

Diego Garcia and the Sovereignty of the Chagos Archipelago

The Diego Garcia naval facility has served as a key hub for US defense operations in South Asia and neighboring regions since its construction in the early 1970s. Leased from the United Kingdom, the base was in part a response to the US departure from Vietnam and the establishment of Soviet military facilities in Aden and Somalia. Diego Garcia took on even more importance after the Iranian Revolution made preserving passage through the Straits of Hormuz a key US concern in the region. The base was expanded, with an airfield suitable for long-range bombers and fleet anchorage capable of hosting major naval vessels. After 9/11, the base became a hub for counter-terrorism operations, and the United States conducted bombing operations from Diego Garcia during the Iraq and Afghan wars. Today, Diego Garcia remains a vital US outpost as the Chinese expand their naval presence in the Indian Ocean.

The US - UK agreement allowing the US to establish a defense facility on Diego Garcia was signed in December 1966, and construction began in 1971. Under the agreement, the UK, which asserts that it has sovereignty over the Chagos Archipelago, has provided the United States with use of the facility for an "indefinitely long period." Initially, the lease ran for fifty years, and it was extended in 2016 for an additional twenty years.

The UK claim of sovereignty over the Chagos Archipelago, including Diego Garcia, rests on the UK's decision in 1965 to separate the islands from Mauritius, then a crown colony, and retain them as a British overseas territory. Since achieving independence in 1968, Mauritius has never accepted the separation of the archipelago from its legitimate territory. In 2015, an arbitration tribunal under the UN Convention on Law of the Sea (UNCLOS) found that Britain had violated that convention by declaring a "Marine Protective Area" around the Chagos Archipelago. In 2019, an Advisory Opinion issued by the International Court of Justice (ICJ) concluded that the decolonization of Mauritius had not been lawfully completed, given the excision of the Chagos Archipelago. Thus, the ICJ concluded that the UK's ongoing administration of the archipelago is a continuing violation of international law, and the UK is under an obligation to "bring to an end its administration of the Chagos Archipelago as rapidly as possible." On May 22, 2019, the United Nations General Assembly adopted Resolution 73/295 by 116 votes to 6, reaffirming the findings of the ICJ advisory opinion and demanding that the UK withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of six months.



This situation is further complicated by British treatment of former inhabitants of the Chagos Archipelago, known as "Chagossians," especially their forcible removal from the islands in preparation for the construction of the US base. In the early 1970s, approximately 1,800 Chagossians were removed from their homes in gruesome circumstances. Since then, most have lived in Mauritius, and others in

the Seychelles and the United Kingdom. The UK has consistently denied the Chagossians the right to return to their islands. For many, the forced removal of the Chagossians from their home remains an egregious human rights violation that blots the reputation of the UK. It is certainly one reason that the leader of the UK Labour Party, Jeremy Corbyn, has pledged to respect the ICJ advisory opinion in full and return the Chagos Archipelago to the effective control of Mauritius once in power.

In anticipation of exercising full sovereignty over the Chagos Archipelago, the government of Mauritius has made clear that it would welcome the continuation of the US military base at Diego Garcia. As Prime Minister Pravind Kumar Jugnauth pledged during the UN General Assembly debate over the ICJ Advisory Opinion, "Mauritius, on its part, has made public commitments at the [UN] General Assembly and at the ICJ that it is prepared to enter into a long-term arrangement with the US, or with the UK and the US, which would permit the unhindered operation of the defence facility in accordance with international law." Mauritius is plainly willing to negotiate a long-term agreement with the United States concerning Diego Garcia, including arrangements allowing for continued British engagement.



As a democratic market economy and middle-class country, Mauritius is a natural and reliable regional partner for the United States and Britain. An island nation in the Indian Ocean, Mauritius has a stable parliamentary democracy and was recently ranked #16 in the world in *The Economist's* Democracy Index and scored 89 out of 100 in the Freedom House annual rating. Since independence in 1968, the economy has been transformed from a low-

income agricultural base to a prosperous middle-income country focused on tourism, financial services, and industry. The economy has recently grown at annual rates of 3-4 percent, and Mauritius was ranked #20 in the World Bank's *Ease of Doing Business 2019* annual report. Although Mauritius is small, it is a shining example of positive political and economic development.

The UK has repeatedly indicated that it will return the Chagos Archipelago to Mauritius when no longer needed for defense purposes. The current political consensus in Mauritius in support of continuing the Diego Garcia base makes it advantageous to find a long lasting and more secure solution earlier. There are many examples of shared management of military bases around the world, including with US and British participation. Moreover, much of the Chagos Archipelago, which includes about sixty islands, is distant from Diego Garcia, making it possible for some other islands to be resettled by the former inhabitants while the base continues to operate without hindrance. The most viable islands for resettlement lie more than 120 miles from Diego Garcia. Under these circumstances, the return of the Chagos Archipelago to the effective control of Mauritius, coupled with a new long-term agreement on Diego Garcia, would provide a higher degree of legal certainty for the base and for US and UK engagement, thus contributing to renewed stability and security in the region.

For Further Information, please contact: Ambassador J.D. Koonjul, Permanent Representative of Mauritius to the United Nations, mauritiusmissionnyc@gmail.com.

This material is distributed by McLarty Inbound on behalf of the Government of Mauritius. Additional information is available at the Department of Justice, Washington, DC.