

**David Vine**

What If You Can't Protest the Base?  
The Chagossian Exile, the Struggle  
for Democracy, and the Military Base  
on Diego Garcia

**A**mong the many movements that have emerged around US military bases outside the United States, the movement of the people of the Chagos Archipelago is unusual because the Chagossians, as they are known, have little latitude to protest the existence of the base on their island Diego Garcia. The Chagossians were forcibly removed from Diego Garcia and the rest of the British-controlled archipelago in the late 1960s and early 1970s as part of the creation of what for US government officials has become one of the most important bases in the world. The US and UK governments displaced the Chagossians 1,200 miles from their homeland to the western Indian Ocean islands of Mauritius and the Seychelles. In exile, the Chagossians quickly found themselves struggling to survive as the poorest of the poor in countries that are now exotic tourist destinations.<sup>1</sup>

Over more than four decades, the Chagossians have been struggling to return to their homeland and win proper compensation for their expulsion. They have protested in the streets, gone on hunger strikes, sent petitions to the UK and US governments, and sued both governments in some of the highest courts in the two countries. Few Chagossians, however, have publicly challenged the base itself. Given the nature of British and US laws, which broadly bar suits challenging military or foreign policy, and the difficulty of a people numbering around five thousand taking on two world

powers, Chagossian leaders have repeatedly avoided any hint of protesting the base for fear of damaging their legal and political standing.

This peculiar situation has constrained the people's movement. It has impeded coalition building and caused tensions with some supporters. While Chagossians have won several surprising victories and gained unprecedented attention for their movement in the past decade, they remain in exile, with few legal avenues remaining, largely unable to criticize the base upon which their exile was founded.

### **Exiled for a Base**

The Chagossians' ancestors arrived in the previously uninhabited Chagos Archipelago in the late eighteenth century. They were brought there from Africa and India as enslaved and indentured laborers to build and work on Franco-Mauritian coconut plantations. Over nearly two centuries, this diverse group developed into a people known initially as the Ilois—the Islanders—with its own distinct society, culture, and language (Chagos Kreol). By the mid-twentieth century, their life, while far from luxurious, was secure and generally free from want, featuring universal employment, salaries paid in cash and food, free basic health care and education, pensions and regular vacations, and land and housing passed from generation to generation.<sup>2</sup>

That is, until 1965, when at the suggestion of the United States, the British government separated Chagos from colonial Mauritius (contravening UN decolonization rules) to create a new military colony, the British Indian Ocean Territory (BIOT). With the help of a secret 1966 agreement and \$14 million in US payments to the United Kingdom that circumvented congressional, parliamentary, and public oversight, the Chagossians were displaced to Mauritius and the Seychelles between 1968 and 1973.

Some who were already in Mauritius vacationing or receiving medical treatment were barred from returning home. Others were forced onto overcrowded cargo ships and deported alongside horses and dried coconut flesh. As the Chagossians awaited deportation, many watched as British agents and US Navy Seabees rounded up the people's pet dogs and gassed and burned them in sealed cargo sheds.

Arriving in Mauritius and the Seychelles, the Chagossians were literally left on the docks. They arrived homeless, jobless, and with little money. They received no resettlement assistance. A *Washington Post* reporter soon found them to be living in "abject poverty."<sup>3</sup> Most remain impoverished to this day.<sup>4</sup>

Since the expulsion, Diego Garcia has become one of the most important and secretive US military bases outside the United States, and it played a crucial role in launching the wars in Afghanistan and Iraq. After years of reports that the base has been a secret prison for captured terrorist suspects, British and US officials finally admitted in 2008 that “contrary to earlier explicit assurances,” the island was part of the CIA’s secret “rendition” program.<sup>5</sup>

Respected Washington, DC, military expert John Pike told me in an interview, “It’s the single most important military facility we’ve got.” Pike, who runs the website [GlobalSecurity.org](http://GlobalSecurity.org), explained, “It’s the base from which we control half of Africa and the southern side of Asia, the southern side of Eurasia.” It’s “the facility that at the end of the day gives us some say-so in the Persian Gulf region.” The military’s goal, he said, is to be able “to run the planet from Guam and Diego Garcia by 2015.”<sup>6</sup>

The military refers to the base as the Footprint of Freedom.

### **“The Struggle”**

From the moment the first Chagossians were marooned in Mauritius in 1968 until today, Chagossians have demanded the right to return to their homeland and proper compensation for their exile and the suffering it has entailed. Over time, their movement has grown from spontaneous protests into increasingly formalized sociopolitical organizations in Mauritius (and, in the 1990s, in the Seychelles). Coming to be known in Kreol as *Lalit Chagossien*—the Chagossian Struggle—the movement has experienced dramatic victories and painful defeats in the political, legal, and public spheres. At times, Chagossians have enjoyed considerable support from Mauritians. At other times, tensions have emerged over the movement’s goals and strategies, highlighting Chagossians’ paradoxical inability to criticize the military base.

Well aware of the power confronting them, Chagossians have focused their efforts on the right of return and compensation. “We, the inhabitants of Chagos Islands—Diego Garcia, Peros Banhos, Salomon—have been uprooted from those islands,” they wrote in a 1975 petition to the British and US governments. “Our ancestors were slaves on those islands, but we know that we are the heirs of those islands.”<sup>7</sup>

This petition and numerous other pleas to the governments of the United Kingdom, the United States, Mauritius, and the Seychelles went unanswered. The US government declared that it had “no legal responsibility” for

the Chagossians.<sup>8</sup> In 1976, a British government investigator sent to investigate conditions in Mauritius found the islanders “living in deplorable conditions.”<sup>9</sup> Both governments did nothing.

Chagossians responded by launching a series of protests and hunger strikes. Women were continually at the forefront of the movement, leading rallies and sleeping in the streets, marching on the British High Commission in Mauritius, going without food for weeks at a time, confronting the police, getting arrested.

In 1978 and again in 1982, the people received some compensation from the United Kingdom as a result of their protests. It totaled less than \$6,000 per recipient, and some Chagossians (including all those in the Seychelles) received little or no money. The money helped some pay off debts they had incurred since their arrival and provided some with their first formal concrete home in poor neighborhoods around the Mauritian capital. On the whole, however, conditions improved little.

### **Taking World Powers to Court**

In the wake of the compensation victories, Chagossians pressed the UK and US governments for the right to return and for additional compensation throughout the 1980s and 1990s, but they made little progress. Their struggle was reinvigorated in 1997 when a handful of Chagossians sued the British Crown, challenging the legality of the expulsion. In November 2000, to the surprise of many, they were victorious. The British High Court ruled that the removal had been illegal. Initially the British government accepted the ruling and issued laws allowing Chagossians to return to all of Chagos except Diego Garcia. Living in poverty 1,200 miles away and with their old society in ruins, however, Chagossians had little means with which to return, let alone to rebuild sustainable lives there.

As a result, in 2001 and 2002, most Chagossians joined new lawsuits in British and US courts. In Britain, they sued for proper compensation for their removal and for rebuilding their lives in the islands. In the United States, they filed a class action lawsuit against the US government and several government officials and corporations involved in the construction of the base, including Robert McNamara, Donald Rumsfeld, and former Halliburton subsidiary KBR. The suit asked for the right to return to all the islands, an end to employment discrimination barring Chagossians from working on the base, and compensation.<sup>10</sup>

Shortly after lodging the suits, Chagossians won a victory in 2002. Most gained the right to full UK citizenship and passports (having previ-

ously been eligible for second-class British Overseas Territory citizenship) as part of a change in citizenship laws for Britain's few remaining colonies or "overseas territories." Soon, hundreds of mostly younger Chagossians born in exile in Mauritius and the Seychelles were moving to Britain in search of better lives. After arriving homeless and unemployed, most have found housing and many have employment, mostly working long hours in low-wage service sector jobs.<sup>11</sup>

### **Solidarity and Division in Mauritius**

Claiming UK citizenship did not come without its costs. Some Mauritians publicly criticized Chagossians who secured British passports, illustrating the tense relations Chagossians have often had with Mauritians in particular.<sup>12</sup> Although a few Mauritian lawyers and a left-wing opposition party had supported the people since the late 1960s, the compensation struggle of 1982 marked the first time a broad coalition of Mauritian political groups and unions backed their movement. The coalition united around the rallying cry "Rann Nu Diego!" ("Give Us Back Diego!"), which linked the Chagossians' struggle with the demands of many Mauritians to return Chagos to Mauritian sovereignty and close the base.<sup>13</sup>

For decades, the Mauritian government has demanded the return of Chagos to Mauritius, arguing that Britain illegally severed the islands during decolonization. Thus, for some Mauritians, Chagossians' acceptance of UK citizenship in 2002 amounted to recognition of British, and not Mauritian, sovereignty. For this same reason, Mauritian governments have never recognized the Chagossians as refugees: Given the international definition of a refugee, refugee status would mean that Chagossians had crossed an international border, implying Mauritius's recognition of British sovereignty. Although Mauritian governments have in other ways been cautiously supportive of the Chagossians over time, they have vigilantly insisted that Chagossians are "Mauritian citizens of Chagossian ancestry" (and not Chagos's indigenous people, as the United Nations and others have recognized<sup>14</sup>) for fear of the islanders' own right to assert sovereignty and self-determination.

Antimilitarist Mauritians demanding the closure of the base, led by the small leftist political party *Lalit de Klas* (Class Struggle), have likewise had a cooperative but fraught relationship with Chagossians. Not surprisingly, Chagossians have a range of feelings about the base: Some are angered by its presence as the source of their exile and its role in launching deadly wars. Others have long wished to work on the base (like base contract workers from Mauritius, the Philippines, and elsewhere) as a solution to their

impoverishment, as a way to return, and as an essential part of any resettlement. Lalit members, for their part, have frequently criticized Chagossians for not publicly opposing the base. (To a lesser extent, these tensions have surfaced among some international antibase activists, who as a group have been strongly supportive of the Chagossians.)

From the Chagossians' perspective, their lawsuits against the British and US governments have severely constrained their ability to criticize the base or, for example, even the Anglo-American wars in Afghanistan and Iraq. Both British and US laws broadly prohibit almost all suits perceived to challenge military or foreign policy. Powerful ideological support for the military in Britain and the United States likewise makes public criticism of the base a serious risk for a movement attempting to build international sympathy and support. Given the difficulty of winning the right to return and proper compensation, let alone trying to close the base, Chagossians have always focused on the former.

### **The Royal Prerogative, or Making Colonial Law in the Twenty-First Century**

The challenges facing the Chagossians' struggle were reinforced when the British High Court ruled against their compensation suit in October 2003, despite admitting the Chagossians were "treated shamefully by successive UK governments." An appeal was similarly denied.<sup>15</sup>

In June 2004, the British government announced another stunning blow: The Queen was enacting two royal "Orders in Council," completely barring any Chagossian return to Chagos. In effect, without parliamentary debate or judicial oversight, the government used the Queen's archaic power of decree to overturn the Chagossians' November 2000 court victory and their right of return. The government justified the act as a form of legislation made for the BIOT as a colony under the power of the "royal prerogative" to make colonial law.

The Chagossians and their lawyers thus returned to court to challenge this seemingly anachronistic application of colonial law. Once again they were victorious. The British High Court struck down the Orders in Council in 2006 and upheld the decision on appeal in 2007. With the government down to its final appeal, a showdown was set for Britain's House of Lords.<sup>16</sup>

### **"The Deck Is . . . Stacked": The Power of the Executive**

Similar issues of executive power were at stake in the Chagossians' US lawsuit. Most important, the Chagossians had to overcome the "political

question” doctrine, which gives near total authority over matters of military and foreign policy to the executive and legislative branches. Secondly, they had to overcome the Westfall Act, which provides “practically impenetrable” immunity to US government employees for any “negligent or wrongful act or omission,” as long as they are acting within the scope of their employment.<sup>17</sup>

In December 2004, the Federal District Court for the District of Columbia dismissed the US suit. Judge Ricardo Urbina found no wrongdoing on the part of the government, its officials, or contractors for what he described as the “improper misplacement of the plaintiffs.”<sup>18</sup>

Unfortunately for the Chagossians, the defeat was hardly the result of a judge’s individual interpretation or conservative judicial activism. As legal scholar Christian Nauvel explains, the case demonstrated how “the deck is (almost impossibly) stacked against foreign parties wishing to obtain relief against either the U.S. or its employees.”<sup>19</sup> An appeals court upheld the initial ruling in 2006, and in early 2007, the US Supreme Court denied a petition for further appeal.

Back in the House of Lords in 2008, a 3–2 majority came to a similar conclusion, upholding the Orders in Council and the exile. Three Lords ruled that the military and financial interests of the government trumped the Chagossians’ right of abode in their homeland. The ruling effectively overturned the three lower court victories and the seven judges who had previously ruled unanimously in the Chagossians’ favor. In the process, the Lords upheld colonial law: the right of the executive (that is, the government working in the name of the Queen) to make law for and decide the fate of a colonized people.

As the Chagossians’ US lawyer Michael Tigar said about the British government as we talked one night after court, “Why do they get to make the choices? You’re a subject people. That’s why.”<sup>20</sup>

### **New Momentum Confronts a Fallback Plan**

Despite—and in some ways because of—the legal reversal in Britain, Chagossians have built considerable international support for their struggle. Even before the ruling, the House of Commons Foreign Affairs Committee issued a rebuke to the government’s position, concluding, “[There] is a strong moral case for the UK permitting and supporting a return.”<sup>21</sup> In 2009, the European Parliament passed a resolution calling on the European Union to support a return. In Britain, more than forty members of Parliament and other politicians have formed an officially recognized all-party group to

support the Chagossians' struggle. Currently the islanders are awaiting a ruling in their suit before the European Court of Human Rights, which serves as an appeal to the House of Lords's decision.

Still, the British government appears to have taken steps to preempt the European Court. On April 1, 2010, the government announced the creation of the world's largest marine protected area (MPA) in the Chagos Archipelago. The MPA banned commercial fishing and limited other human activity, endangering the viability of any resettlement efforts. Many believed the MPA could cement forever the Chagossians' exile no matter the European Court's ruling. "Clearly, the British government is preparing a fallback plan," said one Mauritian Lalit activist. "If they lose the case in Europe, then there will be another 'reason' for denying the banished people their right of return."<sup>22</sup>

British officials denied such claims.

And then came Wikileaks. A Wikileaks cable released in December 2010 showed that during 2009 discussions with US State Department representatives about the MPA, "a senior Foreign and Commonwealth Office (FCO) official" said that the "former inhabitants would find it difficult, if not impossible, to pursue their claim for resettlement on the islands if the entire Chagos Archipelago were a marine reserve."<sup>23</sup> US officials seemed to agree, commenting, "Establishing a marine reserve might, indeed . . . be the most effective long-term way to prevent any of the Chagos Islands' former inhabitants or their descendants from resettling."<sup>24</sup>

The Chagossians and their lawyers have since sued the British government over the MPA and now await a hearing in what appears to be their last legal option in Britain.

### **Base Displacement, Sovereignty, and the Struggle for Democracy**

Despite the limits that Chagossians face in criticizing the base that was the source of their displacement, their struggle is fundamentally the same as in other antibase struggles. Extraterritorial military bases rely on the transfer of sovereignty from one country, nation, or people to another, whether that transfer is temporary or permanent, *de facto* or *de jure*, ceded with some degree of choice or ceded by force. Antibase movements, in various ways, challenge this loss of sovereignty and demand the restoration of democratic decision-making powers over occupied land.

While their struggle is *not* an antibase struggle, Chagossians are, like members of antibase movements worldwide, demanding the ability to exercise fundamental democratic rights to control their own territory.

More broadly, the Chagossians' struggle is part of a larger global movement to oppose the abusive exercise of unchecked government power—whether in the form of the “royal prerogative,” the “political question” doctrine, or dictatorships like those challenged by Arab spring uprisings. Like antibase movements, the Chagossians' struggle is attempting to bury the archaic vestiges of colonialism—upon which extraterritorial bases depend—and extend the rule of law and democracy to all people regardless of their station or skin color.<sup>25</sup>

“We are reclaiming our rights, our rights like every other human being who lives on the Earth has rights,” the president of the Chagos Refugees Group, Olivier Bancoult, has said. “A right to liberty, a right—I was born on that land, my umbilical cord is buried on that land, I have a right to live on that land. It cannot be that a foreigner profits from all my wealth, profits from my sea, profits from my beaches, profits from my coconuts, profits from it all, while I'm left with nothing.”<sup>26</sup>

## Notes

- 1 I began my research about the Chagossians in 2001 on behalf of lawyers representing the people in lawsuits against the US and UK governments. Since 2001, I have served as an expert witness for legal teams based in Washington, DC, and London. I have never been employed by the lawyers, nor have I been paid for this work, although they reimbursed some of my research expenses. For a detailed discussion of this work and additional information about the Chagossians' struggle, see David Vine, *Island of Shame: The Secret History of the U.S. Military Base on Diego Garcia* (Princeton, NJ: Princeton University Press, 2009). This article draws on research and writing from that work as well as from David Vine and Laura Jeffery, “Give Us Back Diego Garcia: Unity and Division among Activists in the Indian Ocean,” in *The Bases of Empire: The Global Struggle against U.S. Military Posts*, ed. Catherine A. Lutz (New York: New York University Press, 2009), 181–217; David Vine, “Confronting Empires: Reparations, the Right of Return, and the People of Diego Garcia,” *Souls* 10, no. 4 (2008): 327–43; and David Vine, “Decolonizing Britain in the 21st Century? Chagos Islanders Challenge the Crown, House of Lords, 30 June–3 July 2008,” *Anthropology Today* 24, no. 4 (2008): 26–28.
- 2 Robert Scott, *Limuria: The Lesser Dependencies of Mauritius* (Westport, CT: Greenwood Press, 1976).
- 3 David Ottaway, “Islanders Were Evicted for U.S. Base,” *Washington Post*, September 9, 1975.
- 4 See, e.g., John Madeley, “Diego Garcia: A Contrast to the Falklands,” *Minority Rights Group Report*, no. 54 (1985): 1–14; and Vine, *Island of Shame*.
- 5 See, e.g., “Ghost Detention on Diego Garcia: Report for Parliament,” Reprieve, May 20, 2009, <http://reprieve.org.uk/publications/ghostdetentionondiegogarcia/>; and Richard Norton-Taylor, “Identity of Men on CIA Rendition Flights to British Island Revealed,” *Guardian*, May 31, 2009, [www.guardian.co.uk/world/2009/may/31/cia-rendition-identity-torture-diego-garcia](http://www.guardian.co.uk/world/2009/may/31/cia-rendition-identity-torture-diego-garcia).
- 6 John Pike, telephone interview with author, Alexandria, Virginia, July 22, 2005.

- 7 Rosemond Saminaden, Fleury Vencatassen, and Christian Ramdass, *Petition to British Government*, Port Louis, Mauritius, 1975. See the trial bundle for *Regina v. Secretary of State for the Foreign and Commonwealth Office and Another, ex parte Bancoult* (2000) EWHC Admin 413, para. 18.
- 8 US House of Representatives, “Diego Garcia, 1975: The Debate over the Base and the Island’s Former Inhabitants,” Special Subcommittee on Investigations, Committee on International Relations, June 5 and November 4, 94th Cong., 1st sess. (Washington, DC: US Government Printing Office, 1975).
- 9 A. R. G. Prosser, *Visit to Mauritius, from 24 January to 2 February: Mauritius-Resettlement of Persons Transferred from Chagos Archipelago* (Port Louis, Mauritius: L. C. Achille, 1976), 6.
- 10 *Bancoult et al. v. McNamara et al.*, 370 F.Supp.2d 1 (2004).
- 11 The move has also spawned the creation of political organizations and political and legal struggles for housing, welfare rights, and negotiations with the British government. This story is beyond the scope of this essay. See Laura Jeffery’s writing, esp. *Chagos Islanders in Mauritius and the UK* (Manchester: Manchester University Press, 2011).
- 12 At British insistence, Chagossians have enjoyed automatic Mauritian citizenship since its independence in 1968.
- 13 See Lalit, *Diego Garcia in Times of Globalisation* (Port Louis, Mauritius: Ledikasyon pu Travayer, 2002).
- 14 See David Vine, “The Former Inhabitants of the Chagos Archipelago as an Indigenous People: Analyzing the Evidence” (report for Washington College of Law, American University, Washington, DC, July 9, 2003).
- 15 *Chagos Islanders v. The Attorney General, Her Majesty’s British Indian Ocean Territory Commissioner* (2003) EWHC 2222.
- 16 A newly created Supreme Court has replaced the House of Lords as the highest UK court.
- 17 Christian Nauvel, “A Return from Exile in Sight? The Chagossians and Their Struggle,” *Northwestern Journal of International Human Rights* 5, no. 1 (2006): 117–1156.
- 18 *Bancoult et al. v. McNamara et al.*
- 19 Nauvel, “A Return from Exile in Sight?,” 120.
- 20 See Vine, “Decolonizing Britain in the 21st Century?.”
- 21 House of Commons Foreign Affairs Committee, “Overseas Territories,” Seventh Report of Session 2007–2008, London, July 6, 2008.
- 22 Ram Seegobin, “Mauritius: Open Letter to Greenpeace Not to Fall into UK Trap,” Lalit de Klas, February 8, 2010, [www.europe-solidaire.org/IMG/article\\_PDF/article\\_a16571.pdf](http://www.europe-solidaire.org/IMG/article_PDF/article_a16571.pdf).
- 23 American Embassy London to Secretary of State, “HMG Floats Proposal for Marine Reserve Covering the Chagos Archipelago (British Indian Ocean Territory),” cable, May 15, 2009, [www.cablegatesearch.net/cable.php?id=09LONDON1156&q=area%20chagos%20marine](http://www.cablegatesearch.net/cable.php?id=09LONDON1156&q=area%20chagos%20marine).
- 24 *Ibid.*
- 25 See Richard Moules, “Judicial Review of Prerogative Orders in Council: Recognising the Constitutional Reality of Executive Legislation,” *Cambridge Law Journal* 67, no. 1 (2008): 12–15.
- 26 Louis Olivier Bancoult, interview with author, Port Louis, Mauritius, August 13, 2004.

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