



# **Assessing the Impact of Forced Displacement on Communities in Small Island States: The Case of the Chagossian Tragedy**

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*by*

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## DECLARATION FORM

The work I have submitted is my own effort. I certify that all the material in the dissertation which is not my own work has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed.....

Date.....

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## **INDEX OF ACCRONYMS**

BIOT= British Indian Ocean Territory

FO= Foreign Office

GOM= Government of Mauritius

HMG= Her Majesty Government

ICCPR= International Covenant on Civil and Political Rights

IRR= Impoverishment Risks and Reconstruction model

ITFB= Ilois Trust Fund Board

MMM= Movement Militant Mauritian

UDHR= Universal Declaration of Human Rights

UNHCR= United Nations High Commissioner For Refugees

UN= United Nations

UK= United Kingdom

US= United States

WHO= World Health Organisation

## ABSTRACT

The dissertation is centred on a case study of a small island community, called the Chagossians who were former inhabitants of the Chagos Archipelago. They were forcibly displaced and relocated on the Islands of Seychelles and Mauritius between 1965 and 1973 by the UK and US governments to make way for the construction of a US military base. Numerous research conducted on the case has tended to focus mainly on the impoverishment risks that the Islanders have been exposed to as a consequence of this phenomenon. Though my study will also examine the impoverishment effects of ‘military based-induced’ displacement, it will attempt to push knowledge a step further in the field by exploring the human rights implications of this phenomenon for the Chagossian people. Furthermore it will attempt to show how power politics has and continue to undermine Chagossians’ efforts to reclaim their rights.

The study adopted a qualitative methodology and data was collected by means of interviews, the internet, other forms of printed materials and documentary films. The dissertation concludes that ‘military base-induced’ displacement have exposed the Chagossian to numerous impoverishment risks. Interestingly it also revealed that the risks correspond sharply to those that victims of other forms of forced displacement are exposed to. It also reveals that the politicised nature of the case has been and still is largely responsible for the on-going impoverishment and human rights violation of the Chagossian people.

**Advisor:** Mr. Tormod Sund

**Keywords:** Chagossians, Military base, Diego Garcia,  
Human rights, British Indian Ocean Territory, Impoverishment,  
Forced displacement, Order in Council

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## CHAPTER I

### Introduction

#### 1.1: Posing the problem

In 1965 at the suggestion of the United States, the UK government detached the Chagos Islands from Mauritius to create a new colony called the British Indian Ocean Territory (BIOT). In 1966, an Exchange of Notes between the two governments made Diego Garcia, the largest island of the Chagos Archipelago available to the US for defence purposes (Vine, 2009: 24). Between 1965 and 1973, the UK and US government forcibly removed some 2000 Chagossians from the Chagos and exiled them on the Islands of Mauritius and Seychelles.

Today Diego Garcia is the second largest military base outside the US. Many critics believed that it is used to project US power in the region. Recently it has been used as spring board for the US military to conduct military campaigns in Iraq and Afghanistan. And also it has been alleged to be the site of a secret detention centre used by US military to detain and torture “terrorism suspects”.

Since their expulsion, many Chagossians, particularly those living in Mauritius, have been living a life of poverty. Their impoverishment has been the result of an ill-conceived resettlement plan. Since the 1970s the plight of the Chagossian has generated some scholarly interest as well as some journalistic attention. A substantial amount of this scholarly works has attempted to document the injuries they have suffered in exile.

In 1975, the *Times* described the cramped deportations from Chagos, arrivals in Seychelles involving temporary housing in a Seychelles prison, and withholding money for resettlement. In Mauritius, the Chagossians “*have been living in squalor.*” The article added, “*The fact remains that the islanders have to go begging to survive and live in shacks which are little more than chicken coops*” (1975: 94, cited in Vine, 2004: 14).

In 1976, the UK government in an attempt to head off a suit by a Chagossian sent, Mr. A.R.G. Prosser, to advise on a resettlement scheme based on the £650,000 Britain gave to Mauritius for that purpose. After seven days of research Prosser came up with the Prosser Report. He highlighted that “*the most intractable problem*” for the Chagossians is housing (cited in Vine, 2004: 16). However, his report was contradictory in nature. On one hand, he claimed that “*the majority of the Ilois are reasonably well-settled in Mauritius*” (Madeley, 1982: 8). On the other hand, after proposing a resettlement plan combining housing, occupational training, and welfare services, he concluded his report, saying “the fact is that the Ilois are living in a deplorable condition which could be immediately alleviated if action is taken on the lines I have suggested (1976: 6, cited in vine, 2004: 16). The Prosser Report was heavily criticised for its lack of objectivity and has been accused of hiding the real truth about the Ilois conditions. Some believed that his position as a British government’s representative compromised the whole report.

Recently David Vine has conducted comprehensive research into the different ways the expulsion has harmed the Chagossians living in exile in Seychelles and Mauritius. His work concludes that as a result of their expulsion the Chagossians have experienced severe, chronic impoverishment. The impoverishment has extended beyond economic poverty to include material, physical, psychological, social, and cultural impoverishment (Vine, 2005: 23).

The literature, while successfully documenting the various ways in which the expulsion has impoverished the Chagossians, has in many ways been equally narrow when it comes to addressing how the phenomena of ‘military base-induced’ displacement has affected the human rights of the Chagossian people. People like David Snoxell, former British high commissioner to Mauritius from 2000-2004 have commented about the issue. He calls it “*one of the worst violations of the fundamental human rights perpetuated by the UK in the 20<sup>th</sup> century*” (cited in the *Daily of the University of Washington*, 2008). Similarly in his work Vine stated that “*the expulsion constitute a continuing violation of the Chagossian’s human rights*” (Vine, 2005: 24). He has come up with a list of human rights norms violated by the expulsion such as the right to self-determination, right to education, right to work and

right nationality. Further to that other scholars who have touched on the issue have looked at it in the context of the Chagossians' lawsuits and even then, their work have been limited to certain civil and political rights such as right to self-determination, right to compensation and right of return (See, Capps and Nauvel, 2006).

Hence it is clearly evident that there is a gap to be filled here and therefore this is where my study fits in. First of all it will attempt to explore how forced displacement happening in the context of military base has affected the Chagossian communities exiled in Seychelles and Mauritius. Though the study will treat the issue of impoverishment, which will be discussed in brief, it will also bring in new materials, gathered from the interviews which I conducted with the Chagossians living in Seychelles. However, the main focus of my work will be on the human rights implication of the expulsion. And the novelty about it is that I intend to look at the human rights implications of this phenomenon in the context of the politics of displacement and resettlement which has not really been thoroughly treated in earlier research. In line with this, I will also illustrate through my research how fragile and elastic the current human rights system is, hence making it easy for powerful states to manipulate, so as to serve their own selfish interests. This is crucial because it holds the key to our understanding of the on-going impoverishment and human rights abuses that the Chagossian people are being subjected to.

## **1.2: Significance of the study**

The primary value of this research lies in its capacity to build up on existing knowledge on the phenomena of forced displacement. And in particular displacement which occurs within the context of military base, which like I have emphasized before is a very much neglected area. It is also expected to enrich knowledge on the human rights dimension of the problem linked to 'military base-induced' displacement. Indeed it is my hope that the study will also provide useful insights that governments and other actors could use when having to take tough decisions about displacing people. Those insights could help them to make informed decisions which could make a huge difference for the lives of those who will be affected by this phenomena, particularly in cases where proper preventive measures needs to be taken to minimise the risks associated with this form of displacement.

### **1.3: Dissertation Outline**

The dissertation is structured in the following way. Chapter 1 introduces the research context. Chapter 2 describes the methodological process employed. Chapter 3 presents a literature background on the subject. Chapter 4 presents a historical contextualisation of the case. A discussion on the research questions is dealt with in chapter 5. Finally Chapter 6 provides the conclusions of the study.

## CHAPTER II

### Methodology

#### 2.1: Introduction

In this chapter I will outline the methodological approach followed in the study. I will also critically examine the strength and weaknesses of my proposed method and explain the implications that this has had for the study. Then I will touch upon certain limitations that have constrained the study and hence made it the product it turned out to be. Finally I will make a brief note on how the information gathered were analysed.

#### 2.2: Research paradigm

My research is located within the qualitative research tradition. I found this research strategy to be particularly useful because firstly it puts me with direct contact with the victims of forced displacement, who are also victims of human rights abuse. This to a large extent has enabled me to have a better understanding of the lived experiences of those ‘displacees’. Secondly, many of those impoverishment risks that the Chagossian are facing in exile such as, loss of culture, and the experience of trauma cannot be quantified and therefore qualitative tools like interviews can help to reveal these experiences. Hence based on these justifications, the use of a quantitative research strategy would not have thoroughly addressed the issues I wanted to address in my study.

#### 2.3: The Case study method

The research method I employed for the study is the case study method. Yin (1984:23) defines the case study research method as “*an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident, and in which multiple sources of evidence are used*”. Interestingly, the case study method has become a common research strategy among researchers in many disciplines.

The widespread application of case study in various areas of research can be attributed to the fact that it excels at bringing us to an understanding of a complex issue and extend experience or add strength to what is already known through

previous research. Case studies emphasize detailed contextual analysis of a limited number of events or conditions and their relationships. Social scientists have made wide use of this qualitative research method to examine contemporary real life situations and provide the basis of application of ideas and extension of methods (Soy, 1997).

Despite of its widespread application in many disciplines, the case study research has not been without its critics. In general, the charge is that the case study does not address the issue of generalisability to other settings (Smith and Robbins, 1982; Berger, 1983, cited in David, 2006: 328). There is no way to measure external validity. Stake illustrates this issue of generalisability when he argues that *“the real business of a case study is particularization, not generalization. We take a particular case and come to know it well, not primarily as to how it is, what it does. There is an emphasis on uniqueness and that implies knowledge of others that the case is different from, but the first emphasis is on understanding the case itself”* (Stake, 1995: 8, cited in Denscombe, 2002).

Whilst many of the criticisms charged against the case study method may be valid, the strategy, just like any other research method is not without its merits and it is precisely because of this and the nature of my topic that has led me to take the strategic decision of employing it as the method of choice for this study. Employing the case study method will allowed me as Walker argued to take “an example of an activity- ‘an instance in action’ – and use multiple methods and data sources to explore it and interrogate it” (Walker, 1974, cited in Somehk & Lewin, 2005) . Thus it can achieve a ‘rich description’ (Geertz, 1973, cited in Somehk & Lewin, 2005) of a phenomenon.

The case study method focuses on relationships and processes within social settings which tend to be interconnected and interrelated. To understand one thing it is necessary to understand many others and, crucially how the various parts are linked. The case study approach works well here because the chance of going into sufficient detail to unravel the complexities of a given situation. It can deal with the case as a whole, in its entirety, and thus have some chance of being able to discover how the

many parts affect one another. In this respect, case studies tend to be ‘holistic’ rather than deal with ‘isolated factors’ (Denscombe, 2003: 30-31).

According to Yin there are three types of case study research: exploratory, descriptive, and explanatory. And to be able to determine which of the three strategies one should use, he stressed that the researcher should consider three conditions among which, one of them is the type of research question posed. My study will focus mainly on the ‘**why**’, ‘**how**’ and ‘**what**’ questions. It will examine ‘**why**’ the Chagossians were deported? ‘**How**’ military base-induced displacement has affected them? A case which tries to answer these types of questions, advised Yin, should use the descriptive and explanatory strategies.

#### **2.4: Research setting**

My original plan was to conduct the study at two locations, in Seychelles and Mauritius, where the Chagossians were relocated. Eventually the study took place only in Seychelles because of time and financial constraints. Even there it was not easy to gain access to some of the participants who were willing to participate in the study. This is because the Chagossians who lived in Seychelles lived in different localities around Mahe and travelling from one place to another by public transport on Mahe can be quite a hassle, especially if you have to rely on public transport.

#### **2.5: Methods of data collection**

Data collection supporting the discussion was characterised by a methodological pluralism, forging the use of multiple data sources. This has numerous advantages among which, an important one is that it provides the opportunity to triangulate data which in turn can help to strengthen the research findings and conclusion. The potential problems of construct validity can also be addressed, because the multiple sources of evidence essentially provide multiple measures of the same phenomenon. Data for the case study came from the following sources:

##### **(a) Semi-structured interviews**

The interviews were conducted with two participants from Seychelles. The justification for employing the interview technique was because I did not want to use the questionnaires as this method may inadvertently impose my social world on to

the interviewee by the way the questions were presented. Also as Anderson (1990) points out, the interview approach allowed the interviewer the opportunity to clarify questions and probe the answers of the respondent, which I did a lot when interviewing the participants.

However, interviews are not without its setbacks, it is difficult to record responses especially if the interviewer is also writing them down. In this research I applied the note-taking technique, which to some extent did present some problems as I missed out on certain information.

To facilitate communication the interview was conducted in Creole, the local language (See Appendix A). On several instances in the middle of the interview I had to rephrase some interview questions because I did not get the desired responses or because the participants did not quite understand the questions asked. Both participants were very cooperative and there was not a single instance when they show signs of trauma or anxiety during the interview. The interviews lasted for about forty minutes, after which, each participant was thanked for his/her time, participation and contributions to the study.

#### **(b) Document analysis**

A potentially rich way of understanding the reality of the researched is to examine the texts that they have produced or others have produced about them. As part of the data gathering method I made extensive use of documentary evidence. These were in the forms of archival records from the Seychelles archive, and printed mass media such as books and articles. I also examined documentary films like John Pilger's "*Stealing a Nation*" and '*Return to the Chagos Islands*', and searched the relevant websites on the internet which provided very rich sources of information. For the case documentary evidence was useful in the following ways: (1) they provided specific details to corroborate information from other sources, and (2) also it allowed the researcher to make inferences.

However, when working with documents, one has to exercise certain caution, because they should not be accepted as literal recordings of events that have taken place



because there is always the risk that they have been falsified. This was avoided by cross-checking the sources against each other to assess reliability.

## **2.6: Ethical considerations**

Researchers need to be sensitive to the likely impact of their work on those involved. Whether research is done on people or whether it is done with them, there is the possibility that their lives could be affected in some way through the fact of having participated. There is a duty on researchers therefore to work in a way that minimises the prospect of their research having an adverse effect on those who are involved.

Prior to the commencement of the interview, I read out a Creole version of the Informed Consent form (see Appendix B) to the participants, which both comfortably agreed to. The consent form explained in details what was required of them for example, the aim of the study, information regarding the research interview, details of the universities involved, confidentiality issues and all other possible consequences that may arise as a result of the study.

## **2.7: Procedure**

Initially, I had planned to establish contact with potential participants through the Chairperson of Chagossian Association in Seychelles. However, this did not work out. Given the circumstances of the situation, I had to look for other alternative ways of connecting with the participants. I had a discussion about my research topic with my father and some friends and they helped me to have access to potential participants who in turn introduced me to other contacts. On the whole two of my contacts turned out to be a success, three others turned out to be contract workers which did not meet the criteria for the study, two did not work out because for whatever reasons they refused to cooperate and another one failed simply because of a breakdown in communication.

Once contact was established I paid a preliminary visit to the participants where we discussed issues such as permission to interview them, the informed consent form, time and date for the interview. For the Mauritius part, fieldwork was not an option because of the limitations pointed out earlier. However, I tried to establish contact with them through their official website, [www.chagossupport.org.uk](http://www.chagossupport.org.uk). Unfortunately

this did not yield any result. Given the circumstances of the situation, I had no other option but to rely heavily on secondary data.

## **2.8: Data analysis**

Once the data was collected it went through the translation process. It was then analysed and coded around the themes related to the research questions. The responses from the interviews were mainly used as quotes to strengthen my arguments (see discussion chapter). As for the secondary sources I used the content analysis technique, where when evaluating the sources, I considered such questions like, “*what was said in the text*”? “*Why it was said*”? “*By whom*”? These questions helped me to look at the sources more critically and helped me to be more objective when writing the findings. I also critically examined two documentary films on my topic, ‘*Stealing a Nation*’ by John Pilger and ‘*Return to the Chagos Islands*’. All these allowed me to come up with themes, concepts and ideas for the research.

## CHAPTER III

### Theoretical Discussion

#### 3.1: Introduction

In this chapter I presented a theoretical discussion on what other scholars have said and written about forced displacement. I started off by critically examining the current definition of forced displacement and then went on to point out the flaws found in it. I have also tried to explain the implications they could have for groups like the Chagossians who are victims of ‘military base-induced’ displacement and who seems to have an unclear status where refugee is concerned. I then moved on to the effects of forced displacement and focus primarily on the work of Micheal Cernea. His work is of special relevance here because in my discussion I will try to identify if there are any commonalities between my case and his Impoverishment Risks and Reconstruction model. I will also review existing works on the human rights implications of the phenomena. Finally I ended the chapter by drawing on what other scholars have said and written about the consequences of ‘military base-induced’ displacement, which is the focus of my case study.

#### 3.2: Understanding forced displacement

Forcibly displaced people “refer to those who have left their usual place of residence in order to escape persecution, armed conflict or human rights violations” (Crisp 2006, cited in Greyling). In addition to this definition people are also involuntarily displaced due to government projects, environmental changes or government policies forcing people to move from their normal place of residence. Hence the current definition of involuntary displacement is seriously flawed as it does not make any reference to ‘military base-induced’ displacement. This to a large extent, has had serious consequences for the victims of this type of forced displacement. Their plight is rarely addressed by international regimes for refugee protection and the states whose duty is supposed to help them, rarely do so and therefore these victims experienced on-going risks of impoverishment as well as continuous human rights abuses.

The current literature on forced displacement also covers various groups among which include refugees and Internally Displaced Persons (IDPs). Unfortunately groups like the Chagossians, who have been displaced by military base does not

feature among those groups and this probably may help to explain why they have not been the focus of international attention. Groups who are classified as refugees have a clear legal status and therefore are guaranteed protection under such instruments like the 1951 Refugee Convention.

Those who were exiled to Mauritius could be classified as internally displaced persons or ‘internal refugee’, as the Chagos used to be part of Mauritius prior to its detachment in 1965 following the creation of British Indian Ocean Territory (BIOT), but again this presents another problem. Unlike refugees, IDPs do not have the same legal and institutional support. There is no specifically mandated body to provide assistance to IDPs, as with refugees. Although they are guaranteed certain basic rights under international humanitarian law (the Geneva Conventions), ensuring these rights are secured is often the responsibility of authorities which were responsible for their displacement, or the ones that are unable or unwilling to do so (Forced Migration Online, 2009: 3). This has been clearly the case for the Chagossian ‘displacees’. The British and American governments who orchestrated their removal have washed their hands from the whole affair and continue to ‘maintain the fiction’ that they were not permanent inhabitants of the Chagos. They have re-classified the population as migrants. This was done so that they could be cleared of any responsibility. This also enabled them to manipulate international human rights agreements to satisfy their own military and political agenda. The misrepresentations of historical facts to the world also in way help them to legitimise what would be seen as illegitimate acts.

Hence the fact that military base ‘displacees’ like the Chagossians, are not covered under current the definition of involuntary displacement means that nobody can be held accountable for their sufferings. Also their unclear status does not guarantee them any protection under current refugee protection regimes, hence their on-going impoverishment.

### **3.3: Effects of forced displacement**

There is a growing awareness that all types of displacement, whether by development projects or as a result of violence, persecution, or natural disaster, can lead to impoverishment. Further to that, it is now well-established that forced displacement may constitute serious human rights violation (see Downing and Rajagopal, cited in

Courland, 2003). As they are forced to flee, the ‘displacees’ lose their possessions and separated from family and communities. Millions are left destitute with little or no access to basic services, to food, water, adequate shelter, or livelihoods. Displacement, whatever the context, is all too often only the beginning of an ordeal that may last for years or even decades marked by suffering, discrimination and a daily fight for survival.

**(i) The impoverishment effects of forced displacement**

The impoverishment effects of forced displacement on people has been well-documented by a number of researchers. One of the most authoritative scholars in the field is Micheal Cernea, a former sociologist/anthropologist based at the World Bank who has done extensive research on development-induced displacement and resettlement for two decades. Drawing on the findings of his research, Cernea has constructed a model, known as the Impoverishment Risks and Reconstruction (IRR) model (Courland, 2003). Although his model has been initially developed to document the effects of involuntary displacement caused by major development projects, recently a number of researchers has find it applicable in other dislocation contexts, including displacement caused by war and refugee situations, and shantytown relocations (Vine: 22). Whether one is an “oustees” from a development project or a refugee, Cernea argues, one is a member of a “displaced population,” with eminently, if not entirely, comparable experiences (cited in Vine, 2004).

Cernea’s model proposes that “the onset of impoverishment can be represented through a model of eight interlinked potential risks to displacement”. These are:

**1. Landlessness.** Expropriation of land removes the main foundation upon which people’s productive systems, commercial activities, and livelihoods are constructed. This is the principal form of de-capitalization of displaced people, as they loss both natural and human-made capital.

**2. Joblessness.** The risk of losing wage employment is very high both in urban and rural displacements for those employed in enterprises, services, or agriculture. Yet creating new jobs is difficult and requires substantial investment. Unemployment or underemployment among resettlers often endures long after physical relocation has been completed.

**3. Homelessness.** Loss of shelter tends to be only temporary for many resettlers; but for some, homelessness or a worsening in their housing standards remains a lingering condition. In a broader cultural sense, loss of a family's individual home and the loss of a group's cultural space tend to result in alienation and status deprivation.

**4. Marginalization.** Marginalisation occurs when families lose economic power and spiral on a "downward mobility" path. Many individuals cannot use their earlier acquired skills at the new relocation; human capital is lost or rendered inactive or obsolete. Economic marginalization is often accompanied by social and psychological marginalization, expressed in a drop in social status, in resettler's loss of confidence in society and in themselves, a feeling of injustice, and deepened vulnerability.

**5. Food Insecurity.** Forced uprooting increases the risk that people will fall into temporary or chronic undernourishment, defined as calorie-protein intake levels below the minimum necessary for normal growth and work.

**6. Increased Morbidity and Mortality.** Massive population displacement threatens to cause serious decline in health levels. Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation-related illnesses, particularly parasitic and vector-borne diseases such as malaria and schistosomiasis. The weakest segments of the demographic spectrum—infants, children, and the elderly—are affected most strongly.

**7. Loss of Access to Common Property.** For poor people, loss of access to the common property assets that belonged to relocated communities (pastures, forest lands, water bodies, burial grounds and quarries) result in significant deterioration in income and livelihood levels.

**8. Social Disintegration.** The fundamental feature of forced displacement is that it causes a profound unravelling of existing patterns of social organisation. This unravelling occurs at many levels. When people are forcibly moved, long-established residential communities and settlements are disorganised, and family systems are often scattered. Life-sustaining informal social networks that provide mutual help are

rendered non-functional. The coerced abandonment of symbolic markers (such as ancestral shrines and graves) or of spatial contexts (such mountains and rivers considered holy or sacred trails), cuts off some of the physical and psychological linkages with the past and saps at the roots of the people's cultural identity. The cumulative effect is that the social fabric is torn apart.

To these risks, Downing and others have added two additional risks intrinsic to displacement:

**9. Loss of Access to Community Services.** This could include anything from health clinics to educational facilities, but especially costly both in the short and long-term are lost or delayed opportunities for the education of children.

**10. Violation of Human Rights.** Displacement from one's habitual residence and the loss of property without fair compensation can, in itself, constitute a violation of human rights. Further to that, arbitrary displacement can also lead to violations of civil and political rights, including arbitrary arrest, degrading treatment or punishment, temporary or permanent disenfranchisement and the loss of one's political voice. Finally, displacement carries not only the risk of human rights violations at the hands of state authorities and security forces but also the risk of communal violence when new settlers move in amongst existing populations.

**(ii) The human rights implications of forced displacement**

The contribution of Downing and others highlights the growing awareness of the human rights implication associated with involuntary displacement amongst scholars in the field. And one of those scholars who had made a significant contribution to this field of knowledge is Balakrishnan Rajagopal of the Massachusetts Institute of Technology. In his work, Rajagopal refers to five "**human rights challenges**" that arise in relation to development-induced displacement. Amongst them includes such rights like the right to self-determination, which is guaranteed under such human rights instruments like the ICCPR, right to participation spelled out in the ICCPR and ICESR, right to remedy and the right to life which can be threaten when security forces take action to move people forcibly or to quell civil dissent against

developments projects. In addition to that he argues that peoples' right to livelihood is threatened by the loss of home and the means to make a living. (Courland: 2003: 15).

Similarly in its publication called 'Forced evictions and human rights' (1996: 15-17) the Centre For Rights, has identified a number of human rights abuses associated with forced eviction. One of the most common one is the right to adequate housing, expressed in ICESCR (Article 11, (1)). The rights to freedom of movement and to choose one's residence, recognised in many international laws and national constitutions, are infringed when forced eviction occur. In the majority of deportation cases, crucial rights to information and popular participation are also denied. When people lose their source of employment, the right to work is breached. When psychological and physical health is damaged by the constant threat of forced displacement, issues of the right to health are raised. Emerging human rights such as the right to remain in one's home or land and the right to return to one's home can equally be lost in the event of a forced eviction.

### **3.4: 'Military base-induced' displacement**

The dispossession of people by military base as emphasised earlier, has received very little attention both in the media and the literature. Vines (2004), has identified this gap in the literature when he made the remark that "involuntary displacement generally has not referred to involuntary migrations involving the application of force and military occupation, as was experienced by the Chagossians". Further to that there is a paucity of information on the human rights implications associated with displacement that occurred in this context. A number of explanations can be suggested that can help to explain this paucity of information on the subject. One reason for this lies with the fact that military base-induced displacement does not make big news in the media and as a result it does not receive wide coverage as conflict-induced displacement. Also the number of people affected by this type of displacement is relatively small compared to those displaced by conflicts, disasters and development projects. Another possible reason is the veil of secrecy under which military base-induced displacement is orchestrated, like in the case of the Chagossian expulsion, and as such it has tended to escape world attention and the scrutiny of journalists.



However, the lingering trail of suffering and misery left by military-base displacement on its victims has recently generated growing interests among journalists, researchers and the international community. This is because like other forms of involuntary displacement it shatters the lives of many people and also it constitutes infringement of certain human rights norms. What follows then is a brief discussion on the impact of ‘military base-induced’ displacement.

At present there are about 1000 foreign military bases around the world and 95% of these belong to the US. Many of these bases are used by the US to back its geopolitical strategies. Given its control over those installations, the US has become the largest landowner in the world, situated on 2, 202, 735 hectares of land (Granma International, 2007).

From the perspectives of those powers who owned these military bases, they offer enormous advantages namely strategic, military and political advantages. For instance, one of the most important motivating factors for the US having a base at Diego Garcia has been and continues to be oil and other strategic resources found in the region, which supplies, needs to be protected. However, the downside of those military bases is the negative impact they can have on local communities.

The destructive effects that foreign military bases have on local communities have recently been the subject of strong criticisms. They have been accused of causing displacement and disenfranchisement of many local communities. The huge land areas occupied by the US military bases are often taken from people who are given no choice about leaving their homes and farmland, and are often not compensated. Once bases are built they tend to extend outwards, consuming more and more land. The case of Daechuri Village in South Korea clearly illustrates this, there, the whole village was bulldozed to make way for a new US military headquarters.

The arguments used by many governments claiming that military bases bring lots of economic advantages to the host country, does not always hold water. The case of the US Manta military base in Ecuador clearly supports this. There, the supposedly development opportunities that were expected to have come from the base turned out

to be the opposite. The presence of foreign armies have led to a rise in the cost of living, while those local people who expected to sell their products to the US personnel were disappointed to see that almost everything was brought from abroad. The number of sex workers and night clubs has also grown, as well as sexual exploitation of women and girls.

The base has triggered protests from various local and national resistance movements in Ecuador. Their protests have been aimed at drawing attention to cases of human rights violations, including the right of fishermen, access to the port, recovery of land illegally expropriated, indemnisation for destroyed and sunk fishing boats, the defence of access to water and roads which have been privatised for military reasons.

Finally the presence of US military base is reported to have contributed to cultural genocide of indigenous peoples in the Hawaii where it controls 5.7 percent of the total land area. The confiscation of land for military purposes has led to the displacement of the Kanaka Maoli from their ancestral lands and this has resulted in the loss of subsistence and cultural resources.

The Kanaka Maoli's conception of land ownership differs from that of the Western view. According to their belief, the 'aina (the Hawaiian word for land) is a living ancestor, which could not be sold or defiled. By severing the genealogical ties between Kanaka Maoli and their 'aina and by disrupting their ability to practice and transmit their culture to future generations, the military seizure of land has had profound impacts on the cultural survival of Kanaka Maoli (Australian Anti-bases Campaign Coalition, 2007: 5).

## CHAPTER IV

### 4.1: Case Study: The Chagossian Tragedy

Through the case study which follows, I will present a historical narrative of the Chagossian case. The case study will begin by tracing the history of the Chagossian people from the early settlement of the Chagos Archipelago up to the period when they were eventually exiled to the neighbouring Islands of Seychelles and Mauritius. The political context of the time which motivated the US to construct the base in this part of the world will be analysed and the case will conclude by giving a brief overview of the lives of the Chagossians in exile.

The Chagos Archipelago is a chain of 65 small coral atolls situated in the Indian Ocean, lying south of the Equator, about halfway between Africa and India, seven degrees south of the Equator (see Figure.1). The largest island, Diego Garcia, covers only 17 square miles. Peros Banhos and Salomon, as well as other smaller islands, make up the outer islands. The outstanding beauty of the Chagos has captured the imagination of the few European travellers who has landed on its shores. One of them a journalist visiting in 1950, called the islands “a beauty spot of unravelled tranquillity and beauty” (cited in Nazzari, 2005: 2).

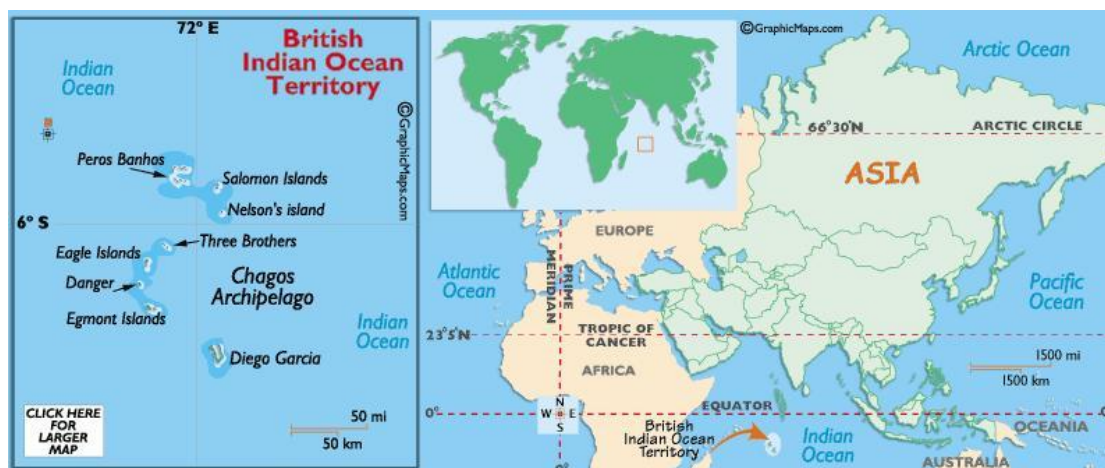


Figure .1. Map of British Indian Ocean Territory

Today the Chagos is officially part of the British Indian Ocean Territory (BIOT) but its largest island Diego Garcia host the second largest US military bases outside the US itself. The Americans referred to it as “Camp Justice” (Pilger, 2004: 1). Its

strategic location has made it into what the US Department of State describe as an “all but indispensable platform” for the fulfilment of defence and security responsibilities in the Arabian Gulf, the Middle East, South Asia and East Africa (Nauvel, 2006: 97). Diego Garcia has played a vital role in several key US military operations, like the Gulf War, when it served as the starting point for most aerial missions; and more recently, it has become central to the US-led “war on terror,” and has been used extensively in the military campaign in Afghanistan since 2001 and Iraq since 2003 (see Figure.2.)



Figure.2. US military base at Diego Garcia

#### **4.2: Early Settlement**

The first European to set foot on the Chagos was the Portuguese in the early 16<sup>th</sup> century. They did not establish any settlement on the islands. The first presence of human settlements on the islands can be traced back to 1776 when a handful of French entrepreneurs from Mauritius were given permission by their government to develop coconut plantations in the Chagos islands on condition that they established a leper colony there. To work on the plantations, the French brought in slaves from Africa. The coconuts produced from the islands were exported to Mauritius, where they were processed into oil. With the defeat of the French at the end of the Napoleonic Wars in 1815 and the signing of the Treaty of Paris, the Chagos Islands, along with Mauritius and Seychelles were ceded to the British. In 1903, the Seychelles were detached and formed a separate Crown Colony. However, the Chagos Islands remained a dependency of Mauritius and therefore, continued to be governed by the latter. The Chagossian people became, and have remained to this day,

British and Mauritian citizens. In the 1840s and 1850s, in addition to migrants from Africa, plantation owners imported indentured labourers from India who integrated themselves into Chagossian society.

By the year 1900 the Chagos were home to about 750 islanders who had developed a distinct culture and identity and even specific variation of the Creole language. By this time Diego Garcia “boasted three flourishing copra factories, a less successful coaling station for ships on the Australian run, a church, a hospital, a jail, a light railway, some handsome French colonial style houses and more than 500 inhabitants” (Sunday Times, 1975, cited in Madeley, 1982: 5).

So based on these historical records, one can conclude that at this point in time the Chagos had a well settled population mainly organised around a plantation-based economy. Historical records also shows that the Chagossian lived a peaceful way of life which was in harmony with the islands and this is supported by a British colonial film shot in the 1950s which noted that the islanders “*lived their lives in surroundings of wonderful natural beauty and in conditions most tranquil and benign.*” It also described the Chagos as inhabited “*mostly by men and women born and brought up on the islands*” (cited in Nazzal, 2005: 3). However, this reality did not seem to deter British and American governments, who began to plan the depopulation of the islands in the 1960s.

#### **4.3: The creation of the British Indian Ocean Territory (BIOT); a military colony**

In order to understand US motivation for establishing a military base on Diego Garcia and in the Indian Ocean one must analyse the geopolitical realities of the time. This was at the height of the Cold War, and relations between the Soviet Union and the US became more strained as communism threaten to spread in Latin America, the East Indies, Africa, and South East Asia. The US bases in Ethiopia and Pakistan had been closed as relationships with those countries had deteriorated. The presence of Soviet Navy had increased enormously in the Indian Ocean and US Naval operations in the region to counter that presence were extremely difficult to support from the nearest bases in Greece and the Philippines. So there was an urgent need on the part of the US at that time, to contain growing Soviet influence in the region, which is of strategic

and economic importance to the Western democracies. A military base in the Indian Ocean would enable the US government to also control important shipping lanes to maintain oil and resource supplies, and from which it could launch military attacks to intervene in any regional crisis that might threaten those supplies. It is important to note that at this point in time Soviet Navy presence in the Indian Ocean was four times more than the presence of the US Navy (cited in Morris, 2008: 6).

The US was also deeply concerned with the stability of the host nation of any potential base, and sought a sparsely populated territory, to avoid the UN's decolonization requirements and the resulting political issues of sovereignty or anti-Western sentiment. The 'non-aligned' status of the littoral states of the Indian Ocean did not appear friendly towards the West. The political alignment of an independent Mauritius was not clearly known, but was of a nature expected to work against the security of the base (cited in Morris, 2008: 6).

As a direct result of these geopolitical concerns, the installation of a US military base in the Indian Ocean on a territory owned by the British government became inevitable. This need became more of a necessity following the UK withdrawal "East of Suez" and so US presence was needed to fill that void.

Immediately the green light was given by the governments of the UK and the US for their military planners to conduct a series of surveys of the Indian Ocean so as to identify the ideal island that would host the military base. Their first choice of a site on which the proposed base could be built was Aldabra, which was then part of the Seychelles archipelago. However, the plan had to be abandoned amid fierce protest from scientists of the Royal Society in London and Smithsonian Institute in Washington who discovered the secret plan. The scientists wanted to protect local population populations of giant tortoises and rare birds that made Aldabra the "Galapagos of the Indian Ocean" (Pearce, 2004, cited in Vine, 2004: 10). So the dice was now cast on Diego Garcia instead, which by then had a population of around 2000 people. The island seems to fit perfectly into the US scheme of the ideal island military base in the region. Its strategic location was particularly appealing to the US Navy planners. The island was centrally located in the Indian Ocean, it possess one of the world's great natural harbours in its protected lagoon and have enough land to

build a large airstrip. It was also attractive once it became British territory because it was not subject to, as retired Navy Captain Paul Ryan explains, “*political restrictions of the type that had shackled or even terminated flexibility at foreign bases elsewhere*” (Ryan, 1984: 133, cited in Vine, 2004: 15).

Formal diplomatic negotiations began in 1962 between US Secretary of Defence, Robert MacNamara and UK Minister of Defence Peter Thorneycroft. The US suggested that the UK detached Diego Garcia and the rest of the Chagos from Mauritius and some outlying islands of Seychelles, Aldabra, Desroches and Farquhar to create a new colony solely for military use, before both countries were granted independence.

To bring the plan to fruition the British cunningly used what John Madeley (1985) referred to as “Independence with strings” policy. This policy dictated that Mauritius could have independence on condition that it relinquished control over the Chagos Archipelago. As an inducement, the British government gave to Mauritius £3million in compensation for the loss of these outlying islands and a further £650,000 to help with the resettlement costs for the soon-to-be exiled Chagossians. To reward the Seychelles for the islands, the British promised to build a new international airport on Mahe. These were later restored to Seychelles after independence in 1976. This policy of offering independence with strings attached was in contravention with the United Nations Resolution 1514 (XV) which declared the “*inalienable right of colonial people to independence without conditions*” (Madeley, 1985).

In November 1965, the Queen passed an “Order in Council” (also known as the “BIOT Order”- made possible by the royal prerogative) severing the Chagos islands from Mauritius and creating British Indian Ocean Territory. This consisted of the Chagos Archipelago, Desroches, Aldabra and Farquahar islands. The new colony was created for the sole purpose of setting up the base. As soon as the creation of the BIOT was realised, in 1968, Britain granted Mauritius its independence. The dismemberment of Mauritius’ territory and the creation of the BIOT was in contravention with Resolution 2066xx which the UN General Assembly passed in 1965 ( which Britain never signed), instructing Britain to take “no action which would

dismember the territory of Mauritius and violate its territorial integrity”(The UK Chagos Support Association, 2008).

Amongst other things, the BIOT Order created the position of Commissioner. Section 11 of the Order empowered the Commissioner to “make laws for the peace, order and good governance of the Territory” (cited in Nauvel, 2006: 100). But instead, he used his authority to promulgate BIOT Ordinance No. 1 of 1971. Section 4 of this ordinance provided for the compulsory removal of the whole existing population, for not possessing a government issued permit (Nauvel, 2006: 100). Once the “immigration” procedure had been finalised, the way was now clear for the British to enter into a defence deal with the US. This was accomplished in 1966 with the UK leasing the BIOT to them for “defence purposes” for a period of 50 years with the option of extending it for a further 20 years. The price paid for the islands was first exposed in a *Sunday Times* article in 1975, which revealed that the US had given the UK a discount of \$11.5 million on Polaris submarines. The deal was done in complete secrecy, concealed from Parliament, US Congress and the United Nations. Hence the future of the Chagossian people was sacrificed to fulfil the strategic needs of the US whose government was keen to monitor Soviet Navy activity.

#### **4.4: The Depopulation of the Chagos**

The Defence Deal of 1966 left the British Government with a dilemma. In keeping the Chagos Islands, Britain also kept their population, who numbered about 2000 at that time and who also happened to be British citizens. The Pentagon made it clear it did not want people living on an island which might be turned into a key base. As one American official put it, the islands were to be ‘*swept*’ and ‘*sanitised*’. This was described in a secret file as a ‘*neat, sensible package*’ (Pilger, 2006: 44). Hence to satisfy the US, the British started to put in motion a systematic programme of expulsion of the Ilois. Evidence shows that this was well underway since 1965, when many Chagossian families who had travelled for treatment or holidays in Mauritius were not allowed to come back. They were told that no ships were available to take them back, and were often left stranded at the quayside. The British tricked some by offering them free holiday trips to Mauritius. Between 1965 and 1971 Britain was deliberately creating exiles, turning its own citizens into refugees. The tragedy was that no one reported what was happening.



The British government stepped up the pressure in other ways. In 1967 acting under the provisions of BIOT Ordinance No. 2, it bought out the sole employer of labour on the Chagos, Chagos Agalega Ltd, for a sum said to be ‘over £1 million’. The BIOT closed down the copra activities during the period from 1968 to 1973, and a mass evacuation was planned. In addition to that there were allegations that the British Government decided to cut off the Ilois food imports by restricting the number of regular supply ships visiting the islands. To what extent those measures were part of an elaborated British plan to force the islanders into exile is open to debate. This is because of the conflicting reports given by both parties on the issue as well as many other events surrounding the Chagossian deportation.

Whatever circumstances in which the event took place, there are reports that claimed that during this period basic commodities like milk, medicine, and sugar dwindled to a dangerously low level (see Madeley, 1982) and this was no doubt a serious inducement for the Chagossians, particularly the unemployed to leave the island.

In an attempt to legitimize their actions and avoid public outrage in their own countries and condemnation by the United Nations, the British Foreign Office and the US State Department created the fiction that there were no permanent population on the Chagos and that the Ilois were merely transient contract labourers from Mauritius and Seychelles with no right of abode on the islands. Their position on the issue is supported by a collection of recently declassified documents. One such document is a minute from a 1966 meeting involving the BIOT Commissioner and staff from the British Colonial Office: “[*The Colonial Office wishes*] to avoid using the phrase ‘*permanent inhabitants*’ in relation to any of the islands in the territory because to recognise that there are permanent inhabitants will imply that there is a population whose democratic rights will have to be safeguarded...” (cited in Nauvel, 2006: 101). In a way, the approach of the British government to the Chagos Islands seemed to be greatly influenced by the colonial doctrine of *terra nullius*. The islands were portrayed as virgin land, free from inhabitants.

However, existing historical records of both governments clearly contradicts their own official line. Recently declassified documents point to the fact that both

governments were aware that their official stance was riddled with flaws and one of them was the fact the Chagossians had been there for at least five generations; as can be seen from the following 1965 British Foreign Office memorandum: “*Our understanding is that... a small number of people [on the islands] were born there and, in some cases, their parents were born there too. The intention is, however that none of them should be regarded as being permanent inhabitants of the islands... [they] will be evacuated as and when defence interests require this...*” (cited in Nauvel, 2006: 102). Further proof about the settled nature of the Ilois community came from a photograph taken by a US Serviceman in 1975. He photographed the cemetery at Diego Garcia on which the engraved names of the generations of Ilois could be seen. All this evidence was not going to deter the UK government from going ahead with its plan. Its treatment of the Chagossians in the 1970s resembled its treatment of Australia’s Aborigines in the nineteenth century: they were deemed not to exist. Not only was their homeland stolen from them, they were written-off history (Pilger, 2006: 40).

In December 1970 the United States Congress finally approved the construction of the military base in Diego Garcia. The following month, the BIOT Administrator held a meeting with the islanders where he made the shocking announcement that the island would be closed and that the islanders did not have ‘right to stay’. In 1971 as the American servicemen began to descend on Diego Garcia, BIOT Officials, with the assistance of some US soldiers already on the island, forced the remaining islanders to board overcrowded cargo ships and leave their homes forever. Except for the minimal possessions that they carried they left everything else behind. While some Chagossians were shipped first to the Solomon islands and Peros Banhos, where the copra plantations continued until 1973, others were transported to Agalega and Seychelles. But the majority ended up on the dockside in Mauritius.

#### **4.5: The final removal**

In 1973, the US Government delivered the final orders that all the islands should be ‘*swept clean*’. The last group of Chagossians who had been transferred to Peros Banhos and Salomon were crammed into the vessel ‘Nordvaer’ bound for Mauritius. They were piled onto boats alongside horses and forced to sleep on cargo of bird fertilisers. During the long and perilous crossings, a number of women miscarried.

Before docking in Mauritius, the islanders stopped in Seychelles where they were housed in a disuse prison. On the last leg of their journey they were transported to Mauritius where on arrival they were dumped on the dockside with no provision made at all for their housing or subsistence. Dispossessed and exiled from their native land, the Chagossians were condemned to a life of poverty in the slums of Port Louis which they still endure today.

#### **4.6: Life in Exile**

Since their forced relocation in the Islands of Seychelles and Mauritius, the Chagossians have been prohibited from returning to their homeland. With no resettlement plan put in place, most of them spiralled into what a *Washington Post* reporter described as “*abject poverty*” (cited in Vine, 2005: 21). Some in Seychelles were first housed in a disused prison and others in Mauritius were given dilapidated shacks amidst pigs, cows and other farm animals (Vine, 2004: 5). In 1978 and 1982, five and ten years after the last group of Chagossians arrived in Mauritius, some Chagossians received compensation from the British Government. These payments came too late and they were not enough to alleviate the poverty of the Ilois. Most of the money was used to pay huge debts accumulated in the interceding years or provide them with what was often their first proper home, in the slums of Port Louis, the capital of Mauritius. To date none of the Chagossians exiled in the Seychelles have had their share of the compensation.

## CHAPTER V

### The effects of forced displacement on the Chagossians

#### 5.1: Introduction

Today there is widespread agreement among scholars that the Chagossians as a community have been deeply impoverished as a result of their forced eviction from the Chagos. In the discussion which follows I will examine how forced displacement has affected the exiled Chagossian communities. My discussion will centre on two major issues. Firstly I will discuss briefly how the phenomena have impoverished them. Then I will proceed to the main focus of my study, whereby I will examine the human rights implications of the forced relocation of the Chagossian people in relation to the United Nations Charter, UN Resolutions, and human rights norms such as ICCPR, and ICESCR. Finally I will look at the Chagossian legal battles in British and American Courts which have various human rights implications because these legal battles are part of a wider struggle started by the Chagossians since 1970s, aimed at seeking justice for wrongs done to them.

#### 5.2: Impoverishment of the Chagossians.

##### 5.2.1: High mortality rates

By the end of 1975, the Chagossian living in exile began to die from their imposed poverty. A survey conducted by the Comite Ilois Organisation Fraternelle, gives grim individual details of the despair of the Ilois. It documented twenty-six families that had 'died together in poverty' and nine suicide cases. It tells of a significant number of cases where Ilois died after 1 to 12 months stay in Mauritius. It attributed the main cause of the sufferings of the Ilois to the lack of a proper plan to welcome them in Mauritius (Madeley, 1982: 7).

Similar tragic report was revealed in Iain Walker's master's thesis. In his work he made reference to 11 Chagossian deaths by suicide, 42 other deaths, and 15 Chagossian psychiatric admissions shortly after their arrival in Mauritius (1986: 14, cited in Vine, 2004: 18). Vines (2005: 6), in his recent work, refers to death of the

Chagossians by suicide, miscarriage, and disease during and shortly after their removals.

The incidence of high mortality rates among the Chagossian exiles corresponds to those referred to in Cernea's model. Just like Cernea's findings have shown, many of the cases of deaths in the Chagossian exile community have been caused by a general deterioration in their level of health following the displacement. Also they can be attributed to such diseases like, anaemia, and malnutrition, cardio-vascular diseases, diabetes, hypertension and substances abuse as revealed by the World Health Organisation (WHO) in its 1997 report on the "Social conditions and needs of the Chagossian community in Mauritius" (cited in Vine, 2004: 18). Other cases of Chagossian's death, as explained by Vine (2005: 6), may have been caused by loss of access in exile to freely available food resources as in the Chagos and continuing bouts of hunger and undernourishment in exile.

#### **5.2.2: Squalid housing conditions**

Further insight into the Chagossian conditions was revealed through the WHO report. It concluded that the Chagossians as a community live in marginal and precarious existence, significantly below the quality of life enjoyed by most others in Mauritius. The report went on to add that the Chagossians are "still housed in tin shacks, in the working-class slums of Port Louis, without fixed incomes and without real and practical access to education or health care" ( cited in Vine, 2004: 19). Among the 90 Chagossians that took part in the survey, the WHO found that their households had an average of 6.5 individuals. The average Chagossian home had 2.5 rooms (in addition to a kitchen and toilet and bathing facilities) and generally lacked electricity and running water.

These findings correspond with those of Vine. He spoke of Chagossians losing all homes and initial homelessness in Mauritius and Seychelles. When describing the housing conditions of the Chagossians Vine has this to say "*they have ongoing poor housing conditions characterised by corrugated metal and wood construction, overcrowding, the absence of basic sanitary services, and located in the poorest and least healthy neighbourhoods of Mauritius and Seychelles*" (Vine, 2004: 5). He also observed that 40% of households now lack a toilet and plumbing, 26% lack running

water, 8% lack electricity. He also acknowledged the fact that some improvement have been made. Both the findings of Vine and WHO relates to that of Cernea.

While the poor housing conditions may still be a serious problem in Mauritius, it may not be totally the case for some Chagossians living in Seychelles. However, I have to point out that during my fieldwork I did observe that some Chagossians are currently living in what I would qualify as decent housing. But again my observation does not necessarily represent the true realities of Chagossian housing conditions in Seychelles, as my visits were limited to just a few houses in two localities. But generally it appears that their situation has greatly improved.

However, going back to the early period of the post-removal some Chagossians exiled to Seychelles appeared to have had experienced the problem of homelessness. Numerous reports from that period told of accommodation in a disuse prison as the only shelter available to many when they landed there. Jeanette Alexis was one of those Chagossians who was accommodated there. She recounted how later her family went to live in a house belonging to her father's aunt. She spoke of 12 of her family members sleeping on the floor in one room. She went on to add that after five months of living in a relative's house they were forced to move to an abandoned cowshed, which had no water or electricity (McAteer, 2008: 270). This kind of hardship experienced by many Ilois could have been prevented if a proper resettlement plan had been put in place. But this never happened and many were left in a situation of dire strait. Figure.4. below shows the distressing conditions in which many still live, in the poorest quarters of Mauritius.



Figure.4. Chagossians' living conditions in the Cassis District of Muaritius

### **5.2.3: Unemployment and underemployment**

With regards to the economic situation of the Chagossian Community, Botte described it as characterised “by low wages, unemployment, and underemployment” for people with skills ill-suited for the Mauritian labour market. Botte found 85.8 percent of male Chagossians underemployed and 46.3 percent of women unemployed. Similarly Vine’s research shows that the Chagossians suffered from 100% initial job loss from employment in the Chagos. Again these risks featured in the scholarly works of Cernea, as well as in the case of US Manta Base in Equador.

Morris, Jr. (2008: 4) attributed this problem of Ilois integration into Mauritian society to circumstances on the Chagos prior to their relocation. According to him, when they were in the Chagos, the Ilois had virtually no education or technical skills, and when ultimately evicted from the Chagos, they had extremely limited ability to adapt to even the non-industrial economy of Mauritius. Their situation in Mauritius stands in stark contrast with those in Seychelles. It appears that those exiled in Seychelles have had few problems integrating. This viewpoint seems to correspond to that expressed by the Chagossian exiles I interviewed there. Surprisingly, they also told me that they do not consider themselves as Seychellois and that given the opportunity they would

rather go back to the Chagos, where they feel more at home. As one participant bluntly puts it “*I am a ‘creole de zil’*” (meaning “*I am a Chagos Islander*”). This shows that even if they may have integrated, they still have this strong attachment to their homeland.

#### **5.2.4: Educational Deprivation**

In contrast to Walker’s thesis, the WHO survey addressed a broad range of other issues which have affected the Chagossian ‘displacees’ in Mauritius and one of them is education. In this area the WHO reported that more than half of the adults surveyed (34 of 60) had never attended school, and another 30% left school before obtaining the Certificate of Primary Education (Drabel, 1997: 59, cited in Vine, 2004: 19). With high level of illiteracy rate widespread among Chagossian parents the report found that few children grow up in an environment conducive to learning. The report also documented strong feelings among Chagossians of having unequal access to a quality education, of being disempowered in their relationship with the Mauritian educational system, and being discriminated by teachers. This consequently led to high rates of dropouts among Chagossian adolescents which in turn have serious implications for their learning (cited in Vine, 2004: 20).

Many of the findings that surfaced in the WHO report strongly agree with those of Vine. He attributed the poor level of education among the Chagossian community living in Seychelles and Mauritius to the following factors: Firstly to the fact that following the creation of BIOT many schools on Diego Garcia were closed down. Secondly schooling was interrupted by the expulsion and barriers to re-enrollment in exile. The testimony of Jeanette Alexis lend support to this, she recounted how when they arrived in the Seychelles, they were not allowed to attend school “*because they were foreigners*”, but after five months one school agreed to take them (McAteer, 2008: 270). The findings of Vine also indicated that 36% of the Chagossian generation born and raised in exile are illiterate. In addition to that, 40% second generation were found to have dropped out of primary school.

While the problem of educational deprivation may still be a persistent problem among the new generation of Chagossians in Mauritius, I do not think it is a major concern in the Seychelles context. In Seychelles education is virtually free and everybody have



equal access to it. The lack of access to education experienced by Chagossians children, particularly in Mauritius, is in line with Downing's risk of loss of access to community services which is a risk associated with displacement.

#### 5.2.5: 'Cultural genocide'

The expulsion also had some cultural repercussions. According to Vine, it led to diminished cultural identity and disappearance of some socio-cultural phenomena, including a spirit of sharing and weekly communal dance gatherings (Vine, 2005: 9). This sense of cultural loss was raised by the Chagossians I interviewed in Seychelles. When I posed them the question (see Appendix A) "*What effects did the expulsion have on you personally?*" One told me that "*My language has been modified*". The other one was more explicit on the issue. He recounted how people used to enjoy life on Diego Garcia. He spoke of "*the gatherings that they used to have every week from Friday to Saturday where they would dance the 'Moutia' and 'Tinge'*" (local dance originated from Africa). Interestingly, looking at his life in exile, he sadly made the following remarks: "*I have lost my culture. I would like to socialise the old Chagossians' way, but here in Seychelles we don't have a place where we Chagossians could gather and enjoy our culture*". He added "*I would like to practice my language with people of my own kind, but the fact that we are scattered all over the place make this almost impossible*". Based on my own personal observation, I can confirm that the Chagossians' language is facing the risk of extinction. Those whom I spoke to in Seychelles did display little or no trace of the Chagossian Creole in their spoken language. This can be attributed to the fact that after living for 40 years in exile, many of those who live in Seychelles appeared to have been assimilated and many now speak the Seychellois Creole. The concerns about culture expressed by the interviewees are concerns raised by many minority groups around the world, and that is the fear of losing their cultural heritage. As guardians of the Chagossians' culture they have to find ways of not only revitalizing their culture but also preserving it otherwise it will become extinct.

### **5.3: The human rights implications of the forced displacement of the Chagossians**

#### **5.3.1: Violation of the United Nations Charter and other Resolutions**

The manner in which the BIOT was created and how the British and American governments set about ‘cleansing’ the Chagos of its population was a flagrant breach of international law. This is particularly so when the whole event is set against Article 73 of the United Nations Charter. This Article contains detailed provisions for decolonisation. It stipulates that “*Members of the UN which have or assume responsibilities for the administration of the territories whose peoples have not yet attained a full measure of self-government recognise the principle that the interests of the inhabitants of these territories are paramount and accept as a sacred trust the obligation to promote the utmost...the well-being of the inhabitants of these territories...*” (Ghandhi, 2006: 17).

The UK Government never observed this important piece of international legislation and instead took the drastic step of deporting the entire Chagos’ population, made possible by the royal prerogative. This act constitutes a violation of the right of self-determination of the Chagossians. Of course this invites the important question of whether the Chagossian could be considered as a ‘people’ for the purpose of international law. Looking back at the whole mechanics of the deportation one can argue that the Chagossian has become a people. Given the fact that the Chagos had not been separated from Mauritius, the Chagossian community would have remained part of the Mauritian nation. But as Capps (P. 4) argued “...the involuntary displacement and the actions of the UK and Mauritius have ensured that the Chagossian societal group has become a people and therefore they are beneficiaries of that right”.

Moreover, apart from Article 73, the British government showed disregard for other UN resolutions which prohibited what was being done. In December 1960 the UN Assembly passed declaration 1514 (XV) (See Chapter 5). Using the royal prerogative to enact the BIOT Order of 11 November 1965, which led to the detachment of the Chagos from Mauritius the British government did the complete opposite of Resolution 1514. By ignoring this Resolution, it had violated Mauritius’ sovereignty.

Commenting on the British government's actions, Gifford said "***Britain had in fact driven a coach and horses through this raft of international law established to protect vulnerable non-independent peoples***" (Gifford, 2006: 4).

To have observed its "Sacred Trust" under Article 73 meant that Britain would have given its formal acknowledgement of the fact that there was a permanent population on the Chagos. In practice this would have meant safeguarding the rights of the islanders, including the right to remain in their homeland. Therefore, to avoid being put in a precarious position, the British government embarked on a policy of reclassifying them as migrants, the perfect excuse to avoid its obligations delineated in Article 73. Further more, from 1965, instructions issued by the Foreign Office and Commonwealth Relations Office, to British embassies around the world emphasised the need to erase the phrase "***permanent inhabitants***" from political discourse and the Chagossians were deemed "***belongers***" of Mauritius and Seychelles (Nazzal, 2005: 20). These myths were key component in the depopulation equation because it gave the act an appearance of legality, which in practice was not. Nevertheless, the whole conspiracy worked and the entire population of the Chagos was deported, an act which was in contravention to Article 9 of the UDHR stipulating that "No one shall be subjected to arbitrary exile" (Ghandhi, 2006: 22).

On 16<sup>th</sup> November 1965, the British Representative at the UN, F.D.W. Brown, was asked to explain his country's actions before the UN Committee of 24, which was scrutinizing Britain's observance of its "Sacred Trust". Mr. FDW. Brown was under strict orders from London to conceal the facts about the Chagossians. He (**mis**) **described** the islands as "uninhabited when the UK government first acquired them". He also **misrepresented** the population as 'labourers from Mauritius and Seychelles' for whom Britain's obligations under the UN Charter 'did not apply', and he misled the UN into stating the 'new administrative arrangements' had been 'freely worked out with the...elected representatives of the people concerned' (Pilger, 2006: 59).

The fact is that all these statements were no more than fabrications. What the British government failed to tell the UN and the world was that the Chagos had a well-settled population when it took possession of it in 1814.

By creating fiction, the British government had succeeded in concealing the existence of a permanent population who deserved the protection of the UN. One month later, in December 1965 the UN Assembly passed Resolution 2066 (see Chapter IV). The Assembly instructed Britain “to refrain from taking such actions which would dismember the territory of Mauritius and violate its territorial integrity”, and instead to implement Declaration 1514 (Gifford, 2006: 6). The UN Resolution, unfortunately, had come one month too late. Britain was going to “take no action”, since they had achieved detachment in November under the BIOT Order. Accordingly this piece of international law was simply ignored. This destroyed any hope of possible claims of self-determination by Chagossians.

### **5.3.2: Violations of the International Covenant on Civil and Political Rights (ICCPR)**

Forced displacement executed in the absence of consultation and a proper resettlement plan can pose a serious threat to the right to life guaranteed under ICCPR (Article 6). The Chagossian case bears testimony to that. When they were forcibly removed from their homeland in the 1960s and 1970s, their wishes as a people were never considered, and this was a violation of their freedom of expression (Article 19 (2)). Referring to the manner in which the Chagossian question was treated in the corridor of power in London, Richard Gifford their lawyer, has this to say “*this is policy made almost on the back on an envelope. There was no democratic input, nobody asked questions, nobody was knocking on the door, and nobody was there to represent the interests of the islanders. They just didn’t exist as a political factor to take into account*” (cited in Pilger, 2006: 67). This undemocratic way of resolving the ‘population problem’ in the Chagos had a direct bearing on the events that were to unfold later.

Consequently their deportation was not accompanied by any proper resettlement plan and this proved to be problematic because many became trapped into a vicious circle of poverty and with poverty came other problems like diseases, food insecurity and homelessness, which directly threatened their right to life .

The ill-treatment suffered by the Chagossian people during the post-deportation period was not the only instances when their right to life was under threat. The circumstances which accompanied their deportation itself presented a threat to life.

Again, the explanation for this lies in the ill-conceived evacuation and resettlement plan put into operation by the British government. During the evacuation, Chagossians were put on vessels which had previously been used to transport cargo between Seychelles, Mauritius and the Chagos. “*None of the ships*” as McAteer has pointed out “*was large or well-enough equipped for the passengers they were to carry*” (McAteer, 2008: 267). The situation was made worst, particularly during the final evacuation from Peros Banhos to Seychelles, when Governor Great Batch took the decision to ship the horses along with the ‘displacees’. Jeanette Alexis, who was 13 at that time, described the journey as a “*terrible*”. While they slept in a cramped cabin with no fresh air, others suffered from exposure on the upper deck. In contrast the horses were kept below for protection. “*We were all seasick and thought that the journey would never end,*” she added (cited in McAteer, 2008: 270). She also recalled how her mother, Marie-Therese Mein, who was three months’ pregnant on arrival at Victoria suffered a miscarriage. These recollections draw our attention to serious human rights violations directly linked to forced displacement. Under these conditions, it was not only the right to life of the Chagossians that was put at risk, but also other rights such, as right to dignity (Article 10) and freedom from inhuman and degrading treatment guaranteed under Article (7) and Article (5) of UDHR and Article (3) of the ECHR. In 2001 Mrs. Mein who suffered hardship on that journey filed a lawsuit against the US government. She alleged that the cruel, inhuman and degrading treatment she was subjected to during the evacuation caused her to miscarriage (Nauvel, 2006: 115).

As discussed earlier one of the main reasons why the British government adopted a policy of concealment towards the Chagossians’ question was because it wanted to give them “as few rights with as little formality as possible” (Nazzal, 2005: 20). And one of the most explicit illustrations of this policy was its concealment of the fact that the Chagossians were “citizens of the UK”. This policy was an infringement of the Chagossians’ right to a nationality spelled out under Article (15) of UDHR. The way this was done required some detailed attention here.

This policy of concealment went all the way back to the 1960s and it has continued to shape the Chagossian future until now. Given the fact that many Chagossians were born on the Chagos, which has and in effect, still is a British territory, this

automatically gave them dual nationality status, both British as well as Mauritian citizens under the Mauritian Constitution (Nazzal, 2006: 21). Both the American and the British governments felt uneasy about this because armed with this information the Chagossians would have solid grounds to claim their rights just like other British citizens and, one of them is the all important right to remain in the land of their birth.

In order to resolve the nationality issue, the strategy of concealment was again put into motion and this time the aim was to erase from political discourse any trace that the Chagossians were indeed British Citizens. As expected, the US played its part in this process and a Ministry of Defence note states that “*it was of cardinal importance that no American official should inadvertently divulge*” that the Chagossians have dual nationality (cited in Nazzal, 2006: 21). So as part of the scheme, Britain presented Mauritius as being solely responsible for the exiled Chagossians. In 1971, the Foreign Office stated that it was “*not at present Her Majesty Government’s (HMG) to advise ‘contract workers’ of their dual citizenship*”, nor to inform the Mauritian government. (Nazzal, 2005: 21). This policy was maintained till recently, when finally, lawyers representing the Chagossians brought it to the limelight. They concluded that:

*“Concealment is a theme which runs through the official documents, concealment of the existing permanent population, of BIOT it self, concealment of the status of the Chagossians, concealment of the full extent of the responsibility of the UK government., concealment of the fact that many of the Chagossians were Citizens of the UK and colonies”*. (cited in Nazzal, 2006: 21).

As was to be proved later, even concealment cannot escape the watchful eyes of justice and following the 2002 Chagossian court case in the UK, the British government made a u-turn and grant them UK Citizenship, which in effect was a right that they were born with.

In the discussion above I have shown how UK’s and US’s deliberate policy of concealment have had serious consequences for the human rights of the Chagossians. However, one may be tempted to ask this all important question: Why then does the UK continue to ignore its international obligations and continue to violate the rights of the Chagossians? The answer lies in the way the British government has manipulated the international human rights regime to suit its political interest.

Whenever the question of Chagossians' rights is raised on the international arena, the British government for its defence cling on to the pretext that the ICCPR does not extend to the BIOT. This claim needs to be explored further since it directly affects the rights of the Chagossians.

Article 2 (1) of ICCPR is a territorial clause and it stipulates that “ **each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant...**” (Ghandhi, 2006: 63). In practice this should mean that the UK be held responsible for all those violations of the Covenant rights which occur within its territory or jurisdiction, including the BIOT. But again the UK found a way to avoid this, because in May 1976, when it ratified the Covenant, it did it with an accompanying list of ‘**reservations and declarations**’ (Capps: 2). This applies the Covenant to a number of overseas territories but not the BIOT. By not mentioning the BIOT, the list prevents the extension of rights in the Covenant being extended to them and this raises the controversial question of the universality of human rights.

The reason given by the UK government for excluding the BIOT from this list was that no one permanently lived there when the Covenant was ratified. This again is an untenable argument because there was a permanent population on the Chagos and it was the British with the complicity of the US government who removed them. Gifford contested this kind of claim, he argues that “*What the Government refuses to accept is that Civil and political rights are attached to human beings, not to land*”. He went on to say that “*if you illegally deport the population, they go with their rights intact and it is meaningless to say the rights do not attach to the land*” (Gifford, 2006: 7). In addition Capps (p.2) questioned the whole validity of the list and according to him “*even if this list does exclude the BIOT from the territory to which the Covenants extends, it is questionable whether it could be relied upon by the UK Government. This is because the list is likely to be an invalid reservation to the article 2(1) because it is contrary to the point and purpose of the Covenant*”. Therefore his conclusion is that the British Government would be committing an act of discrimination if it refused to afford Covenant rights to the Chagossians, who are British subjects, by virtue of the fact that they have connection to a particular territory under UK jurisdiction.

### **5.3.3: Violation of the International Covenant on Economic, Social, and Cultural rights (ICESCR)**

As the Chagossian experience have shown, forced displacement occurring in the context of military base can also lead to the violation of a wide range of social and economic rights. In order to understand how these rights came to be violated, again we need to turn our attention to the politics of resettlement. Prior to the creation of BIOT, the British Government's primary strategy for resettlement of the Chagossians, as explained by Morris, Jr (2008: 10) "seems to have been obtaining the concurrence of the Governments of Mauritius and Seychelles to repatriate their own citizens". In 1965 the UK paid the two countries to take the Ilois. These payoffs were agreed by the then-colonial governments to be "compensation to the governments, compensation to the landowners and the payment of resettlement costs" of the workers on the plantations, including the Ilois (Cited in Morris, 2008: 10). Evidence shows that none of the two countries used the compensation to assist the Chagossians and this partially explains why their economic and social rights have been affected.

In October 1972 the UK government paid the Mauritian government £650,000 "in full and final discharge of the obligation" to compensate the Ilois. The money was intended to benefit 426 Chagossian families identified by the UK and Mauritian governments. However, the Mauritian government did not distribute the money until five years later and when it did, the pay out was done in inflated Rupees (Mauritius' currency). This had the effect of reducing the value of the compensation and did little to improve the social and economic conditions of the Ilois.

This provoked a lot of discontent among the Ilois community and as a result, beginning in 1975, they began agitating claiming for more compensation. In 1982, the UK, responding to lawsuits by the Ilois for additional compensation, contributed a further £4 million for distribution directly to the Ilois as a "final" settlement for any claims in the Chagos (cited in Morris, 2008: 12). The Mauritian government supposedly added in £1million worth of land for resettlement and the Indian government added £68,000. In total the compensation amounted to £5.068 million. The Ilois Trust Fund Board (ITFB) composed of Mauritian government officials and appointed representatives of the Ilois, was established to disburse the fund. It should



be emphasised that none of the Chagossians living in Seychelles benefited from the compensation.

By 1987 the ITFB had made a total payment of £4 million to 1,344 Ilois which seems to be closely in accord with the figures given in the 2003 Court Case (Morris, 2008: 13). However, it seems that the compensation was not properly distributed. Evidence shows that after the 1987 payment, there was still £137,000 left in the coffers of the ITFB and that leaves £818,000 unaccounted for (cited in Morris, 2008: 13). The evidence also pointed to the fact that the £1 million worth of land that was promised by the Mauritian government was based on the UK governments' initial of 2.5 million, which according to calculations would have been enough for each of the 426 families to buy a plot of land, build a house, and establish a business. However, it has been alleged that Mauritian government never provided the land, and instead claimed it was provided in cash in the June 1983 disbursement (Morris, 2008: 13). According to the records of ITFB, no money from Mauritius was ever accounted for. The mismanagement of the compensation had serious implications for the social and economic rights of the Chagossians. It prevented the realisation of many proposed resettlement schemes such as housing and land, which would have helped the Chagossians to reconstruct their lives.

Consequently, their right to an adequate standard of living, including adequate food, clothing and housing, guaranteed under Article 11(1) was also threatened. This right is inextricably linked to a number of other rights which will be discussed below. The right to adequate housing is one of them. As I have shown earlier through the findings, housing still remains a persistent problem for many Chagossian exiles, particularly those living in Mauritius and this have a direct impact on their quality of life. Although this Article also made the provision for "States Parties to take appropriate steps to ensure the realisation of this right" (Ghandhi, 2006: 82), up to date many Chagossians still live in squalid conditions and the mismanagement of the compensation is partly to be blamed for this.

Another one is the right to work because it is through work that people can maintain an adequate standard of living. It is also through work that we can secure our right to adequate housing. Going back to the Chagossian context we can see that this right has

been affected in various ways by the expulsion. Firstly, when they were deported, as Vine's research has shown, they suffered 100% job loss on the Chagos (many were employed in the copra industry). Secondly the fact that they lacked marketable skills made it very difficult for them not only to integrate in their new economic environment, but also to find better paid jobs. On the Chagos the islanders were used to a barter economy, the deportation exposed them to the monetary economy of Seychelles and Mauritius and this imposed considerable strains on the Ilois (Madeley, 1983: 7). Their unemployment problem was exacerbated by the problem of discrimination, particularly in Mauritius. As a consequence of these problems many Chagossians have found themselves unemployed or underemployed.

Since their right to work is not secure this in turn has had an adverse effect on their right to health recognised under Article 12 (1). Many Chagossians have been found to be malnourished, a problem that is directly related to joblessness. This to some extent has contributed to the poor level of health among them. Poverty-related diseases as well as the trauma experienced by many, which are problems directly linked to their forced removal have also taken a heavy toll on the islanders.

Finally, another economic and social right which I have found to have been violated by the forced displacement of the Chagossians is the right to education stipulated under Article 13 (1). As an empowerment right, education is the primary vehicle by which economically and socially marginalised people like the Chagossians, can lift themselves out of the cycle of poverty and obtain the means to participate fully in their community. However, the persistent problem of educational deprivation that they are subjected to, particularly in Mauritius, appear to do the opposite. Consequently this has contributed to the high level of dropouts common among Chagossian children. This has led to the disempowerment of many Chagossian youth which in turn helps to enlarge the already existing vicious circle of poverty in which many have found themselves trapped.

#### **5.3.4: The Chagossians' lawsuits in British and American Courts**

Access to declassified documents recently granted to Chagossians' lawyers, combined with the on-going violations of their human rights and impoverishments in exile have provided solid grounds for the Chagossians and their legal team to file a series of

lawsuits against both the UK and the US governments. These legal battle which started in 1999 are still on-going, though it seems that the Chagossians have until now exhausted all domestic legal avenues within British and American courts. In the discussion which follows I will demonstrate how the same undemocratic means that was used to dispossessed the Chagossian forty years ago, drove them into poverty, was again recently employed, to deny them justice and their right of return to their homeland, guaranteed under ICCPR, UDHR (Article 13(1 & 2)).



A Lalit protest outside the US Embassy in Port Louis, March 2004

**(i) Bancoult v. UK [2000]**

In 1998, a Chagossian by the name of Olivier Bancoult filed a suit against the UK. He requested the Court to declare unlawful the Immigration Ordinance of 1971 which had prevented him from returning to his homeland. In November 2000 the High Court delivered its ruling. Among other decisions, it ruled that the Ordinance was *ultra vires* (beyond the power of the BIOT Commissioner). At the time, the Ordinance was supposed to make laws for “the peace, order and good government of the territory” (Nazzari, 2005: 10). On the contrary it was used to sanction the depopulation of the whole island. These considerations led the Court to quash Section 4 of the Immigration Ordinance. The judges also argued that through the Ordinance the population “was to be governed, not removed.” They ruled that “the wholesale

removal” of the islanders had been an “abject legal failure” (Nazzari, 2005: 11). The ruling in effect allowed the Chagossians to return to the Chagos, except Diego Garcia, due to “security considerations”. The British government accepted the Court’s decision and said that it would not appeal. This was a huge victory for the Chagossians and the fact the British government choose not to appeal was an acknowledgement that their actions were unlawful.

The ruling of 2000 presented some practical problems, particularly with regards to the resettlement of the outer islands which had been uninhabited for almost 30 years. They lack all basic amenities and infrastructure. With this in mind the UK government commissioned a feasibility study on the subject of a possible resettlement. A comprehensive report was published in July 2002. It concluded that while resettlement on a short-term subsistence basis was possible, long term resettlement would be “precarious and costly” (cited in Nauvel, 2006: 111). It also claimed that “floods, earthquakes and global warming would “make life difficult” and that there would not be enough water, arable land or fisheries to support the population.

What appeared to be a grossly manipulated study immediately attracted very strong criticisms from resettlement experts like Professor David Stoddart, of Cambridge, who is an expert on the Chagos. Professor Stoddart described the whole study as “*a worthless enterprise, a waste of time, an expensive charade*” (cited in Pilger, 2006: 79). The rather contradictory results of the study show another determined attempt by the UK government to play politics with the whole issue of resettlement. It needed a pretext to overturn the Court’s decision and halt the resettlement of the outer Islands and these distorted information about resettlement provided just that.

Taking into considerations past and current developments on the Chagos one finds it very difficult to come to terms with the kind of argument provided by the UK government not to support a resettlement. The Chagos have been inhabited for five generations and there is an abundance of resources like fish and coconut. The Islands has one of the richest fishing grounds in the Indian Ocean which span across a conservation of some 600 miles. The British government currently earns between £1-2 million per year from licenses granted to commercial fishing vessels (Gifford, 2006:

7-8). It also has a magnificent tropical climate which could form the basis of a tourism industry and in fact, these were some of the recommendations that came out of a contrasting feasibility study carried by independent expert on the behalf of the Chagossians (Nazzal, 2005: 12). These resources could certainly help to sustain a resettlement programme.

In addition to that, what makes it more surprising, is the fact that the same islands that the UK government claimed to be “sinking” or uninhabitable are home to some 4000 American service personnel and contractors and the US is said to be continuously extending its facilities there. The US Navy describes the living conditions there as “*indispensable*”, “*outstanding*” and “*unbelievable*”, descriptions which has earned the island the name “*Fantasy Island*” (Pilger, 2006: 83). Figure.6 below clearly confirms these remarks and in many ways contradicts the result of the government-commissioned feasibility study.



Figure.6. Seabreeze Village, 2006 Diego Garcia

All these grounds leave us to question the whole reliability of the government-sponsored feasibility study and the motive behind it. And talking about motive, the overriding one was again linked with US defence interests, which took centre stage after the 9/11 terrorist attack. Private correspondence between the two governments which emerged soon after Chagossians’ court ruling victory of 2000 shows that the US was continuing to play a key role behind the scenes. In a secret letter to the Foreign Office, the US government expressed the concern that any sort of

resettlement would threaten security since “*terrorists could use the islands as a base to launch attacks*” and would raise “*the alarming prospect*” of “*surveillance, monitoring and electronic jamming devices that have the potential to disrupt, compromise or place at risk vital military operations*” (cited in Nazzal, 2005: 14). In the light of what takes place at present on many outer islands in the Chagos, this argument does not look too convincing. There are reports that colonies of yachters lived there for months and yet they are not perceived as a threat to the base (see Gifford, 2006: 8). Also it must be added that in many areas around the world where the US has installed its military bases, those bases function close to civilian population centres and the risks of terrorist attacks on those facilities have been minimal. So while I can understand that security is of serious concerns to the US, I strongly believe that this whole security argument is being mis-used to justify what seems to be unjustifiable.

**(ii) Bancoult et al v. McNamara et al (US Courts) [2001]**

In 2001 Bancoult heading a group of Chagossians, filed a class action lawsuit for damages in the US District Court of Colombia. The complaint was filed against the US government and several US government officials, including former US Defense Secretaries Robert McNamara and Donald Rumsfeld, D Chazal Du Mee & Co., and the Haliburton Corporation (Nauvel, 2006: 115). The suit accused the defendants of harms including forced relocation; torture, racial discrimination, cruel, inhuman, and degrading treatment and genocide. The suit claimed damages worth ten billion dollars (\$2 million for each of the surviving 5,000 Chagossians), right of return and an end to discriminatory practices of employment on the base.

In December 2004 the Court dismissed the case on a number of grounds, amongst which the most notable one was that the issue was a “political question” and therefore non-justifiable (Nauvel, 2006: 114). The Court raised the central question of immunity granted to employees of the federal government against prosecution. On the whole it concludes that “ it is ill-equipped to review the conduct of the military operations challenged in this case because they implicate foreign policy and national security concerns, such as the current war on terror, which are best resolved by the political branches” (Morris, 2008: 17).

Analysing the Court's decision, one can argue that it was not necessarily acting in the best interest of justice, but as the Nauvel explained this has very much to do with the way that US laws and jurisprudence work, which allowed the federal government to escape its responsibilities in the face of clear human rights violations (Nauvel, 2006: 120). The verdict given by court again confirmed the politicised nature of the Chagossian case and as long as it remains so, the Chagossians' chance of obtaining legal redress in courts seems very slim.

**(iii) The Chagos Islanders case for Compensation [2002]**

In April 2002 a group of Chagossian Islanders filed a similar lawsuit in the British High Court. The Chagossians claimed that six wrongs against them: "Misfeasance in public office, unlawful exile, negligence, infringement of property rights, infringement of rights under the Mauritan Constitution and deceit" (cited in Morris, 2008: 19). To rectify these alleged wrongs, they asked for: "(i) compensation and restoration of their property rights, in respect to their unlawful removal or exclusion from the Chagos islands...and, (ii) declarations of their entitlement to return to all Chagos islands and to measures facilitating their return" (cited in Nauvel, 2006: 111).

In 2003 the High Court handed down its verdict and this went in favour the government. The Chagossians were denied any further compensation because according to the Court this had been settled in a "full and final settlement" in 1982. It was also held that there was no tort of unlawful exile as the Chagossians could not prove that there was misfeasance in public office (cited in Bangaroo: 3). The Chagossians was found to possess no property rights due to the enactment of the 1983 Ordinance which stated "Whereas all the land in the Territory is Crown land... it is hereby confirmed and declared that all in the territory is crown land" (Bangaroo: 3).

Meanwhile, In June 2004, came the announcement that the Queen would enact two royal Orders in Council barring the Chagossians' return to the Chagos. Without parliamentary consultation the government used the royal prerogative to nullify the 2000 court decision. This was done by issuing the BIOT "Constitution Order" of 2004. Section 9 of that Order declared that no person has the right of abode in the BIOT without authorisation". Here we see history repeating itself. This same royal prerogative that was used to expel the Chagossians was again being employed by the

executive to capture the law for political ends. To justify its actions, the government referred to the infeasibility of resettlement explaining that it would be “highly precarious,” expensive, and a threat to “security.” This latest manoeuvre by the British government effectively destroyed the previous gains that the Chagossians had made in the original Bancoult case.

**(iv) Bancoult v. UK [2004]**

The enactment of the Constitution Order and the 2004 Immigration Order, led Bancoult to file another lawsuit against the government in August 2004. The suit challenged the legality of the new Order, claiming that it was clear that no permit would be given to allow Chagossians to resume living in the islands. In May 2007 the Court of Appeal ruled that the Orders in Council were invalid and it quashed Section 9 of the 2004 Constitution Order. This meant that the Chagossians could rely on the 2000 High Court verdict and demand the right to be returned to their homeland.

In June 2008 the government launched another appeal and this time to the highest court, the House of Lords. In October 2008, by a majority of three to two, the Lords ruled in favour of the government, allowing section 9 of the Constitution Order to stand. The 2008 ruling represents a major setback in the Chagossians’ legal struggle to seek justice. They have certainly exhausted all domestic avenues available to them in UK courts. However, this has not weakened their will to continue their legal struggle and they are pursuing their case in the ECHR. In April 2009 the ECHR declared the case to be admissible, meaning that the case would be heard (Mauritius News, 2009). This in itself offers the Chagossian the chance to re-claim their rights which they have been denied for almost forty years, meaning a right to legal remedy, compensation, fair hearing (undermined by the royal prerogative), and above all the right to return to their homeland. If the ECHR ruled in their favour, then the UK government would be compelled to observe the court’s decision because decisions given by the ECHR are legally binding.



## CHAPTER VI

### Conclusions

To conclude, the study has shown that a strong relationship exists between forced displacement, impoverishment and human rights violations. Though military base-induced displacement occurs in a different context, it seems to give rise to similar risks as those of development-induced displacement and other forms of forced displacement. Moreover the risks that the Chagossians have been exposed to as a result of their forced removal, agrees very strongly with the findings of other scholars. In particular, the findings correspond sharply with those risks that are key components of Cernea's Impoverishment Risks and Reconstruction Model. The loss of access to education as illustrated in the Chagossian case accord strongly with the displacement risk of Downing. Furthermore the various case studies describing the impact of military bases on other island communities, detailed in Chapter III highlighted many problems which are quite similar to those that the Chagos Islanders have and are still experiencing.

With regards the human rights aspect I have highlighted that forced displacement as a result of military base does have serious repercussions for the human rights of its victims. And again my findings accord with those of Downing and Rajagopal, even if their findings are based on studies carried out on development-induced displacement. The threat to such rights like the right to life, to work and right to health have been found to be common to both context of involuntary displacement. Hence, on the whole, the findings that emerged from the Chagossian case strengthened Cernea's argument which says that "Whether one is an 'ousteed' from a development project or a refugee, one is a member of a 'displaced population,' with eminently, if not entirely, comparable experiences" (cited in Vine, 2004: 46).

In many cases the measures used to execute acts of forced displacement are undemocratic in character and this represents a grave threat to human rights. This has been illustrated explicitly in the Chagossians' case study. For instance it was through the use of the royal prerogative, that successive UK governments have tried to capture

the law so as to continuously frustrate all Chagossians' attempts to reclaim their rights. This abuse of power through the royal prerogative by the executive has also undermined the ability of Britain's domestic courts to enforce international law standards against the state.

Moreover, my study has shown that the forced displacement of the Chagossian is a strongly politicised issue and remains so until now. It shows how the competing political interests of the parties involved have and continue to shape the Chagossians' future. The politicised nature of the issue has and still is a major stumbling block to any form of attempts that could lead to a successful settlement of the Chagossians' Question both at national and international levels. For instance, the political and defence interests of the UK and US continue to take precedence over all other matters concerning the future of the Chagos Islanders, including issues addressing their human rights. Similarly Mauritius' sovereignty claim over the Chagos has had some adverse effects on the Chagossians.

Again with respect to human rights, the study raises a very controversial issue and this is related to the universality of human rights. According to the British government the Chagossian Islanders who are British citizens, should not be entitled to the same rights as other British citizens. They claimed that such international instruments like ICCPR and the ECHR does not apply to the Chagossians. And this as I have shown has had wider implications for human rights.

The study has made reference to flaws inherent in the definition of forced displacement and this as I have pointed out have had implications for the Chagossians too. In line with this the study proposes the need to stretch the definition of forced displacement so that it covers such groups as the Chagossians, who has been victims of 'military base-induced' displacement. This might be a first step towards recognising their full rights and this in turn might lead the international community to come up with a framework that would guarantee their protection and all other displaced groups who still fall outside the domain of international refugee protection mechanisms.

## Bibliography

- Anderson, G. 1990. Fundamental of Educational Research. Hampshire: The Falmer Press.
- Bangaroo, S. (no date). A short analysis of the exile of an indigenous population from beginning to end. Hertfordshire Law Journal, 3(1), 3-7.
- Berg, L.B. 1995. Qualitative Research Methods For The Social Sciences.
- BBC News. 2008. Chagos exiles 'cannot return' [on-line]. Available at <http://news.bbc.co.uk>. [Accessed 18/11/2009]
- Capps, P. (no date). Responsibility for Acts in Violation of International Law in the British Indian Ocean Territory. University of Bristol.
- Courtland, R.W. 2003. Risks and Rights: The Causes, Consequences and Challenges of Development-Induced Displacement.
- Denscombe, M. 2002. Ground rules for good research: A 10 points guide for social researchers. Buckingham: Open University Press.
- Denscombe, M. 2003. The Good Research Guide. Bershire: Open University Press.
- Ganapathiraju, A. 2008. "Under Reported: Injustice continues for the Chagossians" in The Daily of the University of Washington. [On-line] Available at: <http://dailyun.com> [Accessed 12/52009]
- Diaz, N. 2007. Ending Imperialist Intervention [On-line] Available at: <http://www.granma.cul/ingles/index.html>. [Accessed 29th March 2008]
- Gerson, J, 2007. Ten reasons to withdraw all U.S. foreign military bases. Peace Work Magazine [on-line] 372. Available at [http://www. Afsc.ogr/pes/](http://www.Afsc.ogr/pes/) [Accessed 29<sup>th</sup> March 2008].
- Ghandhi, P.R. 2006. International Human Rights Documents. New York: Oxford University Press Inc.
- Gifford, R. 2007. Diego Garcia – Land of no Return?
- Hinton, A.L, 2002. Genocide: An anthropological reader. Oxford. Blackwell Publishers Ltd.
- Jeffrey, L. 2006. Historical Narrative and Legal Evidence: Judging Chagossians' High Court Testimonies. Political and Legal Anthropology Review, 29 (2), 228-253.

- Madeley, J. 1982. Diego Garcia: A Contrast to the Falklands. London: Minority Rights Group.
- Madley, J, 1985. From the minority rights group report [on-line] 54. Accessed 29<sup>th</sup> March 2008.
- McAteer, W. 2008. To Be A Nation. Seychelles: Prsitine Books.
- ‘Militarising the Pacific’, in Australia Anti-bases Campaign Coalition Bulletin, 13. [on-line] Available at: <http://www.anti-bases.org> [Accessed 3/4/2009]
- Mohd Noor, K.B, “ Case Study: a strategic research methodology”. American Journal of Applied Sciences. [on-line]. Available at: <http://findarticles.com>. Accessed 9<sup>th</sup> November 2008.
- Morris, Jr.,T.A, 2006. Sea Breeze Village. [Photograph] [online] Available at: <http://www/zianet.com/tedmorris/dg/realhistory.html> [Accessed 14/6/09]
- Morris, Jr. Ted A. 2008. A Brief History of the Ilois Experience.
- Nauvel, C, 2006. A return from Exile in sight? The Chagossians and Their struggle [on-line] 5 (1) Accessed 29<sup>th</sup> March 2008.
- Nazzal, M. 2005. Deception and Dispossession: The British Government and the Chagossians.
- Pilger, J. 2006. Freedom Next Time. London: Bantam Press.
- Renzetti, C.M and M.Lee, R. 1993. Researching Sensitive topics. California: SAGE Publications, Inc.
- Stark, S and Torrance, H. (2005). “ Case Study”, in Somekh, B & Lewin, C, Research Method in the Social Sciences. London: SAGE Publications Ltd.
- Soy, S. “The Case Study as a Research Method. [on-line]. Available at: <http://faculty.cbu.ca>. Accessed 9<sup>th</sup> November. 2008.
- Stoecker, R. (2006). “ Evaluating and Rethinking The Case Study”, in David, M, Case Study Research. London. SAGE Publications Ltd.
- Vine, D. 2004. Exile in the Indian Ocean: Documenting the Injuries of Involuntary Displacement. M.A. New York: City University of New York.
- Vine, D. 2004. War and Forced Migration in the Indian Ocean: The US Military Base at Diego Garcia. New York: City University of New York.
- Vine, D. 2009. Chagossians Refused Right To Return Home. Anthropology Today, 25(1).
- Vine, D. 2005. Derasine: The Expulsion And Impoverishment of the Chagossian People. [online] Available at: <http://web.gc.cuny.ed>. [Accessed 16/04/2009].

Yin, R.K. (2003). Case Study Research: Design and Methods. California: Sage Publications, Inc.

1996. Forced Eviction And Human Rights. Geneva: Centre For Rights.

Forced Migration Online. Available at: <http://www.forcedmigration.org/whatisfm.htm>  
[Accessed 16/04/2009]

2008. Diego Garcia, Landmark of the Anglo-American Injustice. Hillblogger3. [on-line] Accessed 29<sup>th</sup> March 2008.

The Chagos Support Association. 2008. The story so far... [on-line] Available at: <http://www.Chagossupport.org.uk>. Accessed 29<sup>th</sup> March 2008.

2007. Displacement: Outposts of empire: The case against foreign military bases. [on-line] Accessed 29<sup>th</sup> March 2008.

Stealing A Nation, 2004. [Film] Directed by John Pilger. UK: Granada Television.

Return To The Chagos Islands, 2006. [Film] Mauritius Broadcasting Corporation.

Map of BIOT [online] Available at: [worldatlas.com.mht](http://worldatlas.com.mht) [Accessed 14/6/09]

The UK Chagos Support Association Photos.mht [online] Available at: [www.chagossupport.org.uk](http://www.chagossupport.org.uk) [Accessed 14/6/09]

# Appendices

## Appendix A

### INTERVIEW SCHEDULE

**Place:**..... **Time:**..... **Date:**.....

1. Where you born on the Chagos Islands?
2. Were your parents born there too?
3. How old were you when the event took place?
4. Could you briefly describe life on the Chagos before the expulsion?
5. There are reports that before the deportation the British government reduced the importation of basic foodstuffs like milk and sugar. What can you tell me about this?
6. What happened on the day that you were told that you have to leave the islands?
7. What were the reactions of the islanders?
8. How was the deportation done?
9. Could you describe the conditions onboard the ship that transported you to Seychelles?
10. What kind of problems did you encounter in Seychelles?
11. Did you receive any assistance from the British government?
12. What effects did the event have on you personally?
13. Do you still have this strong desire to go back to your homeland?
14. Do you feel that you are part of the Seychellois society?
14. Do you feel that your situation have improved since you were expelled?
15. Are you receiving any assistance from the Seychelles government?
16. Is the Seychelles government helping you in your struggle to return to your homeland?
17. Do you have any contact with the Chagossians living in Mauritius?

**INFORMED CONSENT FORM**

**TITLE OF STUDY: ASSESSING THE IMPACT OF FORCED  
DISPALCEMENT ON COMMUNITIES IN SMALL ISLAND STATES; THE  
CHAGOSSIAN TRAGEDY.**

The University of Tromso requires that all persons who participate in research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I voluntary agree to participate in the research project on the above topic to be undertaken by Martial Moumou, as principal investigator, who is a Human Rigths Practice Master's student in the School of Social Anthropology at University of Tromso. The purpose of the study is to gain an insight into your lived experience of the event.

I have been asked to participate in an interview, which should take about 45 minutes. I have been told that my responses will be kept strictly confidential. I also understand that if at any time during the interview I feel unable or unwilling to continue, I am free to withdraw.

I have been given the opportunity to ask questions regarding the interview and the project in general, and my questions have been answered to my satisfaction.

I have read and understand the above and consent to participate in the study. Further, I understand that I will be able to keep a copy of the informed consent form for my records.

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Participant's Signature

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Date

I have explained in detail the research procedure in which the respondent has consented tom participate. Furthermore, I will retain one copy of the of the informed consent form for my records.

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Principal Investigator

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Date