Chagos Islands from Mauritius and the expulsion of the Chagossians from their homeland will be outlined. Here, links will be drawn between the US' acquisition of military and economic hegemony, the development of the US Navy's strategic island concept, the role of the UK-US special relationship in realising these plans, the allure of Diego Garcia as the site of this development, and the concurrent negotiations of the UK-Mauritius independence pact. To round off the chapter,

the ways in which Mauritius, the Seychelles and the Chagos Islands figure in the historiography of these events will be critiqued.

2.1 The New Hegemony: The Creation of the United Nations

So far, it has been described how and in what ways colonial power structures that dominated on the Chagos Islands from its first settlement were preserved into the 1960s. Now, the post-World War Two background will be sketched out, first by focussing on the role of the UN in the new world order. Two shortcomings of the UN foundation's efforts to establish global security, cooperation and universal rights to self-determination need to be highlighted:⁷⁹ firstly, the fundamental prerequisite that people are represented by sovereign nation states with states prioritised as the arbiters of equal rights and self-determination; and secondly the question of how the UN and international institutions gained authority and through whom. The question of how, and by whom, international organisations and international law obtain authority is important for questioning the legality of the events involving the creation of the BIOT, as will be further investigated later in this chapter.

Under Franklin D. Roosevelt's initiative, the allied countries of World War Two convened on multiple occasions between 1942 and 1945 to set up the structure of future international security and cooperation and prevent the failures of the League of Nations from reoccurring. Also, more parochially, Roosevelt was determined to stymy any US groundswell in support for isolationism.⁸⁰ The talks drafting the UN Charter occurred

⁷⁹ Here the UN and its legal organs are referred to as well as the World Bank, the General Agreement on Trade and Tariffs (which became the International Monetary Fund) and the World Trade Organisation.

⁸⁰ Schlesinger, S., 1994, p. 88.

multilaterally, and though they were undoubtedly headed by the domineering “Five Policemen” of the UN Security Council (the USA, the USSR, Britain, France and China), they importantly included active contributions from other allied nations and colonies.⁸¹ The 1945 UN Conference on International Organisation in San Francisco was attended by delegates from sovereign states, colonies and non-governmental organisations alike. The process “disseminated... norms about self-governance, anti-imperialism and human rights.”⁸² Abdenur suggests that the degree of a nation’s sovereignty impacted each actor’s ability to influence global governance.⁸³ As demonstrated in the previous chapter, the Chagossians were both deprived of basic capabilities for political participation, which was already absent under informal, company-led governance solicited by the colonial Government of Mauritius. Mauritius itself had some semblance of self-governance, albeit one headed by a British executive Governor. The dissemination of norms was thus due to significantly impact Mauritius as a sovereign state in the making. However, as a “dependency of a dependency”⁸⁴, the restriction of the UN’s intended universal scope by the principle of sovereign equality, meant from the offset that non-self-governing territories without representation, such as the Chagos Islands could not be included in talks. The UN would of course make efforts to authoritatively equalise this power imbalance as part of its goals of establishing universal rights for self-determination and made the best out of the given ability of states and peoples to represent

⁸¹ Abdenur, A., 2016, p. 1173. The signatories of the initial 1941 Inter-Allied Declaration signatories were all European, but by the signing of the 1942 Declaration by the United Nations, fronted by the UK, USSR and China, there was at least one signatory from every continent. The 1944 Breton Woods Conference and the 1945 UN Conference on International Organisation in San Francisco, and the ratification of the UN Charter in October 1945 included the active contribution of worldwide sovereign states, colonies and NGOs the world over.

⁸² Ibid.

⁸³ Ibid. p. 1174.

⁸⁴ Vine, D., 2009, p. 19.

themselves. Nonetheless participation in the formation of the UN Charter and the Statute of the International Court of Justice, could not be universal.

Secondly, and more importantly, the UN was as much a product of United States self-interest as it was of global altruism. It was indeed Franklin D. Roosevelt's brainchild, and when it came into being, the US government had specific ideas of what the UN should do. The US made sure that these ideas were achieved through open negotiation in the UN's formative conferences, but also by covert means.⁸⁵ The USA thus built in mechanisms for the functioning of the UN that granted itself special privileges, most importantly its own veto right, which the five permanent members of the Security Council, a.k.a. the "Five Policemen", also possessed.⁸⁶

At the time of its creation, the US was concerned with the imminent risk of all-out war with the USSR, and hence, negotiations were conducted somewhat hastily to guarantee its involvement. Though cooperation between the USA and the USSR was established it came at the cost of building structural power imbalances into the UN. For example, the Security Council dominated by the Five Policemen came to be the strongest arm. The other organs like the General Assembly, the Secretariat of the ICJ, and the Trusteeship Council responsible for promoting

⁸⁵ Schlesinger, S., 1994, p. 89.

⁸⁶ Due to spying on the other members of the delegation the US could prepare in advance its arguments for granting itself powers that put it above the law governing other nations and allowed it to prepare its argument in advance, based on the *realpolitik* point of view that without the veto power, and the strength of the US' own military, the UN could not function. Ibid. p. 90.

the furtherance of independence or self-governance of non-self-governing territories under the UN's trust, were all relatively weak and lacking in the authority held unequally by the Five Policemen.⁸⁷

Though the UN's role has changed throughout the Cold War and since its end, it was constructed as a means of preventing all out conflict between the USA and the USSR. Thus, by holding back the USSR, the UN struck a balance that allowed the US to claim hegemony, but with strings attached. The creation of the UN made the USA the world's most economically rich and militarily powerful nation- albeit on the condition that they were the only nation singularly willing and able to maintain responsibility over global governance.⁸⁸ With the US having the upper hand over the UN's institutionalisation of international law, and the exertion of its authority, this advantage granted it *de facto* impunity from the rules it enshrines. The USA thus had a bigger say than others on what universal rights were and what counted as an abuse of power.

2.2 Pax Americana and the Monroe Doctrine 1821-1945 and Beyond

The UN Charter established a new US-led international order and a sacred vow from its signatory states to disestablish colonialism.⁸⁹ As Britain, France, and others began to dismantle their empires, this effectively moved the ground from underneath the Chagossian community's feet. Though great changes were afoot, the power would largely be put in the

⁸⁷ Ibid. p. 92.

⁸⁸ United Nations, 2018 [online] "... the great powers unanimously insisted on this provision as vital, and emphasized that the main responsibility for maintaining world peace would fall most heavily on [the "Big Five"]". Eventually the smaller powers conceded the point in the interest of setting up the world organization."; see also Cronin, B., 2001, pp. 103-105.

⁸⁹ The dismantling of imperialism was not just a concession allowed at the whims of colonial leaders but was forced through "the collective action of workers located within hundreds of local contexts as much as in an imperial economy." Cooper, F., 1997a, p. 85.

hands of state powers and their representatives: not by people like the Chagossians who would be impacted by the UN's ability and willingness to intervene. The UN's structure at the time of post-World War two decolonization movements, inadvertently made the Chagos Islands and other such colonies particularly vulnerable. However, this only provides one half of the relationship. Just as important was the USA's ability to make the UN's legal, economic and military capacities work in their favour. To explain how and why the US came to establish its dominance through the UN, one must know how this new global hegemony came to be constituted. This military strategic context is central to the reasons for the Chagos Islands transformation into the BIOT, whilst its *raison d'être* for preserving dominant power relations is rooted in colonialist practices.

The formation of the USA by the thirteen colonies was predicated on a breakaway from the constraints of European imperialism. Anti-imperialism has thus always been a strong component of national identity. In the 19th century, the USA distanced its national policy from its foreign policy to make it national cohesion and unity seem opposed to its ambitions to expand internationally. However, as Neil Smith observes, "nationalism and internationalism are two sides of the same coin" because "successful national enclosure provokes international ambition".⁹⁰ The ambitions for expansion being the imperative for "[capital] accumulation and the commensurate expansion of trade and markets" and the underlying political and cultural conditions required to open these markets and establish trade links.⁹¹ By the time when the USA was pulling the strings

⁹⁰ Smith. N., 2003, p. 114.

⁹¹ Ibid.

at the formative UN Conferences and asserting its global power, US territorial ambitions had broken through and gone global. What preceded this was a history of economic success that grew too big to be contained to the USA, and the subsequent need to expand in the interests of the US in ways and on terms that also allowed it to maintain its anti-imperialist image.

Domestic support for US foreign policy was garnered by conjuring up this image of national versus international interests. One of the ways it did this was by invoking the Monroe Doctrine. This Doctrine, first declared by President James Monroe in 1823, sought to distance the USA from the colonial exploits of the “Old World” European empires in the “New World” i.e. the Americas in the wake of the 1814-1815 Congress of Vienna at the end of the Napoleonic Wars.⁹² The Monroe Doctrine did not oppose colonialism per se, but set up a framework within which imperialist and colonialist US activity could be permitted. Provided US expansion was contained to the “western hemisphere” it could not be classed as the same as European imperialism. Ironically the USA could only enforce this doctrine at the time with crucial support from the British Navy, who supported the USA as a means of cutting off the colonial expansion of its commercial rival, Spain. This anti-colonialism therefore was not a rejection of colonialism altogether but applied strictly as a means of guaranteeing US control over westward colonisation, keeping competing European Empires out of the so-called Western Hemisphere.⁹³

Since its inception in 1821, the terms of the Monroe Doctrine have been repetitively redrafted and invoked by many Presidents to bolster

⁹² Sexton, J., 2011, pp. 3-4.

⁹³ Ibid.

home and foreign support by and thereby legitimize US expansionism and interventionism.⁹⁴ As the US grew in commercial and military power, and its economic interests grew to the point where they had to intervene abroad, it had to preserve its image as an anti-colonial country. Economic liberalism became the guiding ideology couched in the language of “progressive moral universalism”.⁹⁵ Through these terms, President William McKinley could even justify the annexation of the Philippines, Guam and Puerto Rico as spoils from the 1898 Spanish-American War as within the lines of anti-imperialism, even as this marked the USA’s emergence as an actual international colonial force.⁹⁶ In 1905 Theodore Roosevelt worked further on extending the Doctrine’s meaning to make US interventionism acceptable on the grounds of acting as a civilizing mission.⁹⁷ Woodrow Wilson similarly invoked a “Global Monroe Doctrine”, completely at odds with the geographic limitations of the original term, to justify the USA’s decisive involvement in the First World War.⁹⁸ Then as the US entered World War Two, Franklin D. Roosevelt’s application of the Doctrine breathed new life into this long corrupted principle of US international law.⁹⁹ Here, he targeted a new, broader audience of international state powers to gain their approval for entrusting the US with custodianship over international governance through the UN. From the original declaration of the Monroe Doctrine in the 1820s, to the signing of the 1947 Rio Treaty which formed a defence pact amongst the countries of the Americas, and beyond, US leaders have historically managed

⁹⁴ Hobson, R., 2002, p. 63.

⁹⁵ Smith, N. 2003, pp. 116-117.

⁹⁶ Despite public and congressional pressure from the Anti-Imperialist Lobby, McKinley not only achieved this but also successfully pressed for the annexation of Hawaii from Great Britain in 1898. Gould, L., 1980, pp. 98-99.

⁹⁷ Sexton, J., 2011, p. 239.

⁹⁸ Smith, N., 2003, pp. 374-375.

⁹⁹ Best, A., et al., 2015, pp. 161-163.

to reconcile their country's avowed anti-colonial tradition with the de-facto building of its own empire.¹⁰⁰

This reached its peak with the US' founding of the international institutions for the promotion of liberal free-market economic development at Bretton Woods in 1944, even with the consent of the Stalin whose internationalist communist ideals were at odds with this.¹⁰¹ The World Bank, the General Agreement on Trade and Tariffs (later becoming the World Trade Organisation) and the International Monetary Fund would drive this new regime of US-led economic development into the present, encouraging free trade "under a system of fixed exchange rates anchored by the US dollar's convertibility to gold at a fixed price."¹⁰² Where the original Monroe Doctrine brought about a Pax Britannica in the North Atlantic Ocean in the 19th Century, Franklin D. Roosevelt later invoked it to ensure the international institutionalisation of a global Pax Americana¹⁰³, and a system designed to preserve the capitalist order and "prevent the re-emergence of inter-state geopolitical rivalries... under the umbrella protection of US military power."¹⁰⁴

¹⁰⁰ Ibid. p. 163.

¹⁰¹ This preluded the Cold War, which can be understood as a battle for global hegemony between these two opposed ideologies. Westad, O., 2005, p. 5.

¹⁰² Harvey, D, 2005, p. 10.

¹⁰³ On the changes in liberal economic development paradigms see Hart, G., 2010, pp. 122-123; For an explanation of the Monroe Doctrine's evocation through history see Sexton, J., 2011, pp. 85-123.

¹⁰⁴ Harvey, D., 2005, pp. 9-10.

Though the US's anti-colonialist tradition was dubious, from the restriction of US colonialism to the Americas and the "Western Hemisphere"¹⁰⁵, to the active colonialism pursued under McKinley and Theodore Roosevelt¹⁰⁶, such cases of direct political occupation and governance of foreign lands outside the Americas had, nonetheless, been an exception to the norm. Between the 19th and 20th century, the USA had grown accustomed to "exerting influence within the concert of powers", learning to form strategic alliances to compensate for its own military impotency, which involved actively cooperating and piggybacking off the military exploits of European empires.¹⁰⁷

The US relied on cooperation with European colonial forces to an extent to bolster its military might, allowing them to do the colonising whilst it played its part by organising "commodity and resource extraction through the market."¹⁰⁸ Yet, not content with having to rely exclusively on strategic alliances with other empires to protect its own interests, the USA pursued its own path for gaining power and influence. Through the 19th century, its Army and Navy were plotting ways of competing with its European rivals. Whilst stationed in Lima to ensure the protection of US interests in the War of the Pacific between Chile and Peru, Captain Alfred Thayer Mahan formulated his long-term strategy for the US Navy to eventually gain "overbearing power on the sea".¹⁰⁹ He professed that navies "exist for the protection of commerce" and thereby "must aim at depriving their enemy of that great resource."¹¹⁰ As

¹⁰⁵ This conveniently excludes the annexation of land from natives, which avoided being defined as colonialism from the point where white/European settlers outnumbered natives and became a *fait accompli*, see Gregory, D. 2009 p. 96. Commonplace military interventions in Central and South America were also discounted from this definition of imperialism, see Anon., 2017, Encyclopedia of the New American Nation [online].

¹⁰⁶ Burnett, C., 2005, pp. 780-781.

¹⁰⁷ Anon., 2017, Encyclopedia of the New American Nation [online].

¹⁰⁸ Smith, N., 2003, p. 360.

¹⁰⁹ Alfred Thayer Mahan, 1947 [1890], quoted in Crowl, P., 1986, p. 455.

¹¹⁰ Ibid.

David Vine paraphrases, “sea power, or the lack thereof, determined the course of every major conflict as a result of each power’s relative ability to control the enemy’s commerce, comings and goings.”¹¹¹

2.3 Base Imperialism

To obtain this military power in a manner that did not involve total direct control of entire territories, the USA found that setting up military bases within threatening reach of other nations’ territories would suffice as a means of coercion. So long as US territorial presence was confined to bases, and did not involve the complete governing of territories, this could be disguised as differing from colonial or imperial methods of rule. The acquisition of island bases proved to be particularly advantageous in this regard, and so began a strategy, inspired by Mahan who consulted on US Naval strategy in the Spanish-American War, and continued by his belligerent successors¹¹², whereby US commercial dominance would be ensured through building a worldwide network of military bases.¹¹³

Wherever the US won a military conflict, it would insist on the building of a military base, sometimes under the initial guise of small infrastructures such as coaling stations to put a proverbial foot in the door for the later additional construction of a fully-fledged base.¹¹⁴ In wartime, the amount of US battles, victories and hence the acquisition of naval bases proliferated. In World War One, a new precedent was set when the USA bought the U.S. Virgin Islands from Denmark for \$25 million as a means of strategically preventing Germany from possessing them.¹¹⁵

¹¹¹ Vine, D., 2009, p. 48.

¹¹² Vine, D., 2009, p. 48.

¹¹³ Johnson, C., 2006, p. 151.

¹¹⁴ Vine, D., 2009, p. 49. The aforementioned coaling station built on Diego Garcia 1882-1888 was not affiliated with the US military and was strictly a private venture.

¹¹⁵ Friedman, H., 2001, p. 3.

This action formed the basis of a lend-lease model pursued in World War Two, whereby the USA would lease entire naval fleets to the British Navy in return for permission to lease Britain's air and naval bases. The USA thus found a means with which to both "win the war and control the peace".¹¹⁶

World War Two also saw a dramatic growth in the number of US military bases through its "island-hopping" ventures against Japan. By the end of the war with Japan in 1945, the US had established their dominion over the Pacific Ocean by gaining thousands of military bases.¹¹⁷ The USA reluctantly relinquished half of the gained military bases after World War Two, though with non-self-governing territories falling within the ambit of the UN's Trusteeship Council, many came under de-facto US control anyway. Guam, the Marianas and Micronesia for example, were all incorporated into the US-led Trust Territory of the Pacific Islands.¹¹⁸ Through these means, the USA gained peacetime control over an effective worldwide network of military bases. This model was continually deployed after World War Two, with military bases sprouting up during the Korean War in 1950 and the Vietnam War beginning in the same decade.¹¹⁹ During the Cold War, the US justified its presence as a means of containing the real and/or perceived threats of socialist and communist countries.¹²⁰ The US could also rely on soliciting mutual defence pacts with other countries on the condition that they would be

¹¹⁶ Vine, D., 2009, p. 51.

¹¹⁷ Blaker, J., 1990, p. 23.

¹¹⁸ Vine, D., 2009, pp. 52-53.

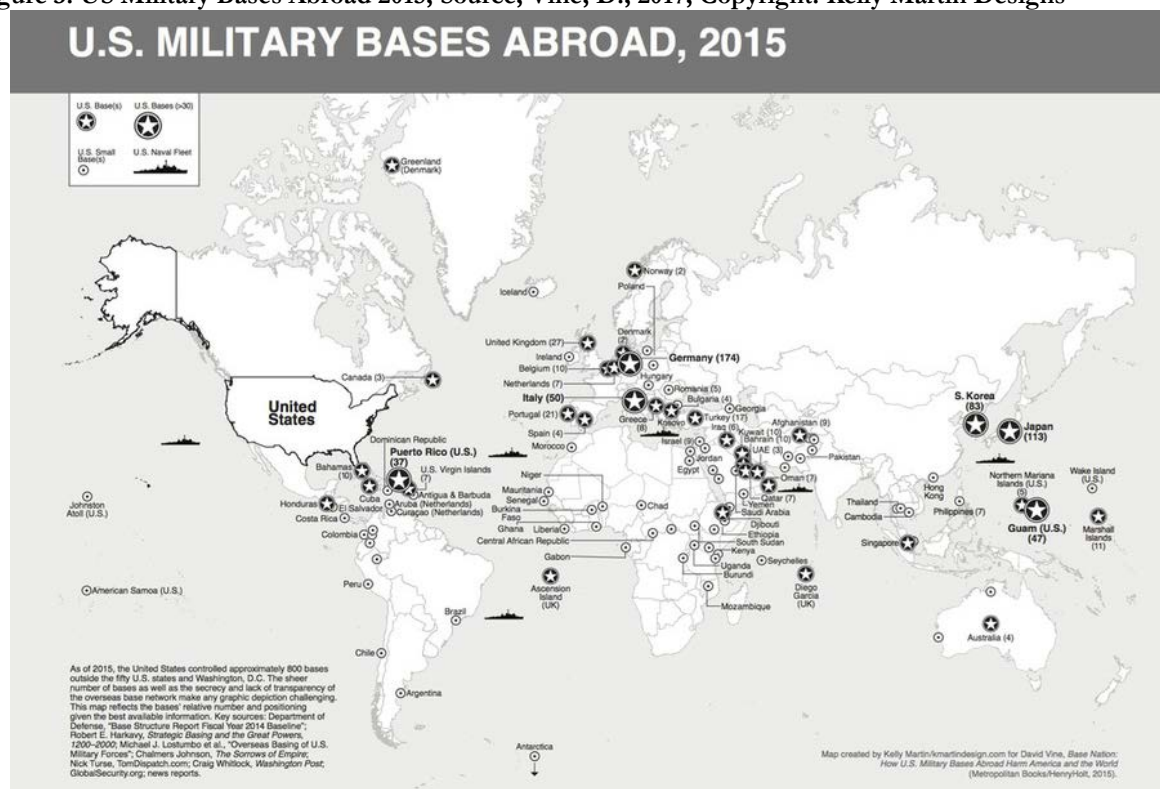
¹¹⁹ Ibid. p. 55.

¹²⁰ In an age of competing internationalisms, the UN's functioning was paralysed and the interventions of the US and USSR in the world were permitted as means of control and improvement rather than interpreted as colonial expansion. Westad, O. 2005, p. 5; The means through which the two forces intervened differed distinctly however, with the US able to intervene sporadically all over the world rather than from a confined territorial frontier à la the Soviet Union. Heller, H., 2006, p. 329.

granted the right to build military bases within these countries' territories. In every other conflict since, the US has opportunistically built military bases and excused its indefinite military occupation of foreign countries all around the world. (Figure 4).¹²¹

¹²¹ Vine, D., 2009, pp. 53-55.

Figure 3: US Military Bases Abroad 2015, Source, Vine, D., 2017, Copyright: Kelly Martin Designs



2.4 The Strategic Island Concept

The US Navy's policy played a pivotal role in devising this strategy, thrust forward by the William McKinley and Theodore Roosevelt at the turn of the 20th Century. The historical success of this strategy, revered and promoted by Mahan, influenced the development of Stuart Barber's "strategic island concept".¹²² Barber was a member of the US Navy's Long-Range Objectives Group (LROG), established in 1955 to analyse the US Navy's development of long-range shipbuilding, aircraft, research and development, and bases.¹²³ Barber had observed the strategy revered by former naval commanders such as Mahan, and had obsessively studied maps of the world to gain an encyclopaedic knowledge of the world's small islands, envisioning them as potential locations for US military bases. He shortlisted "relatively small, lightly populated islands, separated from major population masses" as these would be best located to avoid "political complications" and "impingement on any significant indigenous population or economic interest."¹²⁴ Barber's "strategic island concept" came into execution in the aftermath of the Suez Crisis in 1957 amidst concerns over the imminent withdrawal of "western influence" (i.e. the British and French empires) from the Indian Ocean area. Under risk of being "without means of exerting power and influence in so large a sector of the world"¹²⁵, Barber's persistently pushed his idea until it gained the interest of higher ranking US Navy officials. With 15 years of diligent promotion from Barber, a rising group

¹²² Sand, P., 2009, p. 1.

¹²³ Bandjunis, V., pp. 1-2.

¹²⁴ Barber, S., 1960, quoted in Vine, D., 2009, pp. 4-5.

¹²⁵ Vine, D., 2009, p. 60.

within the US Navy became the concept's main proponents and pushed for it to become a reality.¹²⁶

2.5 The Suez Crisis: Changing Geopolitics in the Cold War

In the mid-1950s the USA had claimed overwhelming global military and political-economic hegemony “without colonies... matched by a strategic vision of necessary bases around the globe both to protect global economic interests and to restrain any future military belligerence.”¹²⁷ With its island-hopping ventures, the US turned the Pacific Ocean into an “American Lake”, littered with thousands of its bases.¹²⁸ Though US domination had reached a critical mass necessary for it to become a global hegemonic power, in the Indian Ocean it was still dependent on sharing the military powers of its closest allies on the UN Security Council, Britain and France. In the Cold War context however, the US government perceived China and the Soviet Union as a looming menace to their total domination. The US strove obsessively to pre-emptively acquire any military or naval stronghold that could potentially be used against them. Territories under the control of Britain and France in contrast were deemed to be in safe and trustworthy hands.

In 1956, Britain, France and Israel invaded Egypt and occupied the northern bank of the Suez Canal in reaction to regain it after it had been nationalized by Egypt's President, Gamal Abdel Nasser. The USA and USSR sanctioned UN intervention, ultimately forcing Britain and France

¹²⁶ Ibid. p. 182. The senior figures in the US Navy and Government who were personally involved are listed in chronological order of involvement, as Horacio Rivero, Arleigh Burke, Robert Komer, Paul Nitze, Thomas Moorer and Elmo Zumwalt.

¹²⁷ Smith, N., 2004, p. 360.

¹²⁸ Friedman, H., 2001, p. 1.

to back down, humiliated. The event marked a geopolitical turning point, changing many states' self-perceptions as well as its considerations of each other. The USA proved a crucial diplomatic force in deescalating the conflict, whilst the Soviet Union felt vindicated for using the threat of nuclear war as an act of brinkmanship, heralding an uneasy few years of the Soviets using nuclear blackmail as a tool for conquest.¹²⁹ Britain and France meanwhile felt the effects of public, international, and most of all, US opposition to unilateral military intervention that could be perceived as imperialist. Britain and France were made aware that they no longer had the power to act alone as they believed they once could.¹³⁰ Britain's Overseas and Defence Policy Committee reviewed the UK's military policy, opting for a more prudent nuclear defence system. The removal of outposts in favour of collaborating with NATO on a nuclear military policy would accelerate processes of decolonization.¹³¹

Anglo-American rivalry in the Middle East had ended in disappointment for both the US and the UK, and with this knowledge efforts were made to mutually assure one another of the continuation of the so-called "special relationship".¹³² In the years that followed the Suez Crisis, the US and UK would trade off military and territorial properties and closely collaborate to consolidate each other's defence policies as part of this strategic alliance.

¹²⁹ Gaddis, J., 1998, p. 236.

¹³⁰ Bennett, G., 2013, pp. 63-64.

¹³¹ Porter, A., and Stockwell, A., 1989, p. 36.

¹³² Risse-Kappen, T., 1997, pp. 98-99.

2.6 The Special Relationship and UK-US Collaboration on the “Strategic Island Concept”

Though the name “the special relationship” is purported to have first been first mentioned by Winston Churchill in his 1946 “Sinews of Peace” address at Fulton, Missouri, Peter Harris argues that the relationship was forged in the UK-US collaborations in the colonial era. This relationship and acts in its name thereby constitute a continuum of the “history, mindset and process of imperialism” rather than a break from the imperial past.¹³³ Mutually assured defence pacts between the UK and the USA have reoccurred since 1895, when the McKinley administration’s imperial appetite struck a chord with Britain, with whom they had shared material interests against the Spanish Empire as well as a sense of ideological kinship.¹³⁴ The continuation of the special relationship thus extends explicit power structures embedded in the colonial era into the present, privileging culturally white, Protestant identity groups as the bringers of civilisation to the rest of the world.¹³⁵ This relationship also therefore extends geographically beyond the US and UK to include the subaltern groups who were dominated through this joint action.¹³⁶

Aware of their waning influence in the Middle East, and saddled with great levels of national debt, the UK began to withdraw military forces from the region and further afield. At the same time the USA was anxious of the threat of Soviet Union influence in the region and grew increasingly concerned by the rise of national independence movements in third party countries which threatened the loss of the USA’s military bases. The events of Suez also led them to question the UK’s ability to

¹³³ Harris, P., 2013, p. 720.

¹³⁴ Ibid. p. 719.

¹³⁵ Ibid.

¹³⁶ Ibid. p. 720.

maintain power, and so they began to plan ways of maintaining a larger military presence in the Indian Ocean. The UK itself was conscious of how its retreat risked leaving a power vacuum and searched for ways in which they could retain power and control over their interests in global affairs whilst still reducing their military budget. The special relationship and the long-standing military alliance between the US and the UK offered a perfect solution to this problem. The UK and the US collaborated closely, with UK Defence Minister Peter Thorneycroft first alerting the US Secretary of Defence Robert McNamara in July 1961 of the UK's plans to withdraw forces "east of Aden" out of financial difficulties.¹³⁷ As has been said, collaborating on island base rights had been an established strategy since World War Two, and this proved to be the solution by which both parties would "maintain a long-term allied presence in the area."¹³⁸

Meanwhile in the US Navy's Long-Range Objectives Group (LROG), Stuart Barber had worked hard to push his strategic island concept. One of his overseers was Admiral Horatio Rivero, a man familiar with the process of conquering small islands. He grew warm to Barber's idea and upon becoming director of the LROG he nurtured the idea and brought it along to its next phase. The LROG was concerned with replacing the waning British sea power in the Indian Ocean on which the US was hitherto reliant and proposed that the US Navy would need a base for replenishing its ships and storing its military arsenal. Catalysed by the US' own perceived weakness in the wake of the Suez Crisis and in the face of strengthening opponents of the USSR and China, Barber, Rivero and company started researching suitable small islands and

¹³⁷ Vine, D., 2009, p. 70.

¹³⁸ Ibid.

drafted list of around forty islands, one of which was Diego Garcia.¹³⁹ Rivero tried to convince Chief of Naval operations Arleigh Burke to support the idea and eventually gained his approval in 1960. Burke then brought up the idea “with his British counterpart, First Sea Lord Admiral Sir Caspar John” at a meeting in October 1960.¹⁴⁰ Here, though it was one of multiple options at the time, it was reported that Burke specifically suggested for Britain to: “detach the atoll and the rest of the Chagos from colonial Mauritius as well as several other island groups from colonial Seychelles, to create a new territory that would ensure basing rights for future U.S. and U.K. military use.”¹⁴¹

This idea, assumedly amongst other proposals for solutions to the problem of their impending military absence in the area, gained the British Navy’s approval. Burke then submitted a plan to the US military’s Joint Chiefs of Staff who took it under consideration and started a world-wide search for potential strategic islands themselves. The acquisition of Diego Garcia however was listed as a priority above all others from the very beginning.

The idea incubated within the US Navy for several years as they faced internal opposition for funding from their rivals in the US Army. The idea nonetheless circulated among the heads of the LROG and was eventually accepted by the Joint Chiefs of Staff who permitted the surveying of Diego Garcia and some 50 or 60 other islands around the world. In 1962 the Assistant Secretary of Defence, Paul Nitze and his liaison officer Jeffery Kitchen initiated discussions with the UK on the establishment of territories with basing rights in the Indian Ocean, citing

¹³⁹ Ibid. pp. 64; 68.

¹⁴⁰ Ibid. pp. 68-69.

¹⁴¹ Ibid. p. 69.

Diego Garcia and Solomon as well as Farquhar and Desroches as prospective territories.¹⁴²

With the idea circulating around the chiefs of the US Navy and tabled by the Joint Chiefs of Staff, all that lacked was an appropriate pretext with which the plan could be launched into action. Under the John F. Kennedy administration, The UK and US had complained of communications problems that had led to chaotic confusion, such as that during the Cuban Missile Crisis. In response several global communications stations were proposed to be built under the project name KATHY. Diego Garcia was selected as one of the islands. The US obtained the UK's permission for an urgent and secret survey to be conducted, though the British Foreign Office's request to consider the impact on the island's inhabitants fell on deaf ears.¹⁴³ Meanwhile, members of President John F. Kennedy's national security team were growing more eager to station a "small task force" in the Indian Ocean amidst growing US involvement in the surrounding regions. In November 1963, the Joint Chiefs of Staff were instructed to prepare the deployment of an Indian Ocean Task Force. Kennedy approved the plan as a means of deterring Communist China from moving into the area.¹⁴⁴ In April 1964 an Indian Ocean Task Force flotilla, codenamed the Concord Squadron so as not to arouse international suspicion, sailed into the Indian Ocean. David Vine remarks how this passing of military stewardship from the UK to the USA marked the first changing of the guard in the Indian Ocean since 1814.¹⁴⁵

¹⁴² Bandjunis, V., 2001, p. 3.

¹⁴³ Ibid. p. 4; Vine, D., 2009, p. 75.

¹⁴⁴ Ibid. p. 76.

¹⁴⁵ Vine, D., p. 76.

2.7 Why Diego Garcia? Anatomy of a Fantasy Island

Diego Garcia was shortlisted for the strategic island concept primarily because of its simple appearance on a map, “equidistant from all points” of the surrounding continental mainland.¹⁴⁶ Many other islands were initially cited as potential sites for military bases in the Indian, Pacific and Atlantic Oceans as well as in the Caribbean, as the Long Range Objectives Group wished to stockpile bases for a broad range of uses “as refuelling stations, air-patrol bases or communication sites.”¹⁴⁷ As mentioned, US military had perceived the Indian Ocean as an apparent chink in its own global military armour upon the onset of the decline in British sea power. There also were some political interests that drew the US closer to action, such as its involvement in reinstating the Shah of Iran in 1953, and also some economic interests in accessing oil from the Gulf states and traffic through the Suez Canal.¹⁴⁸ However the main motive was military power for its own sake, to stop “virtually all of Africa, and certain Middle Eastern and Far Eastern territories presently under Western control... [drifting] from Western influence.”¹⁴⁹

Stuart Barber and Horatio Rivero were both accustomed to working on islands and perceiving them as military playthings, Barber having served on Hawaii in World War Two¹⁵⁰, and Rivero having conducted

¹⁴⁶ Admiral John S. McCain, 1992, in Sand, P., 2009, p. 2. In the same quote, McCain demonstrates his geographical knowledge by claiming Malta is equidistant from all points of the Mediterranean coastline.

¹⁴⁷ Bandjunis, V., 2001, p. 2; Johnson, R., 1958, in Vine, D., 2009, p. 62. Other islands in the Indian Ocean included the Cocos Islands (Australia), Aldabra and Desroches (the Seychelles).

¹⁴⁸ Vine, D., 2009, p. 60. Political pretext for funding in the Pentagon is a highly subjective matter and can be exaggerated at will according to who is in charge of the Department of Defence, and what they want to achieve. See Section 3.4. It should be noted that at this point in time, interest in petroleum in the Persian Gulf was not shrouded with the comparable fervour it would reach after the 1990-1991 Gulf War.

¹⁴⁹ Barber, S., 1960, quoted in Vine, D., 2009, p. 4.

¹⁵⁰ Vine, D., 2009, p. 4.

the selection, acquisition and expulsion of inhabitants from the Bikini atoll for atomic and hydrogen bomb tests: a service for which he was promoted to the position of admiral.¹⁵¹ Islands were selected for their “military and political factors” of “location, airfield potential, anchorage potential” and “minimal population, isolation, present (administrative) status, historical and ethnic factors” respectively.¹⁵² Diego Garcia’s sheer obscurity to the international world made it an ideal match with their desired political attributes, whereas additionally a survey already carried out in 1957 deemed it close to perfect on military grounds.¹⁵³ David Vine claims it was Rivero however who insisted above all that the ideal strategic island ought to be “austere” with “no dependents”.¹⁵⁴

Shortly after construction of the communications station on Diego Garcia had been proposed, delegates from the US and UK military met in London in February 1964 to discuss building island bases in the Indian Ocean. Here they achieved consensus on a plan upgrade the communications station on Diego Garcia to an air and naval base. Diego Garcia would thereby form one part of a strategic triangle of bases with Aldabra in the Seychelles and Australia’s Cocos Islands. The only concerns displayed were over the practicalities of how the UK and US government would do it, deeming it unacceptable “if facilities of the kind... were... to be subject to the political control of Ministers of a newly emerging independent state.”¹⁵⁵ They initially debated whether Diego Garcia would be easier to detach if it was transferred away from Mauritius who were self-governing and soon to gain independence, to the Seychelles

¹⁵¹ Ibid. p. 64.

¹⁵² Thomas Moorer, 1962, quoted in Vine, D., 2009, p. 61.

¹⁵³ Bandjunis, V., 2001, p. 2.; Vine, D., 2009, p. 61.

¹⁵⁴ Vine, D., 2009, p. 68.

¹⁵⁵ UK Colonial office memorandum, October 20th 1964 Vine, D., p. 77.

who were neither. Curiously, no such problem was expressed over allowing the continuation of self-governance on the Australia-governed Cocos Islands.¹⁵⁶ In the meeting it was agreed that a secret joint survey would be conducted under the UK's auspices to inspect Diego Garcia's potential as a military base.¹⁵⁷

This meeting's report also evidences the first time that the base on Diego Garcia was acknowledged to be at odds with the US and UK's obligations under the UN Charter. It was known that any inhabited colonial territory would be subjected to Chapter XI of the UN Charter, with the UK obliged under Article 73 to biannually report to the UN's Special Political and Decolonization Committee (The Committee of 24) on progress towards granting these people self-governance.¹⁵⁸ The US stated their intent to have "the islands [under their] exclusive control (without local inhabitants)".¹⁵⁹ The UK pressed the USA to offer aid contributions and jobs for the locals on the base, but the USA stubbornly refused. The UK put up no further protest and chose to accommodate the USA's concerns. The UK went even further and proposed a plan whereby the responsibilities for gaining the islands would be divided thus: "H.M.G. (Her Majesty's Government) should be responsible for acquiring land, resettlement of population and compensation at H.M.G.'s expense"¹⁶⁰ whilst the US "would assume responsibility for all

¹⁵⁶ Vine points out the racist undertones of that the mistrust surrounding Mauritius and the Seychelles and the presumption of specific local "social problems... on an isolated tropical island alongside a population with an informal social structure and a prevalent cash wage of less than \$4.00 per month." No such concerns were expressed for the white, Australia-governed Cocos Islands. US House of Congress, 1975, p. 42; Vine, D., 2009, pp. 77, 122, 244 n 1.

¹⁵⁷ Vine, D., 2009, p. 77.

¹⁵⁸ BIOT Commissioner Julian Asquith, June 1966 in Sand, P., 2009, pp. 16-17

¹⁵⁹ US Embassy in London February 27th 1964, quoted in Vine, D., 2009, p. 78.

¹⁶⁰ US Embassy in London March 3rd 1964, in Vine, D., 2009, p. 78.

construction and maintenance costs.”¹⁶¹ The British were clearly as eager to build the base as the Americans, who were “pleased to let the British do their dirty work for them.”¹⁶² They wilfully neglected to consider the needs of the local population in their rush to conclude terms on this defence pact with the USA. The British delegates at this meeting deemed that turning on their country’s universal principles of safeguarding the democratic rights of its citizens was, in this case, “not an insurmountable problem.”¹⁶³ Their solution to clearing the population would be to simply lie that “there were no permanent inhabitants in the archipelago.”¹⁶⁴ The success of the plan would be dependent on this lie which had to remain unrevealed at all costs. It was agreed by the British and American delegates that the strategy would be implemented slowly. The plan would have to be carried out and coordinated in a precise order and without giving away any detection, with each step swiftly followed by the next to make it an undoable *fait accompli*, thus denying any opposition from being able to form. The US Mission to the UN were in on the plan and advised that “[a]ny step which clearly reveals the true intentions should be taken after other preliminary steps.”¹⁶⁵ With Britain willing to use its own sovereignty over the islands to shield the USA from any accountability, as well as offering to completely remove the local population, and furthermore allowing the US free reign over the island’s military affairs, the US military had found its perfect island in Diego Garcia with all the assets and none of the liabilities.

¹⁶¹ Vine, D., 2009, p. 78.

¹⁶² US House of Congress, 1975, p. 71.

¹⁶³ Alan Brooke-Turner, Memorandum, March 18th 1966, in Vine, D., 2009, p. 79.

¹⁶⁴ Ibid.

¹⁶⁵ US Mission to the UN, Telegram, May 30th 1964, in Vine, D., 2009, p. 80.

For both governments to realise their plans however, absolutely no word of there being permanent inhabitants on the island could be revealed, lest they should reach the UN.¹⁶⁶ Details of the talks were leaked in August 1964 and *The Washington Post* as well as *The Economist* were prepared to go to press with the story. Jeffrey Kitchen and US Assistant Secretary of State, Jeff Greenfield, urgently arranged to meet the editors of these publications and managed to convince them to withhold the story until after the survey had been conducted. The editors complied in what was deemed “a considerable service to the US Government.”¹⁶⁷

The survey went ahead in August 1964, with part of the American survey team testing the communications capabilities of Diego Garcia. They sent out a message coded “WOLF WOMAN” to test the signal from the island, with US ships under instruction to reply. It did reach one US ship sailing in the Philippine Sea who belatedly replied, “Oh yeah!”¹⁶⁸ Their experiment was a success and the joint survey team returned to Washington D.C. to report their positive findings. Upon reading this survey report, even the Air Force was now stating its desire for using the island as an airport for B-52 bomber aircraft. Secretary of Defence Robert McNamara on the other hand, ever the stickler for budgetary prudence, aired his scepticism over the cost of building such an elaborate facility. The Department of Defence also voiced its fears over international political opposition to a perceived military escalation and the

¹⁶⁶ The General Assembly had passed Declaration 1514 (XV) on The Granting of Independence to Colonial Countries and Peoples in 1960. The power of the UN to enforce this declaration was compromised by the political context at the time. As explained in Section 2.1, despite its structural bias favouring the US, the UN still formed an important check on US power through upholding the USA’s collective international responsibility Cronin, B., 2001, p. 103.

¹⁶⁷ Foreign Relations of the United States 1964-1968, quoted in Vine, D., 2009, p. 80; Bandjunis, V., 2001, pp. 9-10.

¹⁶⁸ Bandjunis, V., 2001, p. 13.

holding of nuclear weapons in the Indian Ocean.¹⁶⁹ Admiral Horatio Rivero however put his foot down and demanded, “I want this island!” He ordered a letter be written to Britain using “whatever words... were necessary” to obtain it.¹⁷⁰

In these talks over the August 1964 survey report, nothing was discussed about one other thing spelled out, incorrectly, by the survey team, namely, “the problem of the Ileois”.¹⁷¹ When the *Washington Post* finally ran the story it expunged any mention of there being a local population, referring to them as “transient laborers” instead. The author, Robert Eastbrook, was also made to remove a paragraph referring to the potential excision of Mauritius and the Seychelles.¹⁷² President Lyndon B. Johnson also got the memo to maintain, if asked, that the islands were “virtually uninhabited”.¹⁷³ These craftily coordinated plans and illegal actions were kept discrete between the US and the UK. In secret, UK and US government officials negotiated the funding for the UK to compensate the displaced inhabitants, local governments and commercial interests. Whilst these resources were being obtained the UK would in the meantime open negotiations with Mauritius and the Seychelles and seek their consent to the excision of the Chagos Islands.

2.8 Mauritian Independence and Sovereignty over the Chagos Islands

Though the geopolitical actions of the US and the UK were of fundamental importance for the creation of the BIOT, the role of Mauritius

¹⁶⁹ Ibid. p. 14.

¹⁷⁰ Vine, D., 2009, p. 81; Bandjunis, V., 2001, p. 14.

¹⁷¹ Newton, R., 1964, “Report on the Anglo-American Survey in the Indian Ocean”, p. para. 25, in Vine, D., 2009, p. 81.

¹⁷² Vine, D., 2009, pp. 81-81.

¹⁷³ Ibid. p. 81.

was decisive in shaping the events. Though not yet sovereign at the time when the US and UK were hatching their plan for Diego Garcia, Mauritius was mostly a self-governing nation, albeit one under UK executive control. Mauritius was governed by an executive British Governor, and a Council of 15 Ministers appointed by the governor, including a Premier, selected from a democratically elected Legislative Assembly.¹⁷⁴ Mauritius' liminal political status at the time, neither completely dependent nor independent, makes its central role in the negotiations on Diego Garcia and the Chagos Islands ambiguous. The events that concluded with Mauritius agreeing to cede the Chagos Islands to Britain are interwoven with the local political context in which Mauritius gained its independence between 1957 and 1968.

Jocelyn Chan Low argues that before 1959, independence was barely considered to be a political priority by the Mauritian people or their political parties.¹⁷⁵ By this time however, Prime Minister and leader of the Mauritian Labour Party, Sir Seewoosagur Ramgoolam, had grown inspired by examples of heroic independence struggles abroad, such as by his friend and ally the Prime Minister of Guyana, Chedi Jagan. By this and other examples, he decided to make Mauritian independence his party's official position. Between 1959 and 1964, however the drafting of the Mauritius constitution had made little progress. The fight for independence was beset by opposition from main political opponents at the time, the Mauritian Social Democratic Party (PMSD), prominent anti-independence protests from the general public, the social unrest of inter-ethnic violence, a depressed economy and mass unemployment. The problems that Mauritius was going through at the time are frequently

¹⁷⁴ Allen, S., 2014, pp. 79-80.

¹⁷⁵ Chan Low, J., 2011, pp. 64-65.

cited as a classic example of a Malthusian crisis of overpopulation.¹⁷⁶ Despite seeing little advantage in holding onto a country plagued with such social problems, the British Government were reluctant to grant independence predicting this would only add the unnecessary turbulence of regime change to an already politically volatile country.¹⁷⁷

The dossier on independence was reopened in October 1964 when Harold Wilson's Labour Party came into power in the UK.¹⁷⁸ In the meantime, Ramgoolam's vigour for independence had petered out somewhat, seeing the examples of how such movements backfired for the heads of state in the cases of Kenya, Tanzania, Uganda and Zanzibar. He thus became more concerned over national security, fearing that the PMSD would stage a coup d'état in the event of gaining independence. He thus became preoccupied with seeking military cover from Britain as an absolute condition of an independence deal.¹⁷⁹

Ramgoolam was first informed on the plan to excise the Chagos Islands in June 1964 and was reported to be "favourably disposed to the provision of facilities but with reservation as to detachment", preferring a long-term lease at most, and the inclusion of continued rights to benefit from the resources of the islands in any deal.¹⁸⁰

With Colonial Secretary, Anthony Greenwood, showing confidence towards Mauritius' independence credentials in the early days of the Wilson government, a Constitutional Conference had been scheduled for

¹⁷⁶ Ibid. p. 65; Greenaway D., and Milner, C., 1991, p. 338.

¹⁷⁷ Chan Low, J., 2011, p. 65.

¹⁷⁸ Ibid. p. 67.

¹⁷⁹ Ibid. p. 74.

¹⁸⁰ Heathcoate-Smith, Chronology of Events Leading to Establishment of the BIOT, 1968, in Chan Low, J., 2011, p. 70.

September 1965. However, when Greenwood arrived in Port Louis in March 1965 to further develop the Mauritian constitution he was met with hordes of anti-independence protesters.¹⁸¹ The hostilities here, and more ethnic rioting elsewhere in Mauritius, led to him declaring that Mauritius could not become independent for the foreseeable future.¹⁸² A month later, on April 12th, the British Defence and Overseas Policy Committee restated the importance of acquiring the military facilities proposed for Diego Garcia, citing the defence review, the downscaling of UK military involvement east of Suez in general, and the imminent loss of the UK's military base on Gan in particular. This island on the Maldives lies just 300 miles north of the Chagos Islands.¹⁸³ The UK could not proceed without financial assistance from the US. After some negotiation, US Secretary of Defence Robert McNamara's pledged the UK government up to \$14 million for "resettlement" fees and the compensation of commercial interests on June 14th, 1965.¹⁸⁴ This effectively finalised the proposals and gave Britain the go ahead to gain Mauritius' and the Seychelles' approval to create the British Indian Ocean Territory out of their earmarked island dependencies.¹⁸⁵

To this point the British Foreign and Colonial Office had insisted on keeping talks on independence and Diego Garcia separate from one another¹⁸⁶, however the US had now placed the onus on Britain to excise the Chagos Islands as soon as possible. The August 1964 survey report by Robert Newton had referred to an apparent "Seychelloisation" of the island, stating a high number of Seychellois living on the islands who

¹⁸¹ Ibid. p. 67.

¹⁸² Ibid. p. 68.

¹⁸³ Ibid. p. 70. The Maldives gained independence from Britain in that same year.

¹⁸⁴ The US pledged to pay half of the costs for detaching the islands but not in excess of \$14 million/£10 million. Sand, P., 2009, p. 5.

¹⁸⁵ Chan Low, J., 2011, p. 83.

¹⁸⁶ Ibid. p. 73.

were, indeed, contract workers. In the report the Chagossian population on the archipelago is also grossly underestimated (one would assume intentionally) at an impossibly low number of 100.¹⁸⁷ The US and UK governments used this report's inaccurate findings to linguistically manipulate any reference to the population of the Chagos Islands. Deceitful verbiage such as “virtually no inhabitants”, “copra workers” and “migrant laborers” thus allowed referral to people on the inhabitants whilst hiding detection of the fact that there was a permanent population.¹⁸⁸ This, and the report's other claims of the Chagos Island's historically poor administration, and the suggestion that management be transferred to the Seychelles for practical and “ethnic” reasons, was used to justify Britain's new, rigid stance on detachment in the summer of 1965.¹⁸⁹ The British government now claimed that regardless of whether Mauritius approved, they could easily excise the islands without giving any form of compensation anyway, the decided method being to amend the Mauritian Constitution and the create a new colony via an Order in Council.¹⁹⁰

Despite this pressure from the US and the UK government, Anthony Greenwood kept pushing for a more amicable agreement ahead of the Constitutional Conference scheduled for September. At a meeting on July 3rd, 1965, the Mauritian Council of Ministers rejected the proposed excision, favouring a long-term lease with resource rights and, crucially,

¹⁸⁷ Robert Newton, Report 3rd September 1964, in Chan Low, J., 2011, p. 71.

¹⁸⁸ Vine. D, 2009, pp. 81, 102, 107.

¹⁸⁹ The administrative conditions being those given in Chapter 1. It was not uncommon for the British Colonial Office to redraw the lines of administration. The Seychelles and Mauritius themselves were briefly governed collectively as Mauritius, whilst administration of island dependencies in the Indian Ocean, such as Aldabra and Farquhar for example, had also been conducted under the tutelage of Mauritius and the Seychelles at different points in time according to how the colonial government saw fit. Chan Low, J., 2011, p. 72.

¹⁹⁰ Ibid. p. 75. An Order in Council is an act of legislation whereby members of Her Majesty's Government may read out orders to the Queen in council which, with her simple executive agreement, become law without any parliamentary or public scrutiny.

an exclusive defence treaty with Britain thrown into the deal. The UK Ministry of Defence and Foreign Office, though hostile to these terms, were eager to find an agreement on the excision of the Chagos Islands. Thus, the two issues were brought into a proposed trade-off.¹⁹¹ On the 26th of August a memorandum was signed by Mauritian and British government officials, preliminarily agreeing to excise the Chagos Islands on the condition of Mauritius receiving a special defence treaty with Britain.¹⁹² At this point the Government of Mauritius was still stating the importance of keeping close ties with Britain and downplaying the need for independence.

These terms were carried into the Constitutional Conference beginning on September 7th that year at Lancaster House in London. Though fearful that the Chagos issue would jeopardise the Conference and silent on the issue, Anthony Greenwood was pressed by the Defence and Overseas Policy Committee to reach a final decision on a deal by the end of the conference at latest. Mauritius discussed commercial concessions with representatives from the US Embassy in two meetings on the 16th and 20th of September, demanding in the latter a long-term lease with concessions of £7 million a year for 20 years and £2 million per year thereafter.¹⁹³

It is then alleged by Sir John Rennie that Ramgoolam became convinced that his preferred terms of independence would be guaranteed if he conceded the detachment of the Chagos Islands.¹⁹⁴ In a meeting with UK Prime Minister Harold Wilson on the morning of September 23rd he

¹⁹¹ Ibid. p. 72.

¹⁹² Ibid. p. 75.

¹⁹³ Ibid. p. 77.

¹⁹⁴ Sir John Rennie, Public Records Office, Foreign and Commonwealth Office, 5th January 1968, in Chan Low, J., 2011, p. 77.

was given an ultimatum: either agree to the detachment of the Chagos Islands and gain independence, or accept no deal and have the Chagos Islands excised by Order in Council anyway.¹⁹⁵

One of the issues dividing the Mauritian Labour Party and the opposing PMSD at the conference was on what kind of independence Mauritius would get and through what sort of electoral system it would be decided. The Mauritian Labour Party favoured a constituency based general election which would be to their party's advantage, whereas the PMSD demanded a plebiscite between independence and free association with the UK. Indeed, though sovereign independence is often championed as the gold standard of nationhood, semi-autonomous nations have other options available, which, depending on their circumstances, can prove to be well within the interests of particular groups.¹⁹⁶

On September 23rd, Britain rejected the PMSD's proposal and they walked out of the conference in protest. The negotiations on the Chagos Islands and independence were left to be settled between the British Government, and the Mauritian representatives from the Labour Party, and the smaller parties representing the Muslim and Hindu minorities respectively, the Muslim Committee of Action and the Independent Forward Bloc. Though Anthony Greenwood had stated his preference for the PMSD's policies before the conference¹⁹⁷, these three parties more or less supported independence via a general election with the promise of a British defence treaty afterwards. Greenwood and the UK Governor

¹⁹⁵ Ibid. p. 78.

¹⁹⁶ Baldacchino, G. and Milne, D., 2009, p. 2.

¹⁹⁷ Anthony Greenwood, April 1965, Public Records Office, Colonial Office, 1036/1084, in Chan Low, J., 2011, p. 67.

of Mauritius's roles in the negotiations were merely to chair the negotiations between the Mauritian representatives.¹⁹⁸

On that same day, Ramgoolam and his committee agreed with the UK to a one-off compensation fee of £3 million: substantially lower than what they were asking just three days before. The deal came with the granting of nautical and aerial navigational rights, access and permission to exploit natural resources, and the promise that the islands would be retroceded to Mauritius once they were no longer in need.¹⁹⁹ A comprehensive defence pact was also agreed in the event of independence. In the absence of the PMSD, Ramgoolam and the Ministers of Mauritius agreed to detach the Chagos Islands from Mauritius on these terms. The next morning, Anthony Greenwood announced the agreement and closed the conference, inviting the Mauritian population to vote on independence in the next general election in 1966, and promising a defence treaty should they vote in favour of independence.²⁰⁰ On November 5th, 1965, the Mauritian Council of Ministers presided over by the British Governor of Mauritius formally agreed to cede the Chagos Islands. Three days later, the excision and establishment of the BIOT was completed via an Order in Council. The extent to which the Mauritian government had been blackmailed or on their own accord simply sold the Chagos Islands for petty political gains differs according to political interpretations.²⁰¹ A Select Committee organised in 1983 drew no defini-

¹⁹⁸ Ibid. p. 77.

¹⁹⁹ Record of a Meeting held in Lancaster House on Thursday 23rd of September 1965, Public Records Office, 1036/1253 in Chan Low, J., 2011, p. 77.

²⁰⁰ Sir John Rennie to Sir Arthur Galsworthy, 5th January 1968, Public Records Office 32/317, in Chan Low, J., 2011, pp. 77-78.

²⁰¹ Chan Low, J., 2011, p. 70. Seewoosagur Ramgoolam himself has alternated his view according to which version is advantageous to a political situation, first owning the action

tive conclusion on the matter of whether Ramgoolam had “sold the islands”.²⁰² However, with Britain maintaining that the Chagos Islands would be separated anyway, it can be concluded that Ramgoolam and his fellow ministers were in a zero sums game and could only negotiate on the details of the excision, not the principles.

2.9 Selling the Seychelles

In the accounts of the BIOT’s creation so far there is scant literature on the Seychelles’ involvement. The silences surrounding this nation and its role are plentiful. As David Vine acknowledges in a piece which he claims is the “first significant account” of the Chagossians in the Seychelles, analyses of the Seychelles “are hampered by the extreme lack of social science research about a country that is one of the least populous in the world.”²⁰³ The lack of research may also portray a lack of detection: a silence resulting from Britain’s autocratic, politically unopposed colonial rule at the time. Whereas dissent is evident in the Mauritian context, the Seychelles were so subservient to British colonial rule that there was effectively no political opposition when the British Colonial Office requested the Governor of the Seychelles, Sir Bruce Greatbatch, to detach Farquhar, Desroches and Aldabra in the summer of 1965.²⁰⁴ Indeed, as noted, the survey report of 1964 conducted under British patronage had included strong suggestions that the Chagos Islands ought to be governed from the Seychelles, citing the historical precedent of switching administrations.²⁰⁵

as a matter of pride for gaining the country’s independence, and later disowning it as an act of injustice forced upon himself.

²⁰² Report of the Select Committee on the Excision of the Chagos Archipelago, Mauritius Legislative Assembly Port Louis, Mauritius June 1983, in Tong, M., 2011, p. 168.

²⁰³ Vine, D., 2011b, p. 105.

²⁰⁴ Chan Low, J., 2011, p. 74.

²⁰⁵ Ibid. p. 71.

As a quite open bribe, Britain promised the Government of the Seychelles to build an international airport on Mahé at the initial estimated cost of £3 million, funded by the deal brokered with the US.²⁰⁶ A curious part of the deal involved agreements to generously pay off the Seychelles based owners of Farquhar and Desroches, Moulinie & Co.: the same chief stakeholders of the Chagos-Agalega company that owned the plantations on the Chagos Islands. The director of this company, Paul Moulinie, also had a seat in the Seychelles government's Executive Council.

When the Order in Council was declared establishing the BIOT, Greatbatch was appointed the administrator of the new colony. Then after the BIOT was formally leased out to the USA via an exchange of notes in December 1966, the British Government settled the compensation with Moulinie and Co. They would be paid £1,013,200 in total for the Chagos Islands²⁰⁷ as well as £500,000 each for Desroches and Farquhar (as an unpopulated island, Aldabra automatically became Crown Territory).²⁰⁸ The director of the Chagos-Agalega Company, Paul Moulinie, pocketed £200,000 of the sale of Farquhar alone.²⁰⁹ These pay-offs were followed by the immediate leasing of the companies and the islands back to Moulanie and Co. who were then given contracts to manage the running and winding down of the plantations until they were needed by the US for construction. In total, the compensation for private landowners made up £4 million of the agreed £10 million put aside by the US for the British to spend on the excision of the islands.²¹⁰

²⁰⁶ The costs for the airport would eventually rise to £5 million. Sand, P., 2009, p. 22.

²⁰⁷ Sand, P., 2009, p. 18.

²⁰⁸ Vine, D., 2011b, p. 109. Vine, D. 2009, p. 228 n. 12.

²⁰⁹ Vine, D., 2011b, p. 109.

²¹⁰ Sand, P. 2009, p. 22.

At no point during this were any of the Chagossians consulted on the deals struck between the British, Mauritian and Seychellois governments, and the Seychelles and Mauritius-based plantation owners. Their profound loss was overlooked for the greater deals struck in favour of the US-UK defence pact in the name of “Western” military hegemony, the political, military and financial gains for an independent Mauritius²¹¹, and the monetary gains made by the governors and land owners based in the Seychelles.

This represents just one part of the story as the role of the Seychelles and the Seychellois people in the history of the creation of the BIOT has so far been overlooked in the largely Mauritius-centric literature. This comes in spite of the country’s historical close ties with the Chagos Islands throughout its history, with many Chagossians originating from the Seychelles and returning to live there in exile. The Seychelles’ administrative status, deemed incapable of becoming independent, and governed autocratically as a British colony, left it ripe for exploitation at a crucial time when Britain was settling the creation of its last colony. The governors and land owners of the Seychelles profited enormously from this arrangement, no less because of the success that the Seychelles International Airport would become, catalysing a lucrative tourism industry on the islands.²¹² This profit was generated directly from the enclosure of the BIOT, and the seizure of land that was the home of around 1,500 people.

To this point it is evident how a combination of the inability of non-self-governing territories to formally represent themselves at the UN,

²¹¹ Houbert, J., 1992, p. 471.

²¹² Vine, D., 2011b, p. 124.

alongside the UN's exploitable governance structure which gave the US an unequal influence over the institution, proved incapable of preventing colonial powers from acting to assert their dominance over colonies undergoing decolonization processes. The context of the Cold War and the Suez Crisis provoked the US and UK to make use of their "special relationship to defend "Western" interests. US military and economic dominance, which was only held short of going global by the Cold War, was still so overwhelming that most of the capitalist world had to do things its way, or else. The shared interests dating back to when the USA piggybacked off the UK's naval superiority at the height of colonialism had been preserved with the roles now switched. They then conspired to create a territory of political and legal immunity within strikable distance of all Indian Ocean coastlines. With decolonization in progress, Britain and France started to relinquish their military hold over the Indian Ocean where the USA had heretofore only dominated by proxy. The UK and the USA had to act fast, and the man with the plan, Stuart Barber found his idea making its way to the top of US and UK military. Secret negotiations agreed the terms whereby Britain would create the BIOT out of select small island dependencies. It then used its still residing colonial dominance to buy the Seychelles' and Mauritius' consent, not without a considerable fight in the latter case. The limited agency the Chagossians, the Seychelles and to a lesser extent, Mauritius is reflected by an unequal amount of historical and social scientific research into their roles in this case. A post-colonial study of either place, framing the events from their perspective during this time period would fill a lacuna in the research that itself betrays a continuation of colonial relations in works of academia, which this thesis, based on secondary sources, is in turn guilty of.²¹³

²¹³ Robert Scott's, *Limuria* (1961) for example names plenty of individual governors, administrators and commanders, but fails to refer to a single Chagossian by their name in

The next chapter portrays the history of how the UK and the USA flouted international laws, circumvented their own domestic democratic and legal institutions and ultimately evaded international attention as they forcibly exiled the Chagossians from their homeland.

the entire book. Texts such as these that document life on the Chagos Islands from colonial records are full of such notable erasures of non-white subjects. This erasure is then replicated in absence of other documentation. David Vine (2011a) only finds names in logbooks and censuses, but any account from a colonial source fails to offer the Chagossians the same subjectivity that the authors of the sources afford themselves and their colleagues. Regrettably, it is out of the scope of this thesis to write the history from Chagossians' individual perspectives.

Chapter Three: The Deportation of the Chagossians, 1965-1979

3.1 Constructing the Base and Maintaining the Fiction

With the agreement of the British colonies settled, Britain had received some cover for the act of establishing the BIOT. Though this territory gave both the UK and the US the potential to do whatever it wanted, there were still some practical matters that had to be dealt with in respect of the US acquiring the means of building the military base, and the UK making the islands available in accordance with the US' explicit wishes by getting rid of the inhabitants of the archipelago.

The US government made sure to react quickest to the announcement of the BIOT's creation. Just two days after the Order-in-Council was declared, a member of the National Security Council in the White House, Robert Komer, had proposed to immediately send the Indian Ocean Task Force into Diego Garcia.²¹⁴ The UN could only react a month later, with the General Assembly condemning the action and drawing a resolution that the UK "take no action which would dismember the territory of Mauritius and violate its territorial integrity."²¹⁵ This was duly ignored by the US and the UK.

Due to the advent of satellite communications technology, the communications facility that was to be built on Diego Garcia under Project

²¹⁴ Vine, D., 2009, p. 84.

²¹⁵ United Nations General Assembly, Resolution 2066 (XX) of December 16th 1965, in Sand, P., 2009, p. 4.

KATHY was now considered obsolete. Furthermore, the acquisition of Aldabra had gained the interest of the US Air Force who at the same time were proposing a \$50 million air base on the island, competing with the Navy for funding over the same island. This competition was stiffened by the effects of a US Department of Defence budget review amid the escalation of the war in Vietnam. A struggle for funding ensued within the Pentagon, whilst the Navy had to find new concrete justifications for constructing the grandiose military facility they desired.²¹⁶ It must be noted that the \$14 million/£10 million budget that was made available for the founding of the BIOT was effectively a loan from a previous budget agreement. This fee was ringfenced from the costs of research and development surcharges included in the 1963 POLARIS Nuclear Weapons Sales Contract that had already been agreed between John F. Kennedy and UK Prime Minister Harold MacMillan.²¹⁷ This upfront cost thereby avoided having to pass through the Pentagon and Congress.²¹⁸ As the US Navy continued to seek funding and permission from the Pentagon and had to defer the project's budget until 1968 at earliest, the US Embassy informed the UK Foreign Office that no evacuation would be needed for the time being.²¹⁹

Meanwhile the UK government was having to think carefully about how to deal with deporting the population of the Chagos Islands without the UN finding out that the islands were permanently inhabited. The UK Secretary of State, Frank Pakenham, suggested issuing the Chagossians with temporary workers' residence permits, just to provide any kind of

²¹⁶ Vine, D., 2009, p. 84.

²¹⁷ Snoxell, D., 2009, pp. 129-130; Sand, P. 2009, p. 5.

²¹⁸ Sand, P., 2009, p. 5.

²¹⁹ Vine, D., 2009, pp. 84-85.

evidence in case they had to prove there were no “permanent inhabitants”.²²⁰ Elsewhere in the UK Foreign Office, the problem was being approached somewhat less tactfully. One of the confidential correspondences within the Foreign Office between the Under-Secretary of State for Foreign Affairs, Sir Paul Gore-Booth, and his deputy, Dennis Greenhill, revealed the plain contempt held for the wellbeing of the inhabitants with regards to these plans. Gore-Booth commenting: “The object of the exercise was to get some rocks which remain ours; there will be no indigenous population except seagulls who have not yet got a committee (the Status of Women Committee does not cover the rights of birds).” To which Greenhill commented: “Unfortunately along with the birds go some few Tarzans or men Fridays whose origins are obscure...”²²¹

The politicians responsible for the fate of the Chagos Islands had no need to feel accountable to the people whose lives they were affecting as if they were equals. Indeed, the power invested in the BIOT Commissioner allowed him to rule without any democratic checks via executive ordinances, just like in the old days of the colonial Britain. As a solution to this problem the UK and US governments conspired to “maintain the fiction that the inhabitants are not a permanent or semi-permanent population.” Though the government had to move carefully, and in coordination with the US, if the lie went undetected they had the advantage of being able to treat the Chagossians as “a floating population” and “make up the rules as [they] go along”.²²²

²²⁰ Frank Pakenham to Julian Asquith, Telegram, February 25th 1966, in Sand, P., 2009, p. 16.

²²¹ Minutes of August 24th 1966, in Sand, P., 2009, p. 17.

²²² Anthony Aust, Immigration legislation for BIOT”16th January 1970, in Vine, D., 2009, p. 92.

In November 1966, US and UK government and armed forces officials drafted an agreement for the joint use of the BIOT “without charge” “to meet the possible defence needs of the two Governments for an indefinitely long period.”²²³ On December 30th 1966, the US Ambassador to Great Britain, David Bruce and British Foreign Secretary George Brown MP, met amongst select witnesses under the cover of darkness to legislate this agreement via an exchange of notes- again avoiding parliamentary or public scrutiny. This agreement would be valid for 50 years, and, in the event of no agreed termination of the agreement up to two years before its expiration, automatically renews for twenty years thereafter.²²⁴ In February 1967, the BIOT Commissioner enacted two ordinances “empowering him to expropriate or buy out all land for public purposes.”²²⁵ This allowed him to buy out the plantations on the Chagos Islands for £1,013,200 (\$2.5 million). A month later, the plantations were leased back for the interim period during which the plantations would be wound up and the population would be induced to leave ahead of the US obtaining the funds for construction to begin.²²⁶ Accompanying this agreement was the waiver agreed by the US Department of Defence on the purchase of POLARIS nuclear ballistic missiles, allowing the payment for the islands to evade congressional supervision. A further agreement also declared the US would give Britain notice on using the island, allowing time for the plantations to be closed down and for the inhabitants to be resettled.²²⁷

²²³ Agreement London, December 1966, Availability for Defence Purposes of the British Indian Ocean Territory, paras. 4, 11.

²²⁴ Vine, D., 2009, p. 87; Sand, P. 2009, p. 69-73.

²²⁵ Sand, P., 2009, p. 18.

²²⁶ Ibid.

²²⁷ Chalfont to David Bruce, December 30th, 1966, in Vine, D. 2009, p. 88.

3.2 Moulinie & Co. Removals Ltd.

In 1967, the parent company of Chagos-Agalega Ltd., Moulinie & Co., wound up the old company to become the main leaseholders of the islands, agreeing to act as agents for the BIOT. As they were the ones in charge of the bi-annual ferry between the Chagos Islands and Mauritius, one of their first tasks was to refuse Chagossians visiting Mauritius permission from returning. Chagossians were, of course, not informed of this when they boarded the ferry from the Chagos Islands. Immediately after the creation of the BIOT, food stocks for import were reduced by 50% in an attempt to gradually starve the Chagossians off the islands. Important service workers like doctors, nurses and teachers were denied return after venturing to Mauritius, thus also starving the islands of their material and human resources. When Moulinie & Co. requested more workers from the BIOT they were denied from bringing any Chagossians back from Mauritius, as to accept them back would be to accept responsibility for their resettlement.²²⁸ Contract workers were brought in from the Seychelles instead as the islands were put under a form of managed decline.²²⁹ By 1969 around 356 Chagossians were compelled to leave the Chagos Islands, though most only intended to do so temporarily, and were simply never allowed back.²³⁰ They were abandoned on the docks of Port Louis and Mahé, homeless and penniless in a country undergoing social and economic turmoil. To hide the plans away from international attention, the UK's colonial government had to defer direct negotiation

²²⁸ Vine, D., 2009, p. 93.

²²⁹ Ibid.

²³⁰ Ibid. p. 94.

with Mauritius until the US had given word confirming the go-ahead for construction to begin.²³¹

3.3 The Aldabra Base Turns Turtle

In July 1966, the Southern Zone Research Committee of the Royal Society raised concerns over the disturbances to flora and fauna that the use of the BIOT for military purposes would bring. Hearing of the British Broadcasting Corporation's planned expedition to build a radio transmitting station on Aldabra, Drs David Stoddart and C.A. Wright were invited upon request to survey the islands of the BIOT. The report concluded that the building of an airstrip on the island's only flat area (the habitat of the unique Aldabra giant tortoise) would be a biological disaster.²³² The island was a pristine habitat for several rare and unique species, and thus possessed special scientific significance. Stoddart and Wright let out a rallying cry for biologists to support the conservation of Aldabra and gained support from the National Academy of Sciences and the Smithsonian Institute in Washington DC. After a British Government Minister replied to a letter on the issue signed on behalf of the Royal Society, the story became published in the British and American press and gained surprising prominence.²³³ Despite the publicity of the topic the government refused to back out of the plan until, amongst other economic problems, the great British Pound was devaluated in November 1967. It was ultimately financial hardship, and not scientific conviction, that led to Prime Minister Wilson postponing the Aldabra plan

²³¹ Resettlement memorandum, UK Foreign and Commonwealth Office, January 26th 1971, Para. 6, states "no approach was made to the Mauritian authorities about resettlement plans in deference to representations by the United States that no overt action should be taken which might prejudice the outcome of Congressional hearings." In Sand, P. 2009, p. 20.

²³² Stoddart, D., 1968, p. 66.

²³³ Ibid.

on November 22nd, 1967, maintaining that the project would be resumed when financial circumstances improved.²³⁴ With sustained pressure from Stoddart, Wright and the scientific community, the book was finally closed on this plan in June 1968.

The same report had however dismissed the ecological preciousness of the Chagos Islands as “simply a coconut plantation” where “[the] plants were common and the birds and land animals few.”²³⁵ Inadvertently, and much to the lament of the survey and campaign director, David Stoddart²³⁶, this not only made Diego Garcia a more attractive prospect for a military base, but also meant all efforts would be reserved to focus on the Chagos Islands. Stoddart and the other scientists involved were not aware of the human population on the Chagos Islands being threatened for the same plans that threatened Aldabra. Nor could they have anticipated that opposition to Aldabra would only further concentrate attention and intent on building a base on Diego Garcia, causing plans for the military base to be economised and concentrated rather than ended altogether.²³⁷

3.4 Finding the Funding

In January 1968 the UK formally announced the long-coming news that it would imminently withdraw its overseas forces “East of Suez”. Meanwhile, in the US Department of Defence, Robert McNamara’s resignation as Secretary of Defence to join the World Bank instigated a reshuffle at the Pentagon. His frugal systems-analysis style of management of the

²³⁴ Ibid. p. 67.

²³⁵ Stoddart, D., quoted in Pearce, F., 2004, p. 49.

²³⁶ Stoddart would himself become a vociferous campaigner for the Chagossians in the aftermath of their expulsion until his death in 2014. He would not be the first conservationist duped into fortifying the island through environmental protection. See Section 5.10.

²³⁷ Harris, P., 2011, p.495; Vine, D., 2009, p. 230 n 36.

Department of Defence budget had constantly frustrated funding requests for Diego Garcia since 1965.²³⁸ Now, however, one of the strategic island concept's longest serving advocates, Paul Nitze, held the reins after receiving a promotion from Secretary of the Navy to Deputy Secretary of Defence. With Lyndon B. Johnson's Secretary of Defence, Clark Clifford preoccupied by the Vietnam War, Nitze was able to pull the strings with the Joint Chiefs of Staff unabated. He ordered a reappraisal of the Diego Garcia project in light of the British military withdrawal, amongst other pretexts including the Vietnam War, US involvement in Israel, and other unevidenced claims of Soviet and Chinese encroachment in the area.²³⁹ There was reported to be a "kaleidoscopic change of rationales to support the same proposals" coming from Nitze and the Department of Defence.²⁴⁰ But with sustained internal pressure coming from the top, Nitze finally gave approval of \$26million in November 1968 to fund the construction of a "modest facility" that he himself had suggested.²⁴¹ The project now had to be approved by Congress, but here it met further opposition and was refused funding for the fiscal year 1970. Richard Nixon's Secretary of Defence, Melvin Laird, gave the advice that the Navy ought to omit the military purpose from the title of the proposal and return the following year to apply for funding for a "communications".²⁴² The Navy obliged, and this \$17.78million "austere" naval communications facility, though patently similar to the one deemed obsolete in 1967, was approved by Congress in November 1970 for the next year.²⁴³

²³⁸ Vine, D., 2009, pp. 96-98.

²³⁹ Ibid. p. 100.

²⁴⁰ Earl Ravenal, Hearings of the Subcommittee on the Near East and South Asia of the Committee on Foreign Affairs, March 14th 1974 in Vine, D., 2009, p. 101.

²⁴¹ Vine, D., 2009, p. 100.

²⁴² Ibid. p. 101, This would be for the budget cycle for the fiscal year 1970.

²⁴³ Ibid. p. 103.

Throughout this process the British government, under pressure from now independent Mauritius who had, in hindsight, considered themselves duped into ceding the Chagos Islands, were told not to start “negotiations until funding had been secured.”²⁴⁴ Only on December 7th, 1970 did the US Embassy eventually inform Britain that: “All local personnel should be moved from the western half of the island before... March 1971. We hope that complete relocation can be accomplished by the end of July 1971...”²⁴⁵

On December 15th, 1970, President Nixon announced the intention to build a joint US-UK military base on Diego Garcia. Government spokespeople were primed, as ever, to refer to the population on Diego Garcia as mere “contract laborers”.²⁴⁶ After the announcement, the new Chief Naval Officer and one of Paul Nitze’s understudies, Elmo Zumwalt, pushed “the British to get the copra workers off Diego Garcia prior to the commencement of construction.”²⁴⁷

With such a short deadline, removing the Chagossians in a manner maintaining their welfare was nigh on impossible. The British sent some pleas via the US Embassy in London at the last minute asking whether any Chagossians could be employed in the construction process, or simply asked for an extended deadline. These wishes were ignored by Zumwalt who insisted the Chagossians “absolutely must go”.²⁴⁸

On January 10th, 1971 Zumwalt flew to the Seychelles to meet the commissioner and the administrator of the BIOT, Sir Bruce Greatbatch

²⁴⁴ Walter Annenberg Telegram to the Secretary of state July 12th, 1970, in Vine, D., 2009, p.104.

²⁴⁵ William P. Rogers telegram to the US Embassy in London, June 19th, 1970, in Vine, D., 2009, p. 105.

²⁴⁶ William P. Rogers telegram to the US Embassy in London, December 14th, 1970, in Vine, D., 2009, p.105. The US Department of Defence had come to refer to them as “copra workers”, and strictly reminded the UK to never refer to them as “inhabitants”.

²⁴⁷ Vine, D., 2009, p. 107.

²⁴⁸ Elmo Zumwalt, Chief Naval Officer Comment Sheet, Washington DC March 24th 1971, Vine, D., 2009, p. 110.

and John Todd. They parlayed Zumwalt into accepting a July deadline for the complete removal of the islanders from Diego Garcia. Two weeks later, Greatbatch and Todd arrived in Diego Garcia and announced to the Chagossians gathered at the Manager's Office that Diego Garcia and the plantations were closing down, stunning most of the Chagossians in attendance into silence. The people were given the non-choice on whether they would be moved on to Peros Banhos, Solomon, or Mauritius.²⁴⁹ Within two months, the west side of the island had been cleared completely, ready for the US Navy Construction Battalion (Seabees) to arrive on March 20th, 1971. An Immigration Ordinance was passed on April 16th forbidding unauthorized persons (anyone not in the British or US army or government) to be on the islands without a permit, effectively to bolster the myth that the Chagos Islands had no permanent population, as supported by the bogus worker's permit cards issued to residents beforehand.²⁵⁰

By October 31st, 1971, every Chagossian had been deported from Diego Garcia, though several hundred were held on Peros Banhos and Salomon in siege-like conditions as they were slowly starved of food reserves. Each person was allowed to take only one suitcase with them and had to leave most of their personal belongings behind. What's more, they were not permitted to take any of their pets or livestock with them. In Spring 1971, Bruce Greatbatch ordered the plantation manager, Marcel Moulinie, to round up the 800 abandoned dogs and kill them. Moulinie and US Seabees obliged through the methods of shooting them, poisoning them, gassing them with the exhaust from US army vehicles, or burning them in the copra huts where the Chagossians had worked for over

²⁴⁹ It had been formerly agreed that Seychellois Chagossians would be deported to the Seychelles. Vine, D., 2009, p. 108.

²⁵⁰ Sand, P. 2009, p. 24.

a century.²⁵¹ Some Chagossians had to witness and hear their pets' screams as they were killed. Some of the Chagossians who were resisting deportation were summoned to the magistrate's office where it was allegedly implied that if they did not comply they might meet the same fate as their pets.²⁵² The horses in contrast were spared and given pride of place on top deck of the ship, the *Nordvaer*, which carried the last Chagossians off Diego Garcia to the Seychelles. Whilst they awaited the second leg of their journey, the deportees had to sleep in a prison whilst the governors dined and slumbered in hotels.²⁵³

When the arduous transportation ended in Mauritius months later in December 1971, no accommodation awaited them at all. A Resettlement Memorandum stated that due to the higher than anticipated cost for the construction of the Seychelles Airport, "virtually no balance remains which could be used for resettlement purposes."²⁵⁴ A paltry £10,000 had been put aside for resettlement in the Seychelles in any case, whilst a new figure would have to be negotiated with the Government of Mauritius who were now furious by the terms of the deal they felt they had been conned into agreeing with.²⁵⁵ It took until September 4th 1972 for the UK to agree to pay the Government of Mauritius £650,000 for relocation costs.²⁵⁶ However, the Chagossians would have to wait even longer as the first instalment of these funds was only made available in March

²⁵¹ Pilger, J., 2007, pp. 46-48.

²⁵² Lizette Talate, quoted in Pilger, J., 2007, p. 47.

²⁵³ Vine, D., 2009, p. 115.

²⁵⁴ Watt, I., UK Foreign and Commonwealth Office, resettlement Memorandum, January 26th 1971, paras 12, 13. In Sand, P. 2009, p. 22.

²⁵⁵ In addition to the outrage over the separation of the Chagos Islands alone, the announcement in the Resettlement Memorandum that no licenses would be issued for oil and minerals concessions incensed the Mauritian Government and made sure for further complications in the resettlement negotiations. The Chagossians would have no choice but to wait. Ibid. paras 3 & 14.

²⁵⁶ Sand, P., 2009, p. 25.

1973. Although the very last Chagossians would be deported from the Chagos Islands on May 26th, 1973, they would arrive to the same, unsolved problems. The Mauritian government withheld these funds facing political pressure against any perceived preferential treatment of a particular social minority.²⁵⁷ A flurry of newspaper exposes in 1975 drew public attention to the scandal of the Chagossians' abandonment, prompting the UK government to take action and save face. They commissioned another report in January 1976, The Prosser Report, which made long-awaited suggestions to the Government of Mauritius on how the £650,000 should be disbursed.²⁵⁸ Yet in the meantime, inflation had vastly reduced what this sum could afford anyway. Before they saw a single penny of consolation the Chagossians had to spend over at least six years squatting and begging in miserable poverty in a society where they were economically and socially marginalized and discriminated against.²⁵⁹ They could not find any employment and if they could their desperation and lack of education was taken advantage of by employers who underpaid them. Furthermore, in a brutal racially-segregated society where Creoles already faced racial and social abuse, Chagossians were regarded with disdain as being the lowest-of-the-lowest classes.²⁶⁰

²⁵⁷ Vine, D., p. 115.

²⁵⁸ Sand, P., 2009, p. 25.

²⁵⁹ Similar problems were faced in Victoria, the Seychelles, though conditions in Port Louis were appraised to be relatively worse still. Vine, D., 2011b, pp. 121-122.

²⁶⁰ Vine, D., 2009, p. 136.

Chapter 4: Colonialism and Chagossians' Power and Place in the World Order

In Chapters Two and Three, the history of the creation of the military base on Diego Garcia and the forced expulsion of the Chagossians from their homeland has been described, and their relative positions of power during this process have been given. In this Chapter, rather than accepting these power relations as given, an analysis will be conducted on how and why these power disparities developed, what they comprise, and why they affected particular groups of people in such opposing ways so that the same military base which supposedly keeps British and US citizens safe, also devastates the lives of thousands of other British Citizens, the Chagossians.²⁶¹ These *a priori* dominant power relations will be analysed as a dialectic relationship between colonialism that is enabled and practiced on the one hand by the self-interested actions of elite actors, and anticolonial resistance practiced by the Chagossians and other actors in the decolonization movement on the other hand. This relation gives form to the seemingly anachronistic continuation of colonialism through dominant (mostly state) actors in both archaic and new forms, as well as shaping the specific Chagossian anti-colonialist movement through which the Chagossians and their allies resist and make claims against the

²⁶¹ Robert McAfee Brown reminds us of the international connectedness of structural violence in an unequalitarian world. "The world that is satisfying to us is the same world that is utterly devastating to them." McAfee Brown, R., 1993 p. 4, in Farmer, P. 1997, p. 20.

dominators, with both sides of the relation reacting to and reshaping each other in turn.²⁶²

4.1 The Chagossians and the Dialectic of Anticolonialism

The Chagos Islands have been colonized since their very inception, when their cartographic documentation by European charterers lent them a Portuguese name as well as a spatial meaning and bore them into existence by making them a subject of “Western” knowledge.²⁶³ The Chagos Islands and their people could only be known through colonial processes and have been subjected to colonial and imperial domination ever since. Colonial power structures from these beginnings have evolved and continue anachronistically in archaic and different forms into the present in a dialectic relation. This dialectic involves (predominantly) state powers and other dominating actors acting in their interests to preserve their domination on the one hand, and anticolonial movements resisting and demanding their independence and/or the disestablishment of colonialism on the other, as they have shaped and continue shaping each other in turn.²⁶⁴

In the first chapter it has been described how the Chagossians were socially conditioned within a strict, colonial hierarchy, deprived of economic, political and social power outside of their isolated, close-knit community. This colonial relationship lasted up into the 1950s when the Chagos Islands were subjugated to the rule of British, Mauritian and Seychellois elites. The Chagossians however found a way of life within these

²⁶² Cooper, F., 1997b, pp. 406-407.

²⁶³ Clayton, D., in Gregory, D. et al., 2009, p. 96.

²⁶⁴ Cooper, F., 1997b, pp. 406-407.

constraints and grew accustomed to their living conditions, choosing to remain throughout this colonial period.²⁶⁵ Though constrained significantly by their knowledge of the world on and off the islands, Chagossians did have the choice to leave even if it was highly unpreferable, and this agency, though slight, should not be overlooked. The model of colonialism on the Chagos Islands was exploitative as opposed to settled, based on the economic extraction from the islands with workers governed directly from Britain, who ruled through ideologies of racism and paternalism.²⁶⁶ The successful social reproduction of the Chagossians despite these harsh conditions, as well as their isolation from administrative oversight, meant plantation owners and elites were not pressured to do more than the bare minimum to improve working conditions between the abolition of slavery in the 1830s continuing all the way into the 1950s. This was also aided by the formal and informal placement of the Chagos Islands outside of Mauritius' jurisdictional territory which gave the Chagossians no official democratic or political rights.

The Chagossians were given little choice but to continue living, and by insisting on the allowance of their free time, which proved beneficial for the plantation owners and the Chagossians alike, though this relation occupies a grey area between tacit agreement and silent oppression. This and the endurance of the copra industry through the reliable trading relationship between the Chagos Islands and Mauritius preserved this bonded relationship. However, as the relative social freedoms fought for by the Chagossians and provided by the plantation proprietors were

²⁶⁵ This ought to be interpreted sceptically due to the narratives of Chagossian lives being written by plantation owners and extracted from nostalgic Chagossians since they have been exiled. Jeffery, L., 2007, pp. 963-964. This will be critically examined in further detail in the Conclusion.

²⁶⁶ Clayton, D., in Gregory, D. et al., 2009, p. 85. This distinction can be conflated with the direct vs. indirect colonial governance model outlined by Iyer, L., (2010).

never extended to political and educational empowerment, the Chagossians were kept far from being able to formally self-determine themselves, and paternalistic supremacy of the British-Mauritian colonies prevailed. Chagossians were disempowered politically, deprived economically but amongst themselves were relatively free socially. They remained on the archipelago on these terms, albeit with their choice significantly constrained. They were ultimately kept on the islands by the French, British and Mauritian colonizers due to this arrangement allowing them to continually profit from the copra and coconut oil industry, which was in turn dependent on the Chagossians being economically and politically disempowered.

4.2 Colonial Contradictions of the UN

In Section 2.1 some of the contradictions between the United Nations' US-centric foundations and its proclaimed, sacrosanct universal goals are outlined. For one, the UN Charter declares the sacred values of equal rights and the self-determination of all peoples. At the same time however for its member states to respect and obey its tenets the UN has to demonstrate and legitimize its authority. This was done chiefly by accommodating the military powers of the Five Policemen into the permanent Security Council, though this was pressed by the need to diminish the imminent threat of direct war between the USA and the USSR. The biased construction of the Security Council, giving more control to the USA and the most powerful allies of World War Two also extended to the relative weaknesses of the General Assembly and the Judiciary (the International Court of Justice) to the Security Council.²⁶⁷ In total these factors allowed the US to use the UN to construct a new hegemony,

²⁶⁷ Schlesinger, S., 1994, p. 90.

albeit one with compromise.²⁶⁸ Thus the UN from its inception has struggled with an institutional bias that privileges the USA above all other member countries and tacitly makes the world peace that the UN wishes to uphold a *Pax Americana*.²⁶⁹

The founding of the UN's economic institutions the World Bank, the IMF and the GATT/WTO also institutionalised liberal, free market capitalist economic development as the basis for peaceful, economic co-operation.²⁷⁰ Global capitalist economic development thus acted as the vehicle for the deliverance of the UN's values of peace, cooperation and somewhat uneasily, self-determination.²⁷¹ However, economic development does not simply occur abstractly but is embedded in different cultural and societal contexts, historically and geographically.²⁷² Though the UN set up a framework for the self-determination of countries and the eradication of colonialism, it could only do this by integrating pre-existing colonialist states, and their inherent divisions of power, into its establishment. Its values were not applied on a *tabula rasa* but were adopted and adapted to by pre-existing societies and their incumbent power structures. Thus, the development models promoted by the UN acted as a vehicle for perpetuating cultural imperialism while holding apparently anti-colonial ideals.²⁷³ This is evidenced by Robert Young who geographically maps out the similarities between international investment patterns to find close matches with power asymmetries between archaic imperial

²⁶⁸ Cronin, B. 2001, p. 105.

²⁶⁹ Sexton, J., 2011, p. 85.

²⁷⁰ Harvey, D., 2005, p. 10.

²⁷¹ Hart, G., 2009, p. 122.

²⁷² Hess, M., 2004, p. 169.

²⁷³ Clayton, D., 2009, p. 96.

centres and colonial peripheries.²⁷⁴ Kwame Nkrumah coined the term “neo-colonialism” to depict this phenomenon.²⁷⁵

Archaic societal relations such as colonialism could not be eradicated so simply with proclamations such as those in the UN Charter, nor by the pledge to dismantle institutions of colonialism to varying extents. The UN’s important function vis-à-vis the power relations on the Chagos Islands is twofold: as a counterbalance against imperial tyranny, self-enforced by the US as a means of guaranteeing its own hegemony in the long term and institutionalising its international responsibilities; and as a directive towards the dismantling of colonialist and imperial establishments. The US and the UK’s privileged position in this power structure gave them some advantages in terms of how they would react to decolonization movements to maintain their dominant power in old and new ways. The Chagossians nonetheless were isolated from these developments and never came close to formally accessing the UN’s apparatus for claiming equal rights and self-determination before their exile.²⁷⁶

4.3 The USA: Shy Colonists?

The USA’s inception is based on independence from Britain, and the rights declared by the thirteen colonies. The USA’s identity was thus formed in opposition to the traits of the European empires. Anti-imperialism thus has a rich tradition and its myth is invoked as an important rhetorical device of US national identity. The USA’s self-consideration as an anti-imperial/non-colonial nation throughout its history includes several loopholes on what constitutes colonialism/imperialism. First, it

²⁷⁴ Young, R., 2001, pp. 44-56.

²⁷⁵ Nkrumah, K., 1956.

²⁷⁶ Tong, M., 2011, p. 158.

overlooks the original colonisation of the Americas by European imperialists, and these imperialists' continued subjugation and eradication of natives as they expanded their domain across the Americas.²⁷⁷ The so-called "salt water distinction" is often ascribed here whereby colonialism only counts if there is a body of water in between the dominating metropole and the colony.²⁷⁸ Secondly, the USA's complicity in other colonial practices is overlooked, including its strategic alliances with the British Empire and its imperial conquests, from which the US benefitted through sharing its market access, and its naval support against their mutual enemy, the Spanish Empire. Thirdly, the USA's method of gaining economic power and influence through organizing "resource extraction through the market rather than through military or political occupation" has been ascribed by scholars as a new form of imperialism.²⁷⁹

The opening of markets nevertheless relied on political and military coercion that could be best obtained through possessing an overwhelmingly strong navy. The US Navy thus focussed on its strengths and the numbers of military outposts it had acquired. As the US won in wars and battles against imperial rivals in the Pacific it made sure it established and retained island bases from which it could stage future attacks. By confining territorial presence to bases, the US Navy could maintain military presence without direct colonial rule. The dual success of national cohesion and economic prosperity continued to drive US interests outward away from the Americas, and by the end of the nineteenth century, with victory in the Spanish-American War, they had emerged as a fully-fledged

²⁷⁷ Clayton, D., in Gregory, D. et al., 2009, p. 96.

²⁷⁸ Nelson, R., 2009, p. 1. This distinction was in fact reified by Resolution 637 (II) of the UN General Assembly, when it was decided that subjects of "internal colonialism" who were citizens of an autonomous state would be discounted as non-self-governing peoples.

²⁷⁹ Smith, N., 2004, p. 360; Heller, H., 2006; Harvey, D., 2003.

colonial superpower in the classical sense- salt water and all. They justified their interventionism in line with the British and other European empires, by claiming their colonialism was part of a righteous civilising mission, but somehow not in the same way as European imperialism. The continued acquisition of bases all over the world played a crucial part in US development up to and beyond this point.²⁸⁰

Through gaining military bases and coercing countries within strikable range into cooperation the US could produce and reproduce its own dominant position in economic power structures. Trade links solicited through capitalist free-trade were, indeed, deemed more agreeable than those enforced through brute colonialist relations.²⁸¹ It purposefully forged military and commercial links with the European imperialists with the prerogative of growing and expanding its commercial dominance worldwide. In this context, the USA forged the so-called “special relationship” with Britain.²⁸² Indeed, the investments of US firms multinational firms in Europe were over-extensive, meaning too much was at stake for them to not intervene the Allied effort in World War One.²⁸³ The military mobilizations of the Second World War involved the rest of the world borrowing even more from the US, who now usurped the UK’s place as the dominant ones in the “special relationship”. Their unity was bolstered in the countries’ leading roles, competing with the USSR in the new world order after the Second World War, whilst the Suez Crisis only made them realise the importance of each other’s military and economic assets even more. This relationship’s economic and military pacts were embedded in the perceived shared culture of white, protestant men, and an evangelical sense of entitlement to bring civilisation to non-

²⁸⁰ Johnson, C., 2006, p. 151.

²⁸¹ Smith, N., 2003, p. 360.

²⁸² Harris, P., 2013, p. 708.

²⁸³ Ibid. p. 115.

white, non-protestant parts of the world through establishing economic and cultural ties. Provided that Britain held the majority of the colonies, the USA were not the bad guys. Yet, as colonies came to be regarded not only as obsolete but also morally repugnant, attention in this partnership shifted to the US method of procuring military bases to establish domination.

4.4 The Colonization of Islands as Military Bases

The US Navy's Long-Range Objectives Group developed the "strategic island concept" in the 1950s, advocating the policy of stockpiling island bases before decolonization movements made this impossible. In this strategy, islands generally possessed a certain allure to colonial powers due to the "attraction of bounded island space".²⁸⁴ The natural fortification of islands by their surrounding waters provide what on the one hand appears to be an integral jurisdictional boundary and a clear limited territory.²⁸⁵ On the other hand, their natural boundaries, if invoked, also pose an incapacity to expand beyond these borders, which in turn limits their power and renders them vulnerable. Island jurisdictions thereby are manifested as a trade-off between the contradictory characteristics of insularity, often through establishing a relationship with a metropolitan (mainland) power.²⁸⁶ Island liminality, that is, the operation of islands in terms of what they can exclude and place outside their domain of jurisdiction²⁸⁷, was particularly valuable in the eyes of Stuart Barber and Horatio Rivero. For this, Britain's volunteering of legal responsibility for the

²⁸⁴ Grydehøj, A., and Kelman, I., 2016, p. 5.

²⁸⁵ Nadarajah, Y., and Grydehøj, A., 2016, p. 438.

²⁸⁶ Ibid.

²⁸⁷ Clayton, D., 2009, p. 96.

Chagos Islands, and Rivero's wish for them to be population-free would constitute Diego Garcia as the "ideal island" for the USA.²⁸⁸

The Chagos Islands had long drawn attention from the US Navy's Long-Range Operations Group due to their geographical characteristics, such as their extreme isolation, their strategic location, as well as the ability for arbitrarily clustered archipelagos to also be arbitrarily regrouped.²⁸⁹ Islands are also objectified by virtue of how their inhabitants are classified. Rivero and others in the US Navy perceived Chagossians in the image of a certain island stereotype that is often conjured up regarding other non-white island dwellers. Rivero et al. simply assumed the Chagossians to be placid, insignificant²⁹⁰, and lacking in valid agency²⁹¹ on the one hand, whilst simultaneously imagining them as menacing, troublesome and an exotic distraction that must be kept away from their troops on the other.²⁹² These racist assumptions formulated the unchallenged view of Rivero and other US Navy staff, that they had the right to remove the islanders entirely.²⁹³ Rivero had experience in removing the Bikinians from their atoll for nuke tests that equipped him with a callous arrogance, knowing acts could and should be committed by the US military, deeming it all fair game in the grand scheme of military interests.²⁹⁴

Diego Garcia was objectified as a military tool, and its inhabitants as mere pawns in the game. Any worries over the destruction of an entire

²⁸⁸ Baldacchino, G., 2012, p. 55.

²⁸⁹ The jurisdiction of Indian Ocean islands like the Seychelles changed historically according to what was convenient, such as in 1902 when it was ceded from Mauritius. section 2.10 and Chan Low 2011, pp. 71-72,

²⁹⁰ Vine, D., 2009, p. 181.

²⁹¹ Nadarajah, Y., and Grydehoj, A., 2016, p. 442.

²⁹² Referencing the explained reasons for having the population removed given in the 1975 US Departments of State and Defence report. In Vine, D., 2009, p. 122; See also this edition p. 81, n. 156.

²⁹³ Vine, D., 2009, pp. 138, 244 n. 1.

²⁹⁴ Ibid. pp. 63-64.

people's homes were, if at all, an afterthought. This particular way in which Diego Garcia was fetishized as an ideal island from the perspective of the US military is in itself, a legacy of colonialism in action.²⁹⁵ In exile, the Chagossians have come to identify through this external perspective of island life in order to gain support by appealing to cultural tropes. This has however had mixed results in strengthening and weakening their fight for justice, as will be explained in the conclusion of this thesis.²⁹⁶

4.5 Mauritius, the UK and the USA: Who Represents the Chagossians?

At the time of the Chagos Islands' excision and their expulsion, the Chagossian people lacked the capacity to self-determine and were governed on an everyday basis at the whims of the plantation owners whilst the Government of Mauritius represented them by proxy. As Chapter One details, the Chagossians were aware of this and would patiently wait until they could ride the ship to Mauritius in order to file complaints against their plantation owners.²⁹⁷ Nevertheless, when the Mauritian elites negotiated the excision of the Chagos Islands it was out of the view of the Chagossian people. The agreement of the Government of Mauritius was nonetheless obtained by blackmail as Seewoosagur Ramgoolam was invited into a zero-sums game at the Constitutional Conference of September 1965 and played along by naming the price of his and his government's agreement.²⁹⁸ With that, alongside the straightforward bribery of the Government of the Seychelles, the official political agency of the Chagossians had been removed and exercised by proxy. To date, just as then, the Chagossians have still not achieved self-government.

²⁹⁵ Nadarajah, Y., and Grydehol, A., 2016, p. 442.

²⁹⁶ Jeffery, L. 2007, pp. 963-964.

²⁹⁷ See this edition, Chapter 1, pp. 22, 24.

²⁹⁸ Chan Low, J., 2011, p. 79.

To date, just as then, the Chagossians have still not achieved self-government. The argument over who represents the Chagossians, and who has what form of jurisdiction over the territory now known as the BIOT also remains unsettled.²⁹⁹ Chapter 5 will go into more detail on how Mauritius now plays a duplicitous role in fighting important battles to undermine UK and US sovereignty claims and remove the base, but ultimately do this to stake their own sovereignty claim and pre-empt Chagossian self-governance.³⁰⁰

Deprived of any representation on the national level, the role of the UN should have provided a lifeline for the Chagossians. As has already been said, despite its structural biases, the UN was a vital vehicle for instigating and monitoring the decolonization process. The UN's 1945 Declaration regarding Non-Sovereign Territories and the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples opened a range of possibilities for non-self-governing peoples to self-determine, such as those from small islands.³⁰¹ Furthermore, to ensure that former empires did not impede the progress of its colonies towards self-governance, Trust Committees were established in order to make this the duty of colonial countries in accordance with Chapter XI of the UN Charter.³⁰² The eventual jurisdictional forms of previously non-self-governing small island territories would be shaped according to their political- historical and -geographical contexts and where applicable, the colonial relations they inherited.³⁰³

²⁹⁹ This will be discussed further in Chapter 5.

³⁰⁰ Tong, M., 2011, p. 168.

³⁰¹ Nadarajah, Y., and Grydehøj, A., 2016, p. 438.

³⁰² Cronin, 2001, p. 104.

³⁰³ Nadarajah, Y., and Grydehøj, A., 2016, p. 440.

Yet the UN and its institutions were inaccessible to the Chagossian people, who were marginalised from the negotiation process on the legal and territorial status of their island homes by virtue of who they were, and whom they were represented by.³⁰⁴ As such, the Chagossians never registered as a non-self-governing people, and missed the opportunity to have the UK obligated to undergo decolonization under Article 73 (e) of the UN Special Committee of 24.³⁰⁵ Furthermore, as the UK and by proxy the USA resisted the decolonization as enforced from above by the UN movement and sought ways to maintain their dominant power, they were drawn to places like the Chagos Islands where colonial rules remained anachronistically preserved.

4.6 Discrimination Against the Chagossians: Colonialism gets Personal

So far in this section it is evident that there were multiple, premeditated ways in which the Chagossians were disempowered and constrained of agency through dominant power structures, colonial and otherwise. This meant that the US, UK and Mauritian governments could all exploit the Chagossians' collective weakness to exert their own sovereignty over the BIOT in different ways. Though the dialectic of colonialism and decolonization seems impersonal from this state-centric perspective, the agency of individuals has to be brought back in. What exactly gave these state powers the will and the licence to deprive the Chagossians of their homes, livelihoods and even (some of) their lives altogether?³⁰⁶

³⁰⁴ Tong, M., 2011, p. 168.

³⁰⁵ Ibid.

³⁰⁶ The exact figure and causes of death are not known. The Comité Ilois Organisation Fraternelle reported a death toll of 44 by 1975 and an additional 11 deaths by suicide. Many more were thrown into psychiatric units. Vine, D., 2009, pp. 130-131.

Following on from Derek Gregory, Vine remarks that state actions “are not produced through geopolitics and geo-economics alone”, but are also produced by cultural, social and psychological processes and practices, especially those that “mark other people as irredeemably “Other” and locate both the self and others spatially.”³⁰⁷ Furthermore, Katherine McCaffrey observes that the specific selection of US military base sites “is heavily influenced on the local level by the ease of land acquisition.”³⁰⁸ Expanding on this, Vine theorises that the “ease with which the military can acquire land is in turn strongly related to the relative powerlessness of a group which is linked to a number of factors including a group’s socially defined “race”, ethnicity, nationality, numerical strength, and economic and political power.”³⁰⁹ Indeed, these processes do not occur abstractly but are targeted at specific peoples. The Chagossians are not the only people to have fallen victim to displacements during peacetime.³¹⁰

The USA and the UK exercised their state power to displace these people simply because they wanted to and because they could.³¹¹ If the value of the crime could be justified for maintaining the peace as the UN wishes, then exceptions can be made for the USA to get what it wants. Nevertheless, the callous treatment of the Chagossians was committed because these people could be deemed by the USA, the UK and Mauritius alike, as unworthy of human rights. The discrimination against Chagossians is racist as they were actively targeted to be neglected by white/whiter state powers through consideration of their social, non-

³⁰⁷ Gregory, D., 2004, pp. 16, 20; Vine, D., 2009, p. 208.

³⁰⁸ McCaffrey, K., 2002, pp. 9-10; Vine, D., 2009, p. 68.

³⁰⁹ Vine, D., 2009, p. 68.

³¹⁰ Vine lists the cases of displacement for military bases in Koho’olawe in Hawaii, Bikini Atoll, Guam, Panama, the Aleutian Islands in Alaska, Visques and Culebra in Puerto Rico, Okinawa in Japan and Thule in Greenland. Ibid. p. 67.

³¹¹ Ibid. p. 182.

whiteness. Whereas human rights considerations are the default for people who are considered “white”, those who are considered “non-white” have to redeem themselves for their perceived inferiority and earn their right not to be neglected, dispossessed, or treated as what Mark Curtis calls “unpeople”.³¹² The UK’s treatment of the Chagossians contrasts starkly with the preferential treatment of people in their other non-self-governing territories of Gibraltar and the Falkland Islands. The difference in worth and treatment, despite all of these people being British citizens, is justified by Chagossians descending from black slaves, and citizens of Gibraltar and the Falkland Islands descending from white settlers.³¹³

Other markers of identity such as ethnicity, gender, nationality and class, constitute a hierarchy whereby given differences come to justify inequality and the (dis)possession of wealth and human rights as significant or insignificant. As Vine puts it, “Whereas race and racism were the explicit ideologies of European imperialism, in more recent history, race and racism have played a prominent role in structuring the vulnerability of those who will be displaced, while serving as a more subtle, internal ideological influence allowing officials to “assume the license” to displace the racialized.”³¹⁴

Though there are manifold forms of discrimination at play in explaining how the Chagossians were deemed worthy of their deprivation and how their profound dispossession was justified, a greater problem is the continued ability of formerly colonial powers to dominate with impunity. Although much has been done through the UN, nation states and non-

³¹² Curtis, M., 2008, p. 30.

³¹³ Tong, M., 2011, pp. 170-171.

³¹⁴ Vine, D., 2009, p. 182.

state actors to dissolve colonial institutions, these actions have not been bold enough to seriously challenge means with which white supremacy continues to exercise its dominance in subtler, more diffuse ways.

Harold Wilson commented in April 1965 that the UK government would “pay a price” at the UN for flagrantly violating Mauritius’ “territorial integrity” and contravening UN Declaration 1514 (XV). Yet to date no sanctions have been imposed on Britain for these actions.³¹⁵ These blatant acts, where the UK used its dominance to maintain its (white) supremacy, went unhindered, perhaps because the UK’s participation in decolonization and the disestablishment of colonial institutions was agreed to be freely negotiated, ignoring the structural inequalities that would shape these negotiations. It can only be speculated what difference it would have made if the UN and the international public had somehow become aware of the cover-up behind the eviction of the Chagossians. Nevertheless, this colonial act betrays both a failure of the decolonization system, and a ruthless exploitation of pre-existing colonial structures by the UK and the USA to conserve their own world dominance.

4.7 Colonialism in the Twentieth Century?

Though the case of the Chagos Islands has its roots in colonialism, and the structure of power relations pits historical colonists against the historically colonized, the question remains of how and whether colonialism can actually exist in a historical context to which it does not belong.

³¹⁵ Ibid. p. 82.

After the founding of the UN, the international institutionalisation of these new anti-colonial values, and the instigation of actual decolonization, “empires did not go away, but went underground.” The shielding of anti-colonial institutions from “accusations of empire or imperialism” became more important once it was assumed that the disestablishment of colonial institutions had been completed.³¹⁶ Derek Gregory claims that the “colonial past is not past”, and new geographies of empires and colonialism are in the process of being produced.³¹⁷ The formal dissolution of empire and colonial establishment has been attended with an obsession over the superficial appearance of colonialism. This has come to be a distraction from the continuance of the material conditions of colonialism and its attendant patterns of economic and social inequality.

In the neo-colonial era, spatial inequalities resembling the colonial distribution of winners and losers persist despite the de facto dismantling of the colonial establishment. Furthermore, explicit acts of racially charged domination are still allowed to occur, albeit in subtler ways. With the disestablishment of colonial institutions assumed to be a fait accompli, attention is paid to the explicit signifiers of racist discrimination and domination, whilst the implicit continuation of these is by and large ignored. The language of how we describe colonialism may be outdated in this regard, as colonial domination has come to be more pluralized, discrete and diffuse. It is perhaps too safely assumed that in the neo-colonial era cases of colonization belong to the past and cannot be seriously confronted as materially evident in the present.

³¹⁶ McGranahan, C., 2007, in Vine, D., 2009, p. 54.

³¹⁷ Gregory, D., 2004, p. 117.

Whatever the precise form of abusive domination this case represents, the question remains of what is to be done in cases of structural violence? In the historical context of decolonization movements, formerly colonized peoples who have resisted their colonial domination have been granted a stage at the UN, where legal, political and economic assistance can be accessed. Yet this does not stop the dominance of the same powerful actors persisting. Though acts of brutal domination are not condoned per se, neither is it confronted in a way that disables it from enforcing its domination. Thus, despite the widespread successes of the decolonization movement from grassroots up rebellions, to top down reforms of the UN, the movement has been powerless in stopping one of the world's most powerful actors, the US Army, from acting with great violence against innocent peoples with impunity, re-establishing a dominant power relation as old as colonialism itself.

Despite the apparent existence of the dominant power structure, the actors that we see in this case are unrecognisable from bygone colonial institutions. This change and continuity has evolved in a dialectical relation, with the heirs of colonial powers changing and masking their power and will to dominate, to try and circumvent the barriers that the decolonization movement poses. If the case of the Chagos Islands cannot be considered a case of colonialism it is because colonialism itself is having to change its form beyond recognition. Whatever it is, the injustices that crop up in cases of imperial domination need to be confronted as colonialism to prevent them from reoccurring in their current guise and altogether.

This Chapter has shown how colonialism evolves and changes in a dialectic relation with the opposition posed by decolonization move-

ments. A key component of this understanding of colonialism as a dialectic, borrowed from Frederick Cooper at the start of this Chapter, is that the colonial powers involved do not simply dictate and dominate, but are pushed back and opposed by the Chagossians in their struggle for emancipation and for their inclusion in the wider international decolonization movement. The material practice of this colonial relationship has shifted from once bonding the Chagossians and other colonized peoples to land by tenure, to now displacing them and keeping them away from certain territories reserved for the colonizers. In turn, the demand from the colonized is centred on the right to return. This makes the Chagossians' demands somewhat problematic, especially considering the nature of their bond to the Chagos Islands as predicated on a colonial economy that has left the Chagos Islands behind. When an injustice cannot be undone as in this case what constitutes justice? The next chapter will detail the legal history of the Chagos Islands and reveal the extent to which decolonization is held merely as an ideal of justice or enforced as law.

Chapter Five: Justice for the Chagossians

5.1 Introduction

This Chapter will depict the legal history of the Chagossians' fight for justice, scrutinizing how and in what ways the international legal apparatus that supports decolonization processes on the one hand, also allows residual forms of colonialism to continue on the other.

First, the chapter will outline the suffering of the Chagossians at the beginning of their exile and contrast it with the USA's construction of the military base on Diego Garcia. This juxtaposition of the two sides of the dominating relation between the US, the UK, Mauritius and the Chagossians will not only give the history of the colonial relation between dominator and dominated, but also sets the scene of political emancipation, where the Chagossians organise to pursue justice through legal and political battles.

The Chagossians' fight for justice contends at different times with the national interests of the USA, the UK and Mauritius regarding the BIOT. Of special interest here is the ways in which the post-World War

Two legal apparatus, supported through the UN and other international institutions, has assisted decolonization movements and what barriers emerge to its effectiveness.

Different ideas of justice prevail, not just between the involved nation states and the Chagossians, but between the Chagossians themselves. First, the concept of justice and law deployed for this chapter will be explained.

5.2 The Force of Law and the Idea of Justice

How does one reconcile fractious and plural claims of justice with multiple laws across space and time? Here, Catherine Wright's ruminations on Derrida's talk, "The Force of Law" is used to conceptualise law and justice. The Chagossians' legally and physically enforced exile by the UK and the USA, and the impossibility for them to return³¹⁸, "brings to life Jacques Derrida's contemplation on this *aporia* [an irreconcilable gap] between the 'idea of justice', and the law which presents itself in its name."³¹⁹ That is, the law presents itself rhetorically as a particular reading of justice that has to be enforced.

"Justice... is "incalculable". It is an ideal, never fully attainable, and only ever on the way, as a "justice-to-come"; as such, all justice is, effectively, "impossible" within the realm of human experience. But this impossibility of a fully experienced justice should not detract from the taking of concrete action in the name of justice, even if these decisions remain inadequate to justice."³²⁰

³¹⁸ Impossibility here meaning the irreversibility of the US and UK's actions and the impossibility to restore the Chagos Islands to a previous desired, just form. Justice in this sense is imaginary- purely an ideal.

³¹⁹ Wright, C., 2009, p. 218.

³²⁰ Ibid.

By deconstructing the concepts of law and justice and reading them as texts, Derrida creates a conception of justice that is always, ‘avenir’, yet to come. This seems apt to the Chagossians’ case. For example, in the event that they win their case and rewrite the law so that it allows a right to return, though this “may not be equivalent to making justice” for all, the writing of laws is nonetheless “required for carving the path of the justice they seek, even if it will not fully arrive.”³²¹

In the previous sections of this chapter we have outlined how the beleaguered status of the Chagossians on the receiving end of US-UK military domination came to be taken for granted and even vindicated from a *realpolitik* perspective. This assumes a concept of law that prioritises justice as the norm and injustice as a deviation from this normative concept of justice.³²² This taken-for-grantedness of the legality of colonial domination is precisely what the Chagossians are fighting against.

Clive Barnett argues for a different, more egalitarian conception of political action by prioritising injustice as the norm. “What makes a state of affairs unjust to those immediately on the receiving end of domination... is not the reference to a prior construction of what counts as a properly just arrangement.”³²³ Justice thus has to be asserted through “making claims”. This instigates a long process whereby an idea of justice is eventually enacted. He further notes that “the spaces in which injustice is apprehended and justice is enacted... are stretched out over space and time.”³²⁴ Spaces and times of “recognition, justification and vindication”

³²¹ Wright, C., 2009, p. 218.

³²² Barnett, C., 2018, p. 319.

³²³ Ibid. p. 324.

³²⁴ Ibid. p. 318.

of an injustice are distributed differently in different places at different points in time.³²⁵

Applied to the Chagos case, justice is understood as an ideal that orients political action, and law as the reading of justice that is enforced. Justice and injustice are understood as plural, as occurring diversely between different subjects in different spatial and temporal contexts. Nevertheless, this understanding of justice, in keeping with the *humanpolitik* proposed by David Vine³²⁶, empowers the Chagossians' legal battles against explicit and implicit forms of colonial domination. As an exiled people who are continually moving away from their homeland, claims cannot be made in one place at one time but are made by different actors in different places at different times. Just as these dominating colonial actors coalesced to commit the injustice to the Chagossians, a coalescence of actors fighting for the Chagossians' cause could find the law in favour of enforcing some of the Chagossians' ideas of justice and help "carve the path" towards that elusive idea of justice. So much as this was stated by Olivier Bancoult, leader of the Chagos Refugee Group at the UN Working Group on Indigenous Populations in 2004.

"How can a small people like us dare challenge the UK and the United States? ... It seems an impossible conflict to resolve, but we stand by our convictions that justice will prevail even if we know it will take a long, long process."

- Louis Olivier Bancoult, Geneva, July 20th, 2004.³²⁷

³²⁵ Ibid.

³²⁶ Vine, D., 2009, p. 192; Harris, P., 2011, p. 495.

³²⁷ Bancoult, L. O., Address at the UN Working Group on Indigenous Populations, Geneva, July 20th 2004, in Vine, D., 2009, p. 179.

5.3 Contrasting Fortunes: Exile and the Construction of the Base

Olivier Bancoult was born on Peros Banhos in 1964. He was three years old when he along with his parents and five siblings travelled to Mauritius so that his sister Noellie could have her foot operated on after it had been crushed by a mule-drawn cart. The family had to wait for over two months until the next ship came that could take them to Port Louis. By the time they reached the hospital in Port Louis, Noellie's foot had become gangrenous. One month after arriving, she died from her injury. The grief-stricken Bancoult's were to return to the harbour for their voyage back to the Chagos Islands after another two-month wait, but when Rita, the mother of the family, approached the ticket office shortly before they were due to embark back, she was told that their island had been sold and that they would never return.³²⁸

This is one of the first amongst over a thousand other stories of the Chagossians' deportation and forced exile. Hundreds of Chagossians were dumped on the docks of Port Louis and Mahé in the Seychelles with no shelter, belongings or compensation. The final ship of deportees docked in Port Louis on May 30th, 1973. The hundred-strong group, knowing the Government of Mauritius had lied of the promise of housing, compensation and work, staged a sit-in protest in filthy conditions for five days. The Mauritian government succumbed but only provided them with temporary accommodation. Miserable poverty and marginalization in what was then a socially tumultuous city prevailed.³²⁹

³²⁸ Vine, D. 2009, pp. 5-6.

³²⁹ Ibid. p. 164.

Whilst the Chagossians were being transported to Mauritius and the Seychelles, the US Navy Seabees were swiftly constructing a substantial military facility on the Chagossians' erstwhile home of Diego Garcia, with hundreds of cadets already stationed there by December 1972 and able to mount an intervention in the 1973 Arab-Israel War.³³⁰ No more than several hundred rupees was expended for the Chagossians, whereas the US Navy had already settled funding of more than \$29 million by 1976. The US Air Force also received approximately \$9,732,000 to expand the new runway on the island.³³¹ This lavish spending alerted media coverage on the expansions and stirred up much international concern over the escalation of military activity, which contravened UN Resolution 2832 (XXVI) of December 16th, 1971, establishing the Indian Ocean as a nuclear weapon-free "zone of peace".³³² From then on, construction expenses on the base would ebb and flow in accordance with the US' geopolitical involvements in the area.³³³ This led to a "kaleidoscopic change of rationales" for justifying funding applications.³³⁴ Between 1970 and 1987 the US military had procured contracts with construction companies and investors in the US, Britain, Taiwan and Japan worth hundreds of millions. A partnership of a Halliburton subsidiary, Raymond International Brown & Root, and a British-based company Mowlem & Co. alone received \$441 million.³³⁵ Cumulative investments in the military base total well over \$1 billion to date, with annual operating costs totalling \$47,530,389 as of 2011.³³⁶

³³⁰ Ibid. p. 120.

³³¹ Vine, D., 2009, p. 121; Bandjunis, V. 2001, pp. 70, 72; Sand, P., 2009, p.36 see Table 1 for a Construction Budget Sheet on Diego Garcia.

³³² Sand, P., 2009, p. 37.

³³³ Bandjunis, V., 2001, p. 74; Sand, P., 2009, pp. 36-37.

³³⁴ Op. cit. See this edition p. 84, n. 240.

³³⁵ Sand, P., 2009, pp. 35-36.

³³⁶ Average of costs for the US Navy through the fiscal years 2009, 2010 and 2011. In Lostumbo, M. et al., 2015, p. 337.

Agreements on upgrading the base were initially made via further confidential Exchanges of Notes between the UK and US government in 1972 and 1976.³³⁷ In light of the Seychelles' independence in 1976 and pressure from the UN Committee of Twenty Four, the latter note also declared the return of Aldabra, Desroches and Farquhar to the Seychelles as a "gesture of goodwill".³³⁸ The BIOT Commissioner from then on would be the appointed director of the British Overseas Territory Department. The bribes for the Seychelles' colonial government were well spent on Seychelles International airport, which catalysed the Seychelles' tourism-based economy and substantially helped it rise from one of Africa's poorest economies to its richest in the 1970s in terms of Gross Domestic Product per capita. The Chagossians in the Seychelles did not see more than a pittance of this newfound wealth.³³⁹

On September 11th, 1975, a piece by David Ottaway for the Washington Post entitled "Islanders were evicted for US base" made the headlines in the USA³⁴⁰, and put pressure on the Gerald Ford administration to respond. A hearing on the events was ordered by the Democrat opposition, ahead of which a report was drafted by the Ford administration stating the US had "no outstanding obligation to underwrite the cost of additional assistance for the person affected by the resettlement from the Chagos Islands."³⁴¹ At the hearing on the 4th of November 1975, the US

³³⁷ Sand, P., 2009, p. 4. Further exchanges of notes re: Diego Garcia were made in 1987, 1999, 2001, 2002 and 2004.

³³⁸ Ibid. pp. 4, Supplement London, Limited United States Naval Communications Facility on Diego Garcia, BIOT, October 1972, in *ibid.* pp. 84-90.

³³⁹ Vine, D., 2011b, p. 107.

³⁴⁰ Ottaway, D., 1975, "Islanders were evicted for US Base", Washington Post September 11th, 1975 in Vine, D., 2009, p. 122.

³⁴¹ US House of Congress, 1975, Report on the Resettlement of Inhabitants of the Chagos Archipelago, Vine, D., 2009, p. 123.

government found itself to have no legal responsibility for the Chagossians, declaring its official stance would be against allowing the Chagossians to return to the islands.³⁴² This hearing was the first and so far still the last time that the case was discussed in US Congress. Ever since, the US government has been absolved of all responsibility over the Chagossians.

5.4 Mobilization of The Chagossians

Whilst millions of dollars-worth of military construction contracts flowed into Diego Garcia in 1976, the Mauritian Government continued to dither over acquiring compensation funds from Britain and the political difficulty of allocating it in a socially and ethnically divided country. The Chagossians resisted, endured and started to push back. By 1975, Michael Vencatessen, who had left Diego Garcia in 1971, procured legal aid and issued a writ suing for “damages for intimidation and deprivation of liberty” against the UK Foreign Secretary, Defence Secretary and Attorney General.³⁴³ His case was taken to represent the whole of the Chagossian community at the time. Meanwhile, the squabbles between the Governments of Mauritius and the United Kingdom over who was responsible for the Chagossians went on with £650,000 of resettlement funding eventually being disbursed by the UK government in 1978. After years of inflation however this amount proved inadequate for helping the by now heavily indebted Chagossians.³⁴⁴

³⁴² Ibid. pp. 124-125.

³⁴³ Hoffman, L., 2008, House of Lords Judgement, paras. 12-13.

³⁴⁴ Houbert, J., 1992, p. 472.

Amid this social desperation some groups of Chagossians managed to organise protests.³⁴⁵ Small, predominantly female groups of activists would regularly deliver petitions to the governments of the UK, US, Mauritius and Seychelles and stage hunger strikes which drew in local support.³⁴⁶ The protestors obtained the support of the Mauritian Militant Movement (MMM), a socialist party sympathetic to their cause, and with their help they gained the assistance of a solicitor named Bernard Sheridan. Sheridan advised Michael Vencatessen in his ongoing case and together they negotiated with the British government for compensation. Amidst a media scandal over the expulsion, the British Government offered £1.25 million on the condition that no further claims would be made, and that Sheridan immediately drop the case. Sheridan agreed and sent a solicitor to Port Louis to gather the signatures and thumbprints of several hundred Chagossians agreeing to these terms. When the MMM and Chagossian leaders found out, they discontinued his service and cancelled the deal, deeming the terms unfair and insulting.³⁴⁷

This trick from the UK government only served to further stoke the flames of protests which Prime Minister Ramgoolam could no longer ignore. In 1981 he flew to the UK to meet Margaret Thatcher and discuss compensating the Chagossians. They negotiated over the Vencatessen lawsuit and eventually agreed on a sum of £4 million to be maintained within a trust fund as well as a donation of land valued at £1 million. With UK and Mauritian government ministers and representatives of the Chagos community present, the UK-Mauritius Ilois Claims Agreement was signed.³⁴⁸ Yet again, however, any Chagossians who wished to access

³⁴⁵ Jeffery, L., 2011, p. 38.

³⁴⁶ Ibid.

³⁴⁷ Ibid.

³⁴⁸ Hoffman, L., House of Lords Judgement October 2008, Para 13.

their sum of money had to sign a “renunciation form” written in English, in “full and final settlement” of the case.³⁴⁹ Many Chagossians were illiterate and could only “sign” with a thumbprint. In any case none of them could read English. Under duress and desperation 1344 Chagossians had signed by June 1983 signed, hereby renouncing “all acts, manners, and things done by or pursuant to the British Indian Ocean Territory Order 1965”.³⁵⁰ The validity of these agreements is dubious and contested.³⁵¹ Each adult would gain a not insignificant amount of £2700, and £480 per child. For a lot of them the money was spent entirely on paying off existing debts.

In the aftermath, the Chagossian leaders knew the signees had been duped for their illiteracy and desperation. The leading activists who staged the hunger strike, Charlesia Alexis and Lisette Talate, decided that an organizational group should be formed to promote Chagossian interests and prevent this calamity from happening again. Thus, the Chagos Refugee Group was formed. Olivier Bancoult, as the only member of his family who was able to fully attend school, was specially asked to join by his mother, Rita.³⁵² Their group focussed on campaigning for compensation and the right to return. In 1984 they had already filed a class action lawsuit against Robert McNamara and the US Government.³⁵³ The momentum and enthusiasm however soon flagged, and their group’s popularity dropped in the mid-1990s due to a lack of tangible impact.³⁵⁴

³⁴⁹ UK-Mauritius Ilois Claims Agreement, 1982, in Sand, P. 2009, p. 25.

³⁵⁰ Ibid. Article 2.

³⁵¹ Sand, P., 2009, p. 26; Jeffery, L. 2011, p. 39.

³⁵² Vine, D., 2009, p. 168.

³⁵³ Sand, P., 2009, p. 28.

³⁵⁴ Jeffery, L. 2011, p. 40.

In 1995, a Chagossian named Fernand Mandarin founded the Chagossian Social Committee to take over the lead of the Chagossian people's political struggle. With the backing of the Mauritius Labour Party, the campaign got off to immediate success gaining the people official recognition as an indigenous group at the UN Working Group on Indigenous Populations in 1996.³⁵⁵ The CSC formed a coalition with the Mauritian Labour Party based on mutual support of Mauritius' claim to sovereignty over the archipelago.³⁵⁶ They even briefly planned to sue the UK government. However, as they realised that filing a case would involve recognising British jurisdiction over the Chagos Islands, they instead opted to only resolve compensation with the UK, Mauritius and US governments via out of court settlements.³⁵⁷

Then in late 1997, a Mauritian journalist named Henri Marimootoo uncovered documents that had been released on the UK public record stating that the UK had broken international law by lying about the inexistence of the Chagos Islands' inhabitants. Looking to build a case, he approached the CSC who rejected him out of refusal to accept British jurisdiction. The CRG however did oblige when approached and together they filed a lawsuit to the UK High Court in 1998.³⁵⁸

5.5 Political Differences

Due to political differences during this case, factions started to develop between the Chagossian groups. First there were differences of opinion on how they would achieve the ends of full compensation and the right of return. Should the military base be closed, or should it be used for

³⁵⁵ Vine, D. 2009, p. 168.

³⁵⁶ Ibid.

³⁵⁷ Jeffery, L., 2011, p. 40.

³⁵⁸ Vine, D., 2009, pp. 168-169.

local employment? Should the Chagos archipelago be returned to Mauritius or become a self-governing region? There were also identarian splits on whether they identified collectively and individually as Mauritian, Seychellois, British, Chagossian or any combination of them. They were further divided on the issue of which of these states, if any, had sovereignty over the Chagos Islands. There is also a direct split in political affiliation as the Mauritian Labour Party supports the CSC and the Mauritian Militant Movement has its ties with the CRG. There were even more political factions split beyond this that complicated the finding of a common path to justice.³⁵⁹ The Chagossians had many choices to make and strategies to plan before they could put their legal cases forward.

The CRG and Manamootoo's lawsuit against the UK government was controversial to the CSC because it involved formally acknowledging the UK's jurisdiction over the Chagos Islands. Similarly, the Class Action Suit that the CRG filed against the USA in 1984 under the Alien Tort Claims Act only stood a chance of success if the USA was considered to have jurisdiction over the islands, and if the Chagossians acknowledged the legitimacy of the military base.³⁶⁰ Though the CRG and the CSC came to split the representation of Chagossians broadly in two, they were united by the basic premise of their fight for compensation and a right to return.³⁶¹

The differences in views on the sovereignty issue disrupted the Chagossians' need for clarity and unity over whose jurisdiction they recognised. In recognition of their own vulnerability, most Chagossians accepted they were best sharing sovereignty with Britain, Mauritius or the

³⁵⁹ Jeffery, L., 2011, p. 44.

³⁶⁰ Vine, D., 2009, p. 172.

³⁶¹ Jeffery, L., 2009, pp. 38-39.

Seychelles. However, internal arguments were aggravated further by Britain, the USA and Mauritius all continually exploiting the loopholes of the territorial and jurisdictional arrangement of the BIOT. On the one side there was an ongoing battle by the USA and the UK to keep certain laws suspended, maintaining the BIOT in a “state of exception”³⁶², whilst on the other side, Mauritius had individually attempted to undo the US and UK’s exploitation of this legal quirk by asserting its sovereignty over the islands, writing this claim into its own constitution and into every international treaty it could sign.³⁶³ Wherever Britain and the USA tried to use their jurisdiction-making capabilities to keep themselves inside and outside the law where appropriate, the Chagossians and Mauritian political parties attempted to bring the law to them.

5.6 The Chagossians and Mauritius: Allies or Adversaries?

The Chagossian movement and the Mauritian Government have had a complicated relationship from the beginning of the Chagos affair. There is an original schism between Chagossians who see Seewoosagur Ramgoolam as the man who sold their home for independence, whilst others believe he was simply conned and had no choice.³⁶⁴ The Select Committee held in 1982 to get to the bottom of this question could not conclude either way. Nevertheless, it maintained that Mauritius had had its territorial integrity violated whilst it was going through the independence process. Its territorial integrity is protected under UN Resolutions 1514 (XV) and the 1965 UN General Assembly Resolution 2066/(XX).³⁶⁵

³⁶² Mutlu, C., 2010, p. 1116.

³⁶³ Jeffery, L., 2011, pp. 44-45.

³⁶⁴ Vine, D., 2009, p. 165.

³⁶⁵ Jeffery, L., 2011, p. 45.

Immediately after this Select Committee, the government amended its constitution in 1982 to build in the clause “Mauritius includes... the Chagos Archipelago, including Diego Garcia.”³⁶⁶ Though the UK Government refused to recognise this claim, it maintained that the islands will be returned once their use has expired.³⁶⁷ Already in 1983 Mauritius was making statements to the UN on its claims to sovereignty over the Chagos Islands. This gathered enthusiasm in the Non-Aligned Movement, whilst the African Union saw “the Chagos matter as a case of unfinished business of decolonization.”³⁶⁸ Similar calls were made from the Mauritian left-wing party Lalit for “the complete decolonization of Africa through the disbanding of BIOT and the reunification of the Republic of Mauritius.”³⁶⁹

Chagossians however, were divided on several grounds. First, the question of whose sovereignty they prefer for the Chagos Islands: Mauritius or the UK; second, the question of which method these goals can be achieved by, through popular political campaigning or legally through the courtroom; and third, the question of whether the military base should be kept and accommodated, or whether it should be gotten rid of all together.³⁷⁰ The political camps changed and evolved in turn with changes in the political background.

The Chagos Refugee Group first filed a lawsuit against the USA in 1984 before a prolonged bout of inactivity saw the group melt away into relative obscurity. By the mid-1990s, the Chagos Social Committee fronted by Fernand Mandarin and a barrister named Hervé Lassemillante

³⁶⁶ Constitution of Mauritius, 1991, Article 111 (1a); Jeffery, L., 2011, p. 45.

³⁶⁷ Sand, P., 2009, p. 9.

³⁶⁸ Tong, M., 2011, p. 167.

³⁶⁹ Lalit, 2002, p. 222.

³⁷⁰ Jeffery, L., 2011, p. 53.

were steering the Chagossian movement, popularising the collective moniker “Chagossians” to replace the now derogatory term “Ilois”. In 1996, Mandarin attended the UN Working Group on Indigenous Populations summit and got the Chagossians officially registered as an Indigenous People. Other than that, little progress was made on gaining compensation and the right to return.

When Bancoult and Marimootoo took the British to court in 1998 there was an immediate concern from the CSC and the Mauritian Government that this would constitute acquiescing to British sovereignty over the islands. This was not the case as legal battles at the High Court are a matter of private law, not international public law.³⁷¹ Their victory brought the movement together for a short while soothed these internal political tensions; or at least only until the news was announced that Diego Garcia would not be included in their right to return. To guarantee return to Diego Garcia, some activists from the CRG like Charlesia Alexis, formed a sister group, the Diego Garcia Island Committee (DGIC; later the Diego Garcian Society).³⁷² At this point the CRG took a pro-base policy, hoping it would provide jobs and a livelihood on the island. In reaction Lalit broke off in disagreement to form an anti-base and anti-UK-US imperialism faction. The CRG combined with the DGIC and the Chagossian Committee of the Seychelles to focus efforts on future litigation.³⁷³

Mauritius’ two major political parties, the MLP and MMM were significantly involved in the Chagossians’ legal and political battle. Both Chagossians groups developed close ties to a party, with Olivier Bancoult and the CRG cooperating mostly with the 2000-2010 MMM leader, Paul

³⁷¹ Jeffery, L., 2011, p. 45.

³⁷² Ibid. p. 46.

³⁷³ Ibid. p. 41.

Bérenger, whilst Lassemillante of the CSC formed a bond with the MLP leader, Navin Ramgoolam. These ties not only propelled Chagossian interests onto the government level, but in turn got them representation at the UN level.

However, the Government of Mauritius's support for the Chagossian decolonization movement is not altruistic but conditioned on gaining Mauritian sovereignty over the archipelago.³⁷⁴ For example, at the UN, the Chagossians have the choice on registering either as an indigenous people, as a non-self-governing territory, or as refugees. If they registered as a non-self-governing territory they would be filed under the UN Special Committee of 24 (for decolonization). This would formally acknowledge and concede sovereignty to the colonial rule of Britain, who would, nonetheless then have to implement the decolonization process under Chapter XI of the UN Charter and UN Resolution 1514(XV).³⁷⁵ As an Indigenous People at the UN, the Chagossians' rights to self-determination would be weaker compared to those of a non-self-governing territory. However, their indigenous status declares that the Chagossians are under Mauritian sovereignty rather than under British colonial rule and thus has the Mauritian government's backing.

It is not merely identity politics that influences this affiliation but the practical competencies that this status can bring. Here, the Chagossians' competencies at the UN are better afforded in partnership with Mauritius. For one, the Committee of 24 currently abounds with apathy as it comprises a small list of 17 territorial dependencies, most of whom are on it as a formality. Secondly, if the Chagossians were to claim their rights to decolonization then this action would most certainly be vetoed by the US and the UK on the Security Council. Russia's involvement would also

³⁷⁴ Tong, M., 2011, p. 168.

³⁷⁵ Tong, M., 2011, pp. 171-172.

refuse to acknowledge the Committee amidst its disputes over Chechnya and Crimea.³⁷⁶ Indigenous status thus has the mutual benefits of allowing the Chagossians self-government and autonomy, whilst recognising Mauritius' right to gain sovereignty over the archipelago.

In the UN's contemporary infrastructure their chances are better with this mutual arrangement.³⁷⁷ Mauritius in the meantime has always made sure to insert its sovereignty over BIOT into its ratification of international multilateral treaties.³⁷⁸ Mauritius has thereby ratified and upheld a lot of international conventions applicable to the BIOT that the USA and the UK have neglected. This has strengthened Mauritius' claims to the Chagos archipelago, which are recognised as legitimate by the likes of the European Union, the International Court of Justice and the UN.³⁷⁹

Nonetheless, there are still tensions between the Chagossian movement and the government's involvement in affairs over the Chagos Islands, epitomised by the Government's duplicity in the affair over the Marine Protected Area. When the Mauritian government won a momentous case at the Permanent Court of Arbitration in 2014, forcing the UK government to back down on establishing an environmental protection zone that would safeguard its colonial rights over the territory. Yet Mauritius and the UK are now discussing terms for a Marine Park that would achieve the same ends that the British proposed, and not to help the Chagossians.³⁸⁰

³⁷⁶ Ibid. pp. 163, 175.

³⁷⁷ Ibid. p. 177.

³⁷⁸ Sand, P., 2009, pp. 32-33.

³⁷⁹ Sand, P., 2009, p. 66.

³⁸⁰ British Indian Ocean Territory, [online], 28th February 2018, Talks were to be held on the 5th and 6th of March 2018 between the British Indian Ocean Territory's administrators and UK wildlife protection groups, drafting the 2018 Conservation Management Plan. Though stated as a priority of planning the Marine Protected Area no consultation with the Mauritian government regarding its "interests in relation to the MPA" is on record at the time of writing.

5.7 The Chagossians versus the United Kingdom

The Chagos Refugees Group's lawsuit *Ex Parte Bancoult v the Queen Secretary of State Foreign and Commonwealth Office* was admitted to the UK High Court in 1998. In June 2000, Lord Justice Laws ruled in favour of the Chagossians, finding that section 4 of the 1971 Immigration Ordinance #1 contradicted section 11(1) of the 1965 BIOT Order that had been in force at that time.

“Section 4 of the Ordinance effectively exiles the Ilois from the territory where they are belongers³⁸¹ and forbids their return. But the ‘peace, order and good government’ of any territory means nothing, surely, save by reference to the territory’s population. They are to be governed not removed.”³⁸²

Though there was great jubilation this proved to be a pyrrhic victory in multiple ways. The UK Foreign Secretary Robin Cook, who had been a supporter of the Chagossian cause as a radical parliamentary backbencher, initially accepted the court’s ruling and took the initiative to immediately repeal the 1971 Immigration Ordinance Act, allowing the Chagossians to return to the Chagos Islands. However, the Chagossians were still not permitted to visit Diego Garcia. After Robin Cook had negotiated with the US government and commissioned a feasibility study, the right of return to Diego Garcia was declared to be “politically impossible”.³⁸³ The CRG challenged this in a second civil case for compensation

³⁸¹ In this case the Chagossians were referred to as “belongers” rather than people so as to bypass international laws on self-determination. Tong, M., 2011, p. 160.

³⁸² Lord Justice Laws, 2000, R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs, para 57.

³⁸³ Lord Hoffman, 2008 London, October 2008, Bancoult vs. Secretary of State for Foreign and Commonwealth Affairs, para. 17.

and a declaration of the Chagossians' right to return. However, these were both struck out by Justice Ouseley on October 9th, 2003. Ouseley's ruling also "unequivocally validated" the 1982 Mauritius Ilois Claims Agreement that settled the Vencatessen case.³⁸⁴ Then under sustained pressure from the USA in the build up to the 2003 invasion of Iraq, the British government intervened. Two more Orders in Council were read out and approved by the Queen on June 10th 2004, declaring that no person had the right of abode in the BIOT, and no person had the right without authorization to enter and remain there.³⁸⁵ The UK had also published an evidencing Feasibility Report which found, without consultation of any of the Chagossians who had lived there for decades, that the islands were unsuitable for any permanent inhabitants.³⁸⁶

Undeterred, the Chagossians appealed this ruling once more, and the case was brought for judicial review in the Court of Appeal at the High Court in 2006. On May 11th, the High Court found the BIOT Orders prohibiting the return of the islanders invalid and overturned the Orders in Council once more. Meanwhile, under special agreements with the UK Foreign Office, select groups of Chagossians were permitted to visit the Chagos Islands to tend the graves of their ancestors.³⁸⁷ The government appealed this ruling again, however the Court of Appeal agreed with the High Court's judgement on May 23rd, 2007. The UK Government took one last roll of the dice and brought forward an ultimate appeal to the House of Lords' Appellate Committee. On October 22nd, 2008, the Law Lords accepted the government's appeal by a 3:2 majority decision, find-

³⁸⁴ Lord Justice Ouseley, *Chagos Islanders vs. Attorney General and BIOT Commissioner*, in Lord Hoffman, 2008, para. 20.

³⁸⁵ Kaikobad, K., et al., 2004, pp. 664-665.

³⁸⁶ Posford Haskoning, 2002, p. 147.

³⁸⁷ Tong, M., 2011, p. 178.

ing that; "...the fundamental human right of abode in one's own country... cannot trump "primary" colonial legislation such as the 2004 BIOT Immigration ordinance."³⁸⁸

A majority of Law Lords followed the principle that in a "ceded colony" like the BIOT (that is, opposed to a settled one) Her Majesty in Council is entitled to legislate in the interests of the United Kingdom over the interests of a colony.³⁸⁹

The 2008 Turner Report, a third feasibility study on the inhabitability of the islands, was used to evidence the claim that the resettlement of the Chagossians would be prohibitively expensive to the British taxpayer.³⁹⁰ Whether it is more prohibitively expensive than the continuous legal costs to keep the Chagossians off the Chagos Islands is another matter.³⁹¹

The next lawsuit against the UK would take place at the European Court of Human Rights in Strasbourg, as the court would rule on whether the 1950 European Convention on Human Rights applies to the Chagos Islands. Though the Convention had been ratified for the Chagos Islands before 1965, the UK had never extended its ratification to the BIOT when it became a distinct political entity upon Mauritius' independence in 1968.³⁹² On these grounds the 1998 UK Human Rights Act would neither apply by extension, and many international laws connected to that.³⁹³ In December 2012, the EU Court ruled that the case was "inadmissible" as the 1982 Mauritius-Ilois agreement was valid and

³⁸⁸ Hoffman, Lord L., 2008, Para. 34.

³⁸⁹ Sand, P., 2009, p. 63.

³⁹⁰ Turner, J., et al., 2008, p. 30.

³⁹¹ Sand, P., 2009, p. 32. Sand estimates the legal costs between 2000-2008 to have totalled £2,171,000.

³⁹² Ibid. p. 64, Upon signing the Convention on May 20th 1976, the UK ratified article 12 (4) reserving its right to not apply it in its immigration laws for overseas territories.

³⁹³ Ibid., p. 63.

that it waived all claims against Britain “in full and final settlement”.³⁹⁴ As the UK could not be held to account for its colonial law, the Chagos Islands remained an area where multilateral human rights and environmental treaties were non-existent.³⁹⁵ The UK upon signing the European Convention on Human Rights on May 20th, 1976 ratified Article 12 (4) reserving its right to not apply it in its immigration laws for its overseas territories.

On November 16th, 2016, the Foreign Office upheld the ruling of the Law Lords, confirming that the Chagossians would not be allowed to return on “grounds of feasibility, defence and security interests, and cost to the British taxpayer” and pledging a fund of £40million to be dispensed between 2016 and 2026.³⁹⁶ They further confirmed the 20 year extension of the USA’s now expired 50-year lease. Judicial review of these proceedings is expected to take place in Autumn 2018. The case is likely to remain open on the fact that there is “no precedent of the Crown removing the right of abode”, thus leaving a significant component of the ruling open to interpretation.³⁹⁷

5.8 Onward Migration in the UK

³⁹⁴ ECHR, 2012, Chagos islanders’ case inadmissible because they accepted compensation and waived the right to bring any further claims before the UK national courts, December 20th.

³⁹⁵ Exempt from rule were The Geneva Conventions III and IV; the 1966 Human Rights Covenant; the 1984 UN Convention against Torture; the 1998 Statute of the International Criminal Court; and the 1987 European Convention for the Prevention of Torture. Sand, P., 2009, pp. 63-64.

³⁹⁶ Baroness Anelay of St Johns, 2016, Written Statement to Parliament, 16th November 2016.

³⁹⁷ Tong, M., 2011, p. 160.

In 2002, the British Overseas Territories Act changed UK nationality law to give full citizenship rights to all people born in British Overseas Territories. The Chagossians were originally not to be included but were ultimately incorporated via a special clause thanks to parliamentary pressure.³⁹⁸ With freedom of movement between British territories, and right to residence all over the United Kingdom, around 1000 Chagossians applied for passports and moved to Britain within the next five years, seeking better education, a better work life balance and better employment.³⁹⁹ Most of them settled close to the first place they landed: London Gatwick Airport, in Crawley, Sussex. In the years since another small community of Chagossians has settled in Manchester.⁴⁰⁰ The Granting of Overseas Citizenship had a profound effect, as one would expect, in splitting the Chagossians between pro-British sovereignty and pro-Mauritian sovereignty. The Seychellois Chagossians meanwhile advocated for the BIOT to remain a British Overseas Territory with all UK passport-holding Chagossians entitled to residency.⁴⁰¹

The British Overseas Territories Act however did not include these citizenship rights to descendants born outside of the BIOT. As a result, families were forcibly separated depending on whether they were born before or after an arbitrarily given date of exile. Some Chagossians living in the UK have even been arrested and held in UK immigration detention centres as illegal aliens before being deported to Mauritius.⁴⁰² Currently, a British Indian Ocean Territory (Citizenship) Bill is undergoing review in Parliament, and if passed will allow descendants of people born

³⁹⁸ Vine, D., 2009, p. 173.

³⁹⁹ Jeffery, L., 2011, p. 95.

⁴⁰⁰ Ibid. p. 109.

⁴⁰¹ Ibid. p. 47.

⁴⁰² Guha, T., 2017, UK Chagos Support [online] available at: <https://www.chagossupport.org.uk/single-post/2017/09/17/No-Second-Exile-Chagossians-call-for-reform-to-nationality-law>, published September 17th 2017.

on the Chagos Islands to register as British Overseas citizens. Having lived in the UK for over a decade in relatively stable conditions, many Chagossians now believe that the Chagos Islands should continue to be administered as a British Overseas Territory, much to the disapproval of Mauritians who believe in Mauritian sovereignty over the archipelago.⁴⁰³

5.9 The Chagossians versus the USA

In 1976 a belated investigation by the Government Accounting Office into the funding for the BIOT concluded that the method of writing off Research and Development surcharges on a nuclear weapons deal had intentionally circumvented Congress.⁴⁰⁴ No action was taken. The 1975 Congressional hearing was the last word the US government had on its legal responsibilities towards Diego Garcia and the Chagossians, allowing it to act with impunity with the protection of Britain's jurisdictional arrangement on the BIOT.

In 1984 the Chagos Refugee Group filed a class action lawsuit against the US Department of Defence under the Alien Tort Claims Act, asking for £4million in compensation for their expulsion (*Olivier Bancoult et al. vs. Robert S. McNamara et al.*). After the US unsuccessfully applied to the Mauritian Supreme Court for an injunction, it was brought to the US Federal Court of Appeals for the District of Columbia in 2004. Now Bancoult et al. were asking for the right to return, as well as pleading for an end to employment discrimination against Chagossians on the military base. This item proved particularly controversial amongst the Chagossian political factions who wished to see the base closed down altogether.⁴⁰⁵

⁴⁰³ Jeffery, L., 2011, pp. 46-47.

⁴⁰⁴ Sand, P. 2009, p. 5.

⁴⁰⁵ Jeffery, L., 2011, p. 46.

On April 21st 2006, the Court dismissed the Chagossians' claims "on the grounds that the establishment of the military base at Diego Garcia was a "non-justiciable political question", the adjudication of which would "require the court to judge the validity and wisdom of the Executives' foreign policy decisions."⁴⁰⁶ This final ruling is not immune to challenge. Deciding on the appeal against this decision, the District of Columbia Court of Appeals commented that the principle ruled on was "murky", but ultimately concluded that liberties that are constitutionally protected, such as the prerogative right of the Executive to make foreign policy decisions, are immune to statutory rights and thereby not accountable.⁴⁰⁷ This does not seem dissimilar to the Queen's royal prerogative powers in the UK.⁴⁰⁸ The US has since thrown out any further appeals made by the Chagossians.

5.10 The Marine Protected Area

In May 2009, Colin Roberts of the UK Foreign Office sent a seemingly decent suggestion to the US Embassy proposing that the UK establishes a marine reserve around the BIOT. Quite insidiously however this was only intended as "the most effective long-term way to prevent any of the Chagos Islands' former inhabitants... from resettling in the BIOT". Roberts claimed that this would "put paid to resettlement claims of the archipelago's former residents."⁴⁰⁹ With avid support from conservation-

⁴⁰⁶ Olivier Bancoult et al. vs. Robert McNamara et al., April 21st, 2006, in Sand, P., 2009, p. 29.

⁴⁰⁷ Sand, P., 2009, p. 29.

⁴⁰⁸ Ibid.

⁴⁰⁹ The Guardian, 2010, [online] US Embassy Cables: Foreign Office does not regret evicting Chagos islanders.

ists at the Chagos Environmental Network, and yet again without consulting any Chagossians, the plan went ahead in April 2010. The UK government announced it as the world's largest Marine Protected Area with a total ban on commercial fishing in an area spreading over 545,000 km-sq.⁴¹⁰ For the second time, natural conservation had been was invoked to secure the base on Diego Garcia, although somewhat conversely from the when the survey led by Stoddart and Wright dubbed the islands' biodiversity relatively insignificant.⁴¹¹

Ramachandra Guha terms these conservation measures premised on an antipathy to humans as "conservation imperialism". It involves forcing indigenous/non-white peoples off swathes of land, or sea, for the environment to be put in the custodianship of white westerners and free of troublesome human life.⁴¹² This Marine Protected Area (MPA) is a blatant example as it exists explicitly to perpetuate colonial governance over the BIOT.⁴¹³

This plan however ultimately backfired as upon the creation of the Marine Protected Area, Mauritius triggered Article 287 Annex VII of the 1982 UN Convention on the Law of the Sea (UNCLOS) and arbitrated against the UK on December 20th, 2010. The tribunal found the MPA unlawful because it violated the rights of Mauritius to fish in the waters surrounding the Chagos Islands, access minerals and oil, and have the islands eventually returned.⁴¹⁴ This ruling may prove fundamental in the International Court of Justice's ongoing advisory committee panel on the

⁴¹⁰ Rincon, P., 2010, [online] UK Sets Up Chagos Islands Marine Reserve.

⁴¹¹ Stoddart, D., in Pearce, F., 2004, p. 49.

⁴¹² Guha, R., 2013 [2004], p. 432.

⁴¹³ Sand, P., 2009, p. 65.

⁴¹⁴ Permanent Court of Arbitration, 2015, Chagos Marine Protected Area Arbitration (Mauritius V. United Kingdom).

Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965.⁴¹⁵ At the time of writing however, Mauritius and Britain are negotiating together on the creation of a Marine Park in the same area. The Chagossians are legally challenging this in a forthcoming case at the UK Supreme Court.⁴¹⁶

The Marine Park, could however be interpreted as a departure from the military use of some of the islands and allow Mauritius to reclaim sovereignty as agreed in the 1965 conference. There may even be grounds for optimism as the legal redrawing of boundaries requires the actual implementation of national and international laws. If the USA has to declare its recognition of certain national and international laws and treaties, the legal ambiguities that the BIOT provides could be compromised, breaking the USA and the UK's impunity.

5.11 The Unequal Application of International Law

Whilst the creation of the BIOT itself comprises multiple international legal violations⁴¹⁷, activities conducted by the US and the UK flagrantly contravene a catalogue of international human rights and environmental laws. As international law at the UN works based on nation states having to declare the compulsory jurisdiction of the law. It is up to individual nations to select which treaties and laws they ratify or not: if no claim is made then now law applies. The USA and the UK have the right to declare which UN laws and treaties apply to them, as well as the ability to

⁴¹⁵ International Court of Justice, 2017, Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (Request for Advisory Opinion) July 14th 2017.

⁴¹⁶ Guardian, 2017, Chagos Islanders take marine park case to supreme court, June 28th 2017.

⁴¹⁷ Tong, M., 2011, pp. 160-161.

collude against any UN directive not in their favour thanks to their veto on the Security Council.

The USA has been able to evade international law thanks to the role of the UK's selective application of the Law of England. In the UK it was a reliable and complicit partner that makes sure all the exploitation of this legal "grey hole" goes on in secret.⁴¹⁸ The US and the UK can both divert jurisdiction to each other across time and space and keep the BIOT in a "continuous state of exception" where legal order is suspended.⁴¹⁹

There are many cases of how the USA and the UK have made a mockery of their jurisdictions. For example, the USA flouts international bans on landmines and chemical weapons which by harbouring them on warships anchored in Diego Garcia's lagoon, on water, and thereby outside of UK jurisdiction.⁴²⁰ If the US military feels the need to transgress any law in the BIOT all they have to do is get on a boat. After five years of constant denial it was confirmed on February 21st, 2008 that Diego Garcia had been the destination of at least two extraordinary rendition flights, where terror suspects were flown to a secret location to be tortured.⁴²¹ According to the allegations, the suspects were kept in one of the US warships "offshore" and out of reach of any jurisdiction. UK Parliamentary Under-Secretary Margaret Mann accidentally gave away the manner of the arrangement by saying "if they [American ships] are

⁴¹⁸ Jeffery, L., 2011, p. 63.

⁴¹⁹ Mutlu, C., 2010, p. 1116.

⁴²⁰ Sand, P., 2009, p. 11.

⁴²¹ Ibid. p. 48.

outside our waters our responsibilities are different from if they are inside.”⁴²² The US hereby had the freedom to evade all laws at its convenience.

The UK has also joined in with its own bonfire of environmental regulations, covering up the destruction that the base had wreaked on the coral atoll of Diego Garcia.⁴²³ Military construction has involved blasting the coral reefs, dredging the lagoons, stripping the land of its coconut trees, draining the wetlands, flooding other swamps, pouring hundreds of thousands of tonnes of concrete on the land, devastating the flora and fauna of the island.⁴²⁴ To the US’ convenience, the UK Foreign Office vetoes its obligation by Article 3(2) of the 1992 Biodiversity Convention to report any adverse factors, ecological risks or changes on the islands, making the BIOT one of only seven territories around the world where the Convention does not apply.⁴²⁵ The 1971 Ramsar Convention on Wetlands of International Importance had been extended to the BIOT in 1998, but was resisted by the US all the way, the caveat being the non-inclusion of the “area set aside for military uses as a US naval support facility”.⁴²⁶ From this neatly sequestered area oils and chemicals are spilled on the ground and seep into the groundwater right next to the wetlands listed in the Ramsar Convention.⁴²⁷ The UK meanwhile rejects the 1998 Aarhus Convention on the grounds that there are “no permanent residents” on the BIOT.

⁴²² Mann, M., 2008, Minutes, House of Commons Foreign Affairs Committee, March 26th 2008.

⁴²³ Sand, P., 2009, p. 49.

⁴²⁴ Ibid. pp. 52-53.

⁴²⁵ Ibid. pp. 58-59.

⁴²⁶ Pienkowski, M., 2005, pp. 98-101.

⁴²⁷ Sand, P., p. 56.

Peter Sand outlines several pitfalls and contradictions to this wanton application of lawlessness. Firstly, in order for the USA to enjoy exclusive, unimpeded navigational rights around the BIOT it will eventually have to declare its recognition of at least one country's maritime law (either Britain, Mauritius, the Seychelles or the Maldives).⁴²⁸

Secondly, for the UK to maintain control of the BIOT maritime area via applying an Exclusive Economic Zone (EEZ) in accordance with Article 75 of the UN Convention on the Law of the Sea (UNCLOS), it will have to prove that the islands on the BIOT are inhabitable. In turn this will give the BIOT non-self-governing territory status, with its decolonization process pursuant to an annual report as subject to Article 73(e) of the UN Charter.⁴²⁹ This admission would also render null and void the Feasibility Reports upon which the House of Lords' decisions rest.⁴³⁰

Thirdly, if the USA itself ever ratifies the UNCLOS itself, it will face the immediate problem of having three possible maritime boundary disputes with Britain, the Maldives and Mauritius, whose EEZs all overlap.⁴³¹ This would also jeopardize the UK's EEZ and Marine Protected Area claims which are already at odds with the 1982 UNCLOS.⁴³² If the UK wishes to establish an Exclusive Economic Zone around the BIOT they will also have to sacrifice their right to claim that the islands cannot be populated. The UNCLOS states that an Exclusive Economic Zone cannot be established around "rocks" that "cannot sustain human habitation or economic life of their own."⁴³³

⁴²⁸ Ibid. p. 31.

⁴²⁹ Ibid. p. 11.

⁴³⁰ Ibid. p. 32.

⁴³¹ Ibid., p. 9.

⁴³² Ibid. p. 67.

⁴³³ UNCLOS Article 121 (3).

Though not a legally relevant, Sand also evidences the contradictory ways in which global sea level rise is acknowledged and ignored on the low-lying BIOT. Global sea-level rise is cited as one of the reasons for not allowing the return of the islanders in the 2002 Feasibility Report and the 2008 Turner Report which informed the House of Lords judgement.⁴³⁴ The USA has itself acknowledged the threat of sea level rise to the Diego Garcia base through an officially commissioned report.⁴³⁵ Continued investment in the US military as the world's single largest non-state polluter, and further building this base is akin to the USA building its own Atlantis.

5.12 Hope for the Chagossians

The entanglements of different exercised laws and rights are riddled with contradictions that could be exposed by Mauritius, the Chagossians or others making claims against the US and the UK. Mauritius' assertion of sovereignty over the BIOT in the application of international treaties sets the groundwork for legal challenges against the USA. By asserting their internationally recognised rights over the USA's in the BIOT, the USA could be pressed into accepting unambiguous jurisdiction over the BIOT. As soon as laws are enforced and rights can be applied, it could trigger a chain reaction of litigation that ends the US military's precious privilege of using Diego Garcia as a legal "grey hole".⁴³⁶ Pending an advisory, non-binding review from the International Court of Justice on the sovereignty issue expected in 2019, it remains to be seen what sort of a decisive role international law might play in this case.⁴³⁷

⁴³⁴ Posford Haskoning, 2002, pp. 162-163; Turner, J., et al. p. 25.

⁴³⁵ Goodman, S., 2007, p. 48.

⁴³⁶ Sand, P., 2009, pp. 10, 63.

⁴³⁷ International Court of Justice, 2018.

The Chagossians face several dilemmas over which laws and what kind of justice they collectively honour. As their idea of justice is predicated on the absolute right to return, they have to be cautious with whom they want to align with, and which legal instruments they use to meet these ends. As international law is by no means set in stone there is no ruling that cannot be challenged- power permitting. The political mobilization of the Chagossians locally and internationally, as well as their ability to challenge legally gives them potential and hope.

To borrow from Lord Justice Sedley's judgement of the Appeal in 2004, achieving justice for the Chagossians will be "a function of economic resources and political will, not of adjudication."⁴³⁸ Stephen Allen concurs with this view that litigation is a limited strategy for resolving what is "fundamentally a political dispute".⁴³⁹ It is thus through growing their political and economic power that the Chagossians will be able to strengthen their claims to challenge the laws that deprive them of their home so that one day they are the ones who enforce their idea of justice.

⁴³⁸ Lord Justice Sedley, July 22nd 2004, in Lord Hoffman, House of Lords Judgement, October 2008, para. 22.

⁴³⁹ Allen, S., 2011, p. 152.

Conclusion

This thesis has synthesized diverse works on the Chagos Islands from multiple disciplinary backgrounds to detail the ongoing processes of colonialism and decolonization in a global history. The present condition of the Chagossians' relationship against their dominators cannot be understood without knowing how their domination was practiced and justified in the past. The first permanent inhabitants of the archipelago arrived against their will as slaves. Their toil and suffering made the islands liveable enough for future generations to be able to call them home. Slavery ended but colonialism remained, as did the Chagossians. The few generations that lived and died on the islands were able to subsist from

the time they had away from their forced labour, and from this they developed a deep connection to the land and sea by receiving more from it than their colonial overseers were willing to give them. The colonists themselves did what they did out of the belief that their actions were presenting entire nations, upholding ideas that transcended the self, but only to serve and protect those who they were taught to see as similar from those whom they were taught to see as different. The people who acted on behalf of the states had to act like part of the machinery and serve a greater system in order to preserve themselves. The Chagossians were never deemed part of this system to the extent that before they were exiled most of them were not even taught to read and write. The problem with telling this history is that almost all the information comes from powerful white men who were profiting from the Chagossians' labour. The greatest evolution in this history is therefore the Chagossians' collective will and abilities to represent themselves, and their unrelenting resistance against powers that keep them dislocated from their home in the name of sheer military domination. Decolonization will not end once the Chagossians get their right to return but will continue as a conversation that compares and critiques the world it confronts with what a decolonized world should be. The Chagossians were not free enough to stop the British Empire from ripping them from their home, just as they are not free enough to return to their home now. What they need is power and support. Part of the decolonization effort against the material reality of their suffering is the telling of their history which must be passed on with the aim of lending them power and freedom to write their own. Therefore, the reason why I write this history is because the story needs to be told so that in future people like me are not the ones who must write this kind of history for other people.

Colonialism itself was formed as a particular mode of domination that justified its practices through a set of unquestioned ideas, relating the self to the other. This thesis has charted the evolution of the colonial relation between the Chagossians, the land they lived on and the people who profit from their subjugation to show how though the manners of domination have changed so that they no longer are predicated on the explicit social imaginings of race, they continue to affect people who were originally weakened through justification of their ethnicity whilst never questioning the role of the dominator. Though the ideas of what justifies domination have now changed, the domination prevails and this in an abstract sense is what still denies the Chagossians a right to abode.

List of Abbreviations

BIOT = British Indian Ocean Territory
CRG = Chagos Refugees Group
CSC = Chagossian Social Committee
DGIC = Diego Garcia Island Committee
EEZ = Exclusive Economic Zone
FCO = UK Foreign and Commonwealth Office
HMG = Her Majesty's Government/UK Government
LROG = US Navy's Long-Range Objective Group
MLP = Mauritian Labour Party
MLM = Mauritian Leftist Movement/ Lalit
MMM = Mauritian Militant Movement
MPA = Marine Protected Area
PMSD = Mauritian Social Democratic Party
UNCLOS = The United Nations Convention on the Law of the Sea

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