

A Brief History of the Ilois Experience

An Essay by
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. . . groups may make disastrous decisions for a whole sequence of reasons: failure to anticipate a problem, failure to perceive it once it has arisen, failure to attempt to solve it after it has been perceived, and failure to succeed in attempts to solve it.

- Jared Diamond, U.S. ecologist

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After his retirement from the Air Force, his work included seven years as the Manager of Las Cruces International Airport in New Mexico, during which time he was twice elected to the presidency of the New Mexico Airport Managers' Association.

Following the attacks of September 11, 2001, Ted returned to government service and spent the next four years supporting and conducting combat operations in the Iraq and Afghanistan theaters.

Ted retired again in 2006 and rejoined his wife of 34 years in the family home where he enjoys his hobbies of writing and photography.

It was while on Diego Garcia in 1987 that he first learned of the Ilois, and has followed the issues and events surrounding their experience ever since. He has read widely on the subject and met or corresponded with many leaders of the Islander community, their attorneys, their European surrogates, and with the scientists and government officials who are involved in the future of the Chagos.



Map of the Chagos showing the formerly inhabited islands and atolls. Diego Garcia is currently a U.S. Naval and Air Base.

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Abstract

In 1793, a slave-based economy was established on the previously uninhabited Chagos Archipelago in the center of the Indian Ocean. After emancipation, workers who stayed on created a Kreole society consisting of unskilled agricultural laborers under contract to the plantation owners. Wages were low and paid mostly in-kind. Living conditions were pre-industrial.

In the early 1960s, the United States and the United Kingdom identified the atoll of Diego Garcia in the Chagos as a future naval base. By 1973 the United Kingdom paid the Mauritian Government to separate the Chagos, created the British Indian Ocean Territory, purchased all the real estate and infrastructure of the archipelago, and removed the residents permanently.

The United Kingdom paid the governments of Mauritius and the Seychelles to accept the exiled workers. The Ilois on Mauritius also received direct compensation originating from the United Kingdom beginning in 1972, and in 1982.

In 1998, one group of Islanders began a series of lawsuits against the United Kingdom and the United States. None of this litigation was concluded in favor of the Islanders.

Today, two factions with differing objectives exist within the exile community. Other organizations, and the Mauritian Government, also advocate solutions to the issues of the Chagos.

Kreole Society on the Chagos

During the last Ice Age, The Chagos Archipelago consisted of 10 large islands with the land mass of Belize. When the glaciers melted, sea level rose approximately 120 meters and the entire landmass of the Chagos was submerged and all terrestrial life that existed there was drowned¹. The current archipelago consists entirely of low-lying coral atolls that re-emerged from the sea 8,000–10,000 years ago. Over the millennia, the newly emerged islands were re-populated with plants that drifted ashore and by insects and seabirds that discovered the islands from the air².

Although the Chagos Archipelago lies on the probable migration route of the Austronesian Diaspora that populated Madagascar 2,000 years ago, no archaeological survey has yet found if the islands were ever settled. The Chagos was uninhabited when discovered by Europeans in the early 1500s, and it remained so for more than 250 years. In 1785 and 1786 both the French and British attempted unsuccessfully to settle Diego Garcia, the largest of the Chagos islands. In 1793 a permanent colony was finally established by the French on Diego Garcia, consisting of 50–60 “men” assumed to be Franco-Mauritian, and “a complement of slaves”³.

England formally gained sovereignty over the island of Mauritius and her “Lesser Dependencies”ⁱ in The Treaty of Paris of 1814. The British administered the Lesser Dependencies from Mauritius until 1902, when the Seychelles became a separate colony. The remainder of the Lesser Dependencies continued to be governed from Mauritius until her Independence in 1968, with the exception of the Chagos, which was purchased from Mauritius by the United Kingdom for £3 millionⁱⁱ in 1966.

Perhaps the most important event for the Kreole culture that had developed on the Lesser Dependencies was emancipation. Great Britain outlawed slavery throughout the Empire in August 1834, requiring a six year period of “apprenticeship” to the former masters during which time the former slaves were to be instructed in the skills and knowledge needed by a free person⁴. On the Chagos, individual freed slaves undoubtedly migrated out of the Chagos following final emancipation in 1840, but there is little question that some stayed or returned (2003:7)ⁱⁱⁱ, thus becoming the ancestors of the agricultural contract workers who called the Chagos home through 1973 (2003:9).

The Kreole workers and their families on the Chagos developed a distinct culture and its members were called “Ilois”^{iv}. Based on linguistic

ⁱ The Seychelles, the Amirantes, the Chagos, and 13 'detached' islands including Agalega, Rodriguez, and St. Brandon, all in the Indian Ocean.

ⁱⁱ Worth £43.6 million in 2012 GBPs.

ⁱⁱⁱ See Appendix 2 for an explanation of these parenthetical references, which are to British litigation rulings.

^{iv} A French-Kreole word literally translated as “Islanders”, although there is no general agreement of an exact definition of who is an Ilois (2003:10), although British Courts at first used the term specifically to identify Kreole people who were born on the Lesser Dependencies of Mauritius (2000:1). They were also called “Creoles des Iles” (2003:86).

vestiges of the Kreole-speaking populations on French-settled islands throughout the Indian Ocean, and certain social practices among those populations, such as the "Sega Party", the Kreoles of the Chagos are generally considered to have descended from slaves originally from what is now Mozambique⁵. There are several claims that there is a heavy dose of racial mixing from India, or that the Ilois were in fact Indo-Ilois⁶ but upon meeting the Islanders, one sees Africa far more than the subcontinent.

Even so, there can be little doubt that there were liaisons with individuals of other races, regardless of the Ilois' original home. For 180 years, the Ilois were subservient to the French and British managers as well as to the Indian administrators of the plantations, and shared the islands with visiting ships' crews and passengers. At times, other races were present on the islands, including Indians, Somalis and Chinese employed at the coaling stations in the late 1800s, and the British Empire's soldiers during the Second World War. The Kreoles also traveled to Mauritius, spending long periods there, and admixture of the populations there is certain (2003:9).

Even though freed from bondage in 1840, the workers on the plantations were not given unlimited freedom on the Chagos, all of which was owned by various companies and run as private estates⁷. The plantation companies offered the only source of employment on the islands and the Kreoles were employed on individual contracts valid for one to three years at a time (2003:4). These contracts required witness by a visiting Magistrate from Mauritius (2003:8). Between these visits, the powers of the managers of the plantations remained virtually feudal, including the right to imprison insubordinate laborers (2003:4). "Misbehaving" residents were sent away on the first available transportation (2003:4); for those whose contracts had lapsed, continued employment was at the discretion of the manager (2003:9;214). These powers remained in effect right up to the end of the late plantation era in 1973.

What was life like for these employees on the Chagos in the modern era? Nearly every author to write about the Ilois in the latter half of the 20th Century quotes from *Limuria*, Sir Robert Scott's 1961 travelogue of his journeys throughout the Indian Ocean in 1955. He is most often quoted as giving East Point Plantation, ". . . the look of a French coastal village miraculously transferred whole to this shore." The inference seems to be that Chagos was an idyllic setting and that existence there was equally blissful⁸. However, the entire quotation is much more indicative of the reality of life on the Chagos: "From the seaward end of the pier, East Point has a closer look of a French coastal village miraculously transferred whole to this shore (and perhaps idealized in the process) than the headquarters of the other islands"⁹. In other words, at first glance, Diego Garcia merely looks better than the other Plantations he had visited. Even

Beginning in the late 1990s, they became known as "Chagos Islanders" or "Chagossians" (2003:10).

this faint praise fades rapidly in Scott's description of the ominous fecundity of the encroaching jungle and the constant irritation of countless flies, "thickly massed, moving promptly to any exposed part of the body, heavy and tormenting"¹⁰.

In the current conversation regarding the right of the Ilois to return to the Chagos, a simple and happy life on the old Plantation is praised repeatedly by surviving Islanders old enough to remember life on the islands. They have testified in U.K. Courts that Plantation life was idyllic, with all of their needs and most of their wants provided gratis by the Plantation owners.

British Justices routinely sympathized with the Islanders' uprooted lives, and generally agreed that life was uncomplicated, but inevitably concluded that oral testimony regarding the lifestyle on Diego Garcia in the 1960s was certainly coached, and "seen through longing eyes and a misty recollection, engendered by the passage of time in a fairly wretched life in Mauritius." (2003A:24).

For example, consider that the wages for labor on Diego Garcia in May of 1967 were 25 Mauritian Rupees (Rs) per month for men and Rs 10 for women (2003A:97). At the time, a Mauritian Rs was worth 1 shilling 6 pence (1s 6d), making a husband and wife's wages combined of just over £2 12s per monthⁱ.

We should not look just to cash wages to evaluate compensation for employment on the Chagos – payment was overwhelmingly in the form of 'in-kind' benefits. The Company provided living quarters for the workers, being of a standard design consisting of a 25 foot x 20 foot thatched hut (less than 50 square meters) for each family, with detached kitchens, washing facilities and latrines¹¹. Fresh water came from shallow wells dug into the Ghyben–Herzberg freshwater lenses. The Company also provided food and tobacco rations, a small dispensary for basic medical attention, limited educational facilities and at times, a priest (2003:6). The Company also operated the only retail businesses on the islands in the form of Company "shops" from which the Islanders were required by necessity to purchase any consumer goods they may have been able to afford on £2 12s per month.

The Company-provided services were minimal by any modern standard. For example, on Diego Garcia in 1967, the population of around 500 was medically served by a single medical dresser and a mid-wife. The 200 or so children were schooled in a 30-chair "school house" beginning in 1953. The instructors were the manager's daughter and the dresser's daughter, but they could provide no more than "what was necessary for the lifestyle" of illiterate workers, although "values were taught" (2003A:25). Fresh fruits and vegetables were grown by the Ilois themselves in community gardens surrounding the Manager's House on Diego Garcia, although fish was provided by an employee dedicated to that

ⁱ Worth £36.80 in 2012 GBPs.

purpose¹².

The Company provided free transportation by ship to and from Mauritius for arriving, departing, or leave-taking workers, as well as those seeking more serious medical attention than the islands could provide. However, the Ilois always traveled in "Steerage Class" aboard the *MV MAURITIUS* (2003A:130) and in "Deck Class" aboard the *MV NORDVAER* (2003A:332) after 1968. The purpose of the twice-annual, 4,400 km voyage from and to Mauritius, or (after Mauritian Independence in 1968) the 3,800 km round trip to the Seychelles, was to deliver rationsⁱ and other necessities to the Chagos, and to carry the plantation's products to market (2003:6). The comfort of any passengers appears to have been an afterthought.

How much did wages and in-kind services total? There appears to be no documented value of the cost on the Chagos. However, in 1973 the Commissioner of the British Indian Ocean Territory (B.I.O.T.) put the total remuneration for a family of two on Agalega Island at Rs 2,000 annuallyⁱⁱ (2003A:375). At that time, the plantation on Agalega, although a Lesser Dependency of Mauritius, was managed by Moulinie and Company, the same manager of the Chagos plantations. As conditions were similar between Agalega and the Chagos, costs were probably equivalent.

The remuneration for a family of two, calculated in 2004 GBPs, is approximately the per capita income of the poorest nations today¹³ – for example, Afghanistan, Sierra Leone or Madagascar have comparable salaries – meaning the Plantation owners paid the Ilois among the lowest wages in the world.

These "3rd World" wages and in-kind services were for hard physical labor without much aid from machinery. According to Scott, in 1955 Diego Garcia was equipped with "a modern plant . . . fully capable of maintaining generators, motor-launches, lorries, jeeps, and the light tractors which were the pride of Diego Garcia¹⁴." These machines were undoubtedly leftover from the World War Two Royal Air Force Seaplane Base on the atoll. However, 13 years later Diego Garcia had no electrical grid and only two operable motorized vehicles (a Honda 1/4 ton pickup truck, and a tractor)¹⁵.

Travel around the Diego Garcia atoll was by foot or small boat. The atoll rim was 60km from tip to tip, and around the rim there were several villagesⁱⁱⁱ, most with fewer than a dozen huts, where the workers lived who would gather and husk coconuts in the outlying areas for further processing at the East Point facility. Coconuts were moved from the interior to the lagoon shore using carts towed by humans, donkeys or horses, and from that beach to East Point by motorized barges, of which the Plantation had just two.

ⁱ Please see Appendix 5 for a discussion of the rations issue.

ⁱⁱ At the time, worth £150; worth £1,410 in 2012 GBPs.

ⁱⁱⁱ Among these were Balisage, Camp du Puits, North East Camp, Barchois, Roches Pointues, Port Dumoulin, Noroit, and Point Marianne.

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As noted before, the Plantations were managed for the benefit of the Company's owners alone, and there is no evidence that the resident Managers permitted any commercial enterprises that might interfere with the Company's profits. Combined with the limited purchasing power of the Ilois, this meant that there were no entrepreneurs operating businesses such as family farms, retail shops, or commercial fishing activities (2003A:216-217). There is also no evidence that any Plantation Manager permitted non-employees to conduct business or offer themselves for private employment on the virtually-feudal islands. All work that needed doing was assigned by the Manager or his underlings, from agricultural work to repairing infrastructure. Historically, ships putting in to Diego Garcia routinely found that there was never a surplus of supplies to purchase, nor did they find any independent entrepreneurs on the island with whom they could work a deal for the support of subsequent voyages¹⁶.

It is clear that neither the level of services provided by the Companies, nor the freedom of the workers to act in their own interests, were comparable to those provided in the European Union or America in the 21st Century. In fact, it seems that the workers were, except for the right to leave the islands by ship, as indentured as their ancestors.

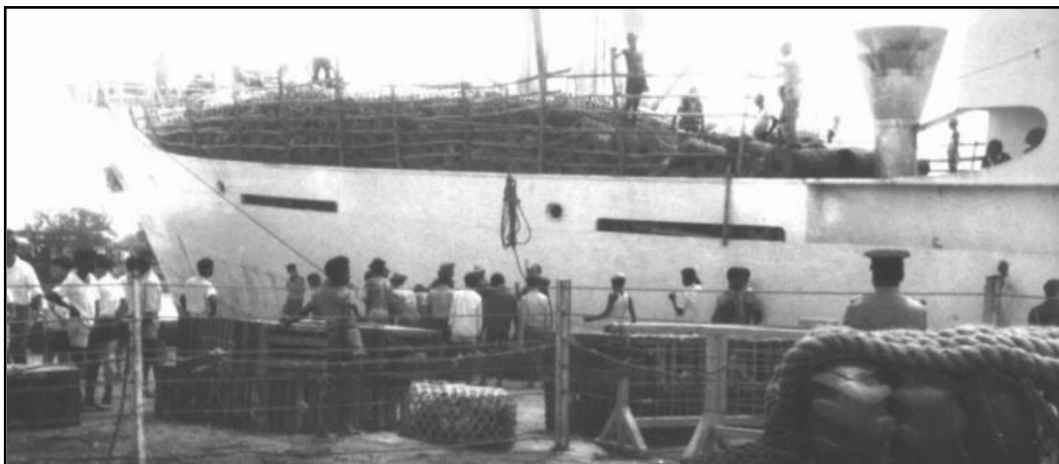
For those readers with access to the internet, there is a film on "YouTube" of the Islanders at work on Diego Garcia atoll in 1945. It shows the repetitive nature of the unskilled agricultural work on the Plantations. There was no substantive change in conditions between 1945 and 1973, when the last Islanders were removed from the archipelago. That film is at:

http://www.youtube.com/watch?v=yWKeGhj2_W8&feature=relmfu.

Kreole Society on the Chagos



Ilois living quarters, Diego Garcia, 1968. There was no running water, sewage, electricity, or modern infrastructure of any kind prior to the clearance. Photo by Kirby Crawford

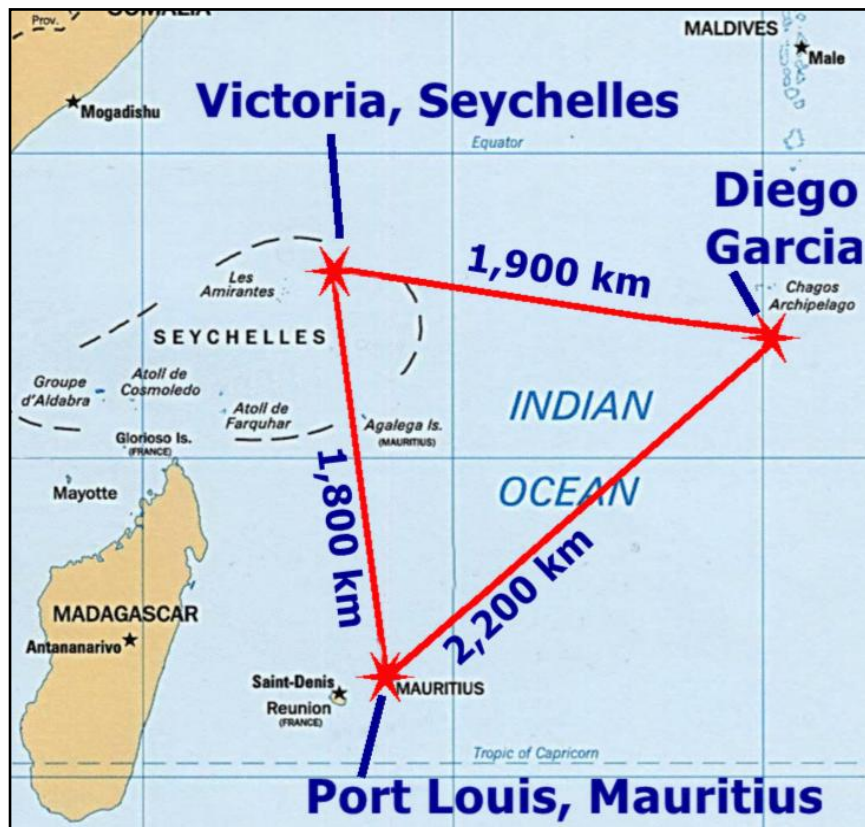


The *MV MAURITIUS* loaded at Port Louis with hundreds of pigs for the Company herds on the Chagos and Rodriguez in 1968. Every necessary dietary item was provided by the Companies. Ilois on the *MAURITIUS* traveled in "Steerage Class". Photo by Kirby Crawford

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Ilois selling boats and personal belongings to U.S. Navy SEABEES prior to the clearance. Eclipse Point, Diego Garcia, 1971. Photo by Larry Sellers.



The distances between Colonial Capitals and the Chagos.

Kreole Society on the Chagos



Above, the 500-ton *MV NORDVAER* at East Point Plantation, Diego Garcia, 1968. Ilois passengers traveled 1,900 km one way between the Chagos and the Seychelles on this ship, always as "Deck Class" passengers. Photo by Kirby Crawford.

Below, a typical *NORDVAER* departure from Diego Garcia, this one in 1968. Photo by Kirby Crawford.



Creation of the British Indian Ocean Territory – The B.I.O.T.

Beginning in the early 1960s, the United Kingdom and the United States began talks with the objective of establishing a military base in the Indian Ocean region. Such a base would of necessity be situated on British territory, as the United States did not have any possessions in that area. The base would be American as the United Kingdom was in the process of withdrawing its military forces from east of Suez as the Empire was dismantled.

Some recent publications have dismissed the creation of the base and condemned the United States, and the United Kingdom by association, of “empire building” at the expense of the Indian Ocean littoral nations and the population of the Chagos in particular¹⁷. But the events that transpired have another explanation, having occurred at the height of the Cold War. The outcome of that “war” was by no means certain as evidenced by the spread of communist insurgencies in Latin America, the East Indies, Africa, and Southeast Asia. The U.S. bases in Ethiopia and Pakistan had been closed as relationships with those countries had deteriorated¹⁸. The Soviet Navy had vastly increased its presence in the Indian Ocean and U.S. Naval operations in that Ocean were extremely difficult to support from the nearest bases in Greece and the Philippines¹⁹. Although the Nixon Doctrine stated that the United States would not maintain a presence where its interests were not directly threatened, the west began to realize that the flow of oil from the middle east, so necessary for the industrial democracies, was threatened by the Soviet Navy in the Indian Ocean, where it had more than four times the presence of the U.S. Navy²⁰.

The United States was deeply concerned with the stability of the host nation of any future base, and sought an unpopulated territory that would avoid the requirements of the United Nation's Resolution 1514ⁱ and thus any future political issues of sovereignty or sentiment. To the United States and Great Britain at the time, the 'non-aligned' status of the littoral nations of the Indian Ocean did not appear 'non-aligned' at all²¹. The political posture of an independent Mauritius was expected to work against the security of the base (2000:11;14; 2003:15).

The Mauritian anti-American drumbeat was real and recurred every few years. Between 1973 and 1975, Mauritius welcomed 38 Port Calls by the Soviet Navy²². In December 1976, the hard-line anti-British, nationalist Mouvement Militant Mauricien (MMM), led by Paul Berenger, won 34 of the 70 seats in the Mauritian parliament, and became the largest single party. With the collapse of a shaky coalition composed of the Labour and Social Democratic parties, the MMM achieved power. It promptly joined the “non-aligned block” of Tanzania, India, the Malagasy Republic (Madagascar) and the Seychelles and called for the demilitarization of the Indian Ocean²³.

ⁱ “The Declaration on the Granting of Independence to Colonial Countries and Peoples.”

Cassam Uteem, president of Mauritius from 1992 to 2002, is quoted in a May 12, 2008 article in *The Guardian* “[Diego Garcia] is no place for a base. The Indian ocean should be a zone of peace,” as he pressed Mauritian sovereignty claims over the Chagos²⁴. The *Guardian* earlier reported on July 7, 2004, that Paul Berenger, once again Prime Minister of Mauritius, was reasserting Mauritius’ claim to the Chagos and the demilitarization of the area²⁵.

Such political uncertainty highlights the Cold War Era desire for an unpopulated, British island for the U.S. base. In addition, fiscal realities in the United Kingdom led its leaders to welcome American fill of the void following the U.K. military’s withdrawal from “East of Suez”. The presence of a U.S. base on British territory was welcome by both governments and the western democracies in general.

As a direct result of these geopolitical concerns, the British Colonial Office recommended to the U.K. Government in October 1964 to detach the Chagos from Mauritius to enable the creation of a new territory and development of the defense facilities free from interference by a future independent Mauritius (2003A:27; 2006:22). In January 1965, the U.S. Embassy in London also requested the detachment of the Chagos from Mauritius (2003:28), and on November 8, 1965, the United Kingdom created the British Indian Ocean Territory – the B.I.O.T. In 1966, the Labour government of Chief Minister Seewasagur Ramgoolam of the self-governing colony of Mauritius accepted £3 millionⁱ from the United Kingdom, thus selling the Chagos to the United Kingdom (2003:16). Administration of the B.I.O.T. was moved to the Seychelles, the impending independence of Mauritius militating against any attempt to continue long-term administration from Port Louis. The governor of the Seychelles thus became the B.I.O.T. Commissioner (2003:17).

The B.I.O.T. was formally created by The Queen through her Privy Council (2003:17) exercising an ancient legal prerogative to govern non-self-governing Colonies through laws called “Orders in Council”. The establishing Order in Council for the B.I.O.T. was written in such a way so as to permit the Foreign and Commonwealth Office to legislate for the B.I.O.T., and those subsequent Ordinances became central issues in the lawsuits of the 21st Century. Section 11 of the 1965 Order stated, among other things, that:

“(1) The Commissioner may make laws for the peace, order and good government of the Territory, and such laws shall be published in such manner as the Commissioner may direct” (2000:3).

The first Ordinance decreed by the Commissioner allowed the “Compulsory Purchase” of private property (a process called “Imminent Domain” in the United States). However, the Compulsory Purchase Ordinance was never used in the B.I.O.T. Instead, the Crown elected to

ⁱ Worth £43.6 million in 2012 GBPs.

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purchase all the real estate of the Chagos through a voluntary transaction (2003:21). In April 1967 the B.I.O.T. purchased the entire holdings of the Chagos-Agalega Company, which at the time owned the Chagos, including the entire land massⁱ, all the buildings, trees, etc., for £660,000ⁱⁱ (2006:41).

The Crown immediately leased back the properties to Chagos-Agalega (2003A:96) but that Company terminated the lease at the end of 1967 (2003A:106). In January 1968 the former Chagos-Agalega manager for all the plantations, Paul Moulinie, incorporated a new management company in the Seychelles (Moulinie and Company, Limited) and took over management of the plantations on behalf of the British government, in exchange for 8% of the gross sales (2003:118). Although a contract or lease was never signed (2003:119) this management arrangement continued through the end of the Plantation Era in 1973.

ⁱ Consisting of between 51 and 64 micro-islands (depending on the source) totaling just 56km² of land above the high-tide mark, most notably the atolls of Peros Banhos, Salomon, Egmont, and Diego Garcia, and 8 islands as part of the Great Chagos Bank.

ⁱⁱ Worth £9.34 million in 2012 GBPs.

The Chagos Clearance

According to Governor Scott in his record of his 1955 travels through the Lesser Dependencies, *Limuria*, the Chagos had distinct resident cultures on the three largest atolls – Diego Garcia, Peros Banhos, and Salomon. Following the change of ownership of the Chagos in 1962 (see Appendix 4), these resident populations were much reduced. For example, in 1964, four fifths of the population of Diego Garcia was reported to be Seychellois on short term contracts (2003A:15).

This of course left up to one fifth of the population being Ilois. Within the British Government there was a growing understanding of the existence of this semi-permanent Ilois population, and the realization that the removal and relocation of the plantation workers was going to evolve into a messy affair.

The decision to clear the entire Chagos Archipelago of humans was seriously studied as early as 1964, although it took nine years to occur, and it is not entirely clear why it was done. In January 1965, the United Kingdom estimated the cost of resettlement at £350,000ⁱ (2003A:29), but by June 1965, it was clear this number was not remotely reasonable and the United Kingdom re-estimated the cost of resettlement, to include a very generous financial package for the Ilois, to be about £10 millionⁱⁱ (2003A:30). At about the same time, the United States discounted the accrued Research and Development surcharge on its sale of Polaris missiles to the United Kingdom, reportedly in the amount of £11 millionⁱⁱⁱ in what is generally considered to be a quid pro quo regarding the costs of separating the B.I.O.T. from Mauritius and the Seychelles (2003A:30).

It does not appear that the eventual evacuation of Diego Garcia was ever withheld from the Chagos-Agalega Company, Moulinie and Company, or from the Ilois themselves. As early as January 1966 officials of the Chagos-Agalega Company told the workers on Diego Garcia that they might be asked to leave (2003A:102). In 1969, the FCO agreed with the Americans that only Diego Garcia required evacuation (2003A:216) and it developed various strategies to keep the plantations on Peros Banhos and Salomon open “for 20 years”, *i.e.*, through 1989 (2003A:212). In January 1971 the B.I.O.T. Administrator told the inhabitants of Diego Garcia that they intended to close the island in July, but that Peros Banhos and Salomon would remain open for some time (2003:32).

Why then was the entire Chagos evacuated? Some say that the United States insisted, and point to an Agreed Minute of December 1966 stating that administrative measures to prepare the Chagos for the U.S. base included “resettling any inhabitants” (2006:37). Whether this meant evacuation of selected islands or the whole archipelago was not clear. Earlier, in January 1965, the U.S. Embassy stated that there was no reason

ⁱ Worth £5.29 million in 2012 GBPs.

ⁱⁱ Worth £151 million in 2012 GBPs.

ⁱⁱⁱ Worth £166 million in 2012 GBPs.

to relocate a population prior to an island's coming into use for defense purposes (2003A:28) and in the end, only Diego Garcia was used for military facilities. As late as 1969 the U.S. Embassy wrote to the Foreign and Commonwealth Office (FCO) that it would be politically unwise to relocate workers from Diego Garcia to Mauritius because of the serious unemployment problems there, and stated that the United States agreed to the workers' relocation from Diego Garcia to Peros Banhos and Salomon atolls in the northern B.I.O.T. (2003A:211). In December 1970, the United States did request the evacuation of Diego Garcia (2003:31), but it appears (from lack of any other evidence) that this was the only formal request from the United States for evacuation of the Chagos (2003A:296;391).

Others lay the blame on the British Government. Beginning in 1966 the U.K. Government began anticipating that the eventual American demand would be to clear the entire B.I.O.T. and began planning accordingly (2000:13). In 1970, the Foreign and Commonwealth Office made plans for a complete evacuation rather than a two-stage event from Diego Garcia to Salomon and Peros Banhos, and then from those atolls in 1989 (2003A:266). By 1972, the cost of keeping the plantations open in the face of declining coconut oil prices and the cost of adding or repairing infrastructure on the plantations appear to have made keeping the plantations in operation impractical (2003A:267;277).

By far the most cited reason for the United Kingdom's clearance of the Chagos was to avoid scrutiny by the United Nations Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, (known as the "Committee of Twenty-four")³¹. Specifically, this reasoning goes, the United Kingdom wanted to avoid United Nations Resolution 1514 that stated, "Immediate steps shall be taken, in Trust and Non-Self-Governing Territories [which included the B.I.O.T.] . . . to transfer all powers to the peoples of those territories, without any conditions or reservations." See also 2003A:233-234;267.

However, the concern over United Nations scrutiny may not have been as overriding as the Courts believed. The B.I.O.T. included other populated islands through 1976 – Farquhar and Desroches – and these were not depopulated. Instead, they were returned to the Seychelles, when that country gained its independence (2003A:415).

However, in 1971 as U.S. Navy Construction Battalions ("SEABEES") landed on Diego Garcia to begin construction of the base, no final decision had been made what to do with the population of the Chagos, other than to evacuate Diego Garcia. In April 1971 the B.I.O.T. Commissioner issued the "B.I.O.T. Immigration Ordinance", using the powersⁱ he believed he had under the Order in Council establishing the B.I.O.T. The Ordinance stated:

ⁱ Later rulings by the High Court determined the Order in Council did not include this authority.

The Chagos Clearance

“(1) No person shall enter the Territory or, being in the Territory, shall be present or remain in the Territory, unless he is in possession of a permit or his name is endorsed on a permit in accordance with the provisions of section 5 and section 7 of this Ordinance respectively.

“(2) The provisions of this section shall not apply to members of Her Majesty's Forces, or to persons in the public service of Seychelles or the Territory or in the service of any of Her Majesty's Departments of State, while on duty, or to such other persons as may be prescribed.”

This effectively excluded all plantation personnel and their dependents, whether Ilois, Mauritian, Seychellois, or of European descent from the Chagos unless they were employed by the Plantation. As one atoll coconut processing facility after another was closed, permission to be on the Chagos in the form of labor contracts on government-owned plantations was rescinded, and the clearance was technically completed.

When the evacuation of Diego Garcia was completed in October 1971, British policy was that no-one was to be repatriated to Mauritius compulsorily, and the Ilois were offered employment on Peros Banhos, Salomon or Agalega (all managed by the Chagos-Agalega Company). At the time, only eight Ilois families chose to leave the Chagos Archipelago completely, going on to Mauritius. All the rest transferred to the other islands, and received a dislocation allowance of Rs 500ⁱ (2006:60), which represented four months of wages and in-kind payments.

Meanwhile, the operation of the coconut plants on Peros Banhos and Salomon atolls was becoming economically unsupportable (2006:63). In February 1972, Mr. Moulinie, the Plantation Manager, asked the B.I.O.T. Commissioner to close the Peros Banhos and Salomon facilities as they were no longer profitable to him (2003A:379). He also asked that the evacuation of the workers be completed by March or April 1973 (2006:65). The British Government agreed, providing a resettlement scheme acceptable to the Mauritian Government was in place (2003A:384).

This “acceptable” relocation scheme ended up being the June 1972 payment of £650,000ⁱⁱ from the United Kingdom to the Government of Mauritius “in full and final discharge” of the costs of resettling the Ilois on Mauritius (2003A:387). With the Mauritian Government in possession of the cash, the clearance of the Chagos proceeded. In November 1972 the plantation on Salomon was evacuated (2006:64), and on May 26, 1973, the one on Peros Banhos closed, and the last of the plantation workers were shipped out of the Chagos (2003A:396).

ⁱ Worth £386 in 2012 GBPs.

ⁱⁱ Worth £6.7 million in 2012 GBPs.

Ilois Numbers

As mentioned before, there is no agreed definition of "Ilois", although it implies birth on the Chagos or life-long affinity with the Chagos. It also implies race and culture, and the Ilois consider themselves Kreole, although not all Kreole are Ilois. Neither is Ilois a defining term in history. For example, Governor Sir Robert Scott never once used the term in his 1961 book, *Limuria*, calling 1,500 of the 1,700 inhabitants of the entire Lesser Dependencies were simply "natives"²⁶. He also noted that a large Kreole expatriate community resided on Mauritius²⁷.

Population and mortality reports show that the overall Kreole population of the Chagos remained quite steady at around 1,000, despite a birth rate consistently recorded at about 40 per 1,000 annually and death rates of about 15 per 1,000²⁸. Elsewhere in the world this discrepancy led to significant population growth but did not on the Chagos. This can be most readily explained by steady emigration, presumably to the expatriate community on Mauritius so well known to Governor Scott.

Population counts between 1840 and 1973 typically show 95% or more of the population were Kreole farm laborers, although in early counts the workers were described as Africans or Malagashes (someone from Madagascar)²⁹. Later, they were identified as Mauritian or Seychellois. Not until 1966 was the "Ilois" category established (2003A:23). In 1966 "Ilois" was included as a category on population counts and the number of Ilois on the Chagos was determined by asking the workers if they were Mauritian, Seychellois, or Ilois (2006:35).

Over time, the composition of the Kreole population changed. By the 1930s, the idea of permanency was noted by some officials, and Father Dussercle reported that 60% of the plantation workers were "children of the islands"³⁰, assumed to mean born on the Chagos. Following World War Two, Seychellois were recruited in small numbers, although on the Chagos they were considered "a stranger community" and lived separately from the Mauritian workers and the Ilois³¹. After the 1962 purchase of the Plantation by Chagos-Agalega Company, Ltd., a Seychellois company, most workers came under contract from the Seychelles³². As a result, by the latter half of the 20th century, there were three "strands" to the Chagos Kreole population - a very few and declining number of Mauritian contract workers, an increasing majority of Seychellois contract workers, and a relatively stable population of Ilois (2003:10).

Prior to 1966 a subjective count was made. For example, in the Newton Report of 1964, only three men and 17 women were regarded as having their permanent homes on Diego Garcia, but that there were 61 adults and 154 children who Newton *considered* to be Ilois out of a total population of 483 (2003A:12;16).

When Mauritius gained its independence in March 1968, it ceased subsidizing the sailings of the *MV MAURITIUS* to the Chagos. As a result, hiring in the Seychelles increased presumably because of the added

transportation costs. The Seychelles colonial government, from which B.I.O.T. was by that time administered, then chartered the 500-ton *MV NORDVAER* to support the plantations on the Chagos directly from Victoria, where future Plantation workers would be recruited.

Meanwhile, an indeterminate number of Ilois on Mauritius who had previously planned to return to work on the Chagos were not contracted to do so, and so remained on Mauritius.

The documentary evidence of the number of Ilois removed from the Chagos between March 1968 and May 1973 when the last ship left Peros Banhos, has been examined in depth. However, no definitive numbers exist, other than a final population count made in March 1968 that listed 434 self-identified Ilois on the Chagos³³.

Today there is no agreement as to the numbers of Ilois living in the B.I.O.T. prior to 1971. The criteria for Ilois-ness set by B.I.O.T. Administrator John Todd in March 1968 was if a person had been born on the Chagos or Mauritius who's father had also been born on the Chagos (or who's mother had been born on the Chagos, if the birth was illegitimate)³⁴. Using Todd's criteria, the number of Ilois was certainly destined to grow through the mechanism of childbirth. However, the reported number of Ilois increased far beyond any possible birthrate:

- Gifford and Dunne reported that in addition to the 434 Ilois on the Chagos in 1968, there were 354 individuals (including children) who desired to return from Mauritius to the Chagos in 1968, but could not³⁵. They assume those individuals were Ilois, and thus count at least 788 Ilois at that time.
- In 1972, the United Kingdom and Mauritius agreed to compensate the Ilois of Mauritian descent, and they determined there were 426 *families* eligible (2003A:417).
- In 1978, the Mauritian Government published a new list containing 557 Ilois families totaling 2,323 people as eligible for compensation (2003A:523).
- Later in 1978, the Mauritian Government reported that 2,365 Ilois had received compensation – 1,081 adults and 1,284 minor children (2003A:421).

One thing these numbers do imply is that since the population of Ilois on the Chagos during the late plantation era was repeatedly noted at less than 500, the Ilois population was highly nomadic, with at least half residing elsewhere at any given time, presumably in Scott's expatriate community on Mauritius. This also explains how the Ilois displaced between 1971 and 1973 were able to survive on Mauritius until 1978 while awaiting the Mauritian Government's inexplicably cruel delay in distribution of the 1972 Compensation. The only explanation can be through kinship assistance from those already established on Mauritius, since the Government of Mauritius did absolutely nothing to assist the refugees.

How many Chagos Islanders are there in 2013? Estimating only those "born on the Chagos" usually results in a number of 1,000–1,500

individuals, although after 35 years in exile The Times, in an article on May 24, 2007, estimated just 500 survived, the remainder having died in the interim. Today, the definition of “Chagos Islander”ⁱ in common use is anyone born on, or descended from someone born on the Chagos. The number of Islanders estimated using that criterion is 5,000–6,000. The Ilois Support Trust (which claims on its website to be a U.K. charity, but is not found on the Charity Commission’s list as of March 31, 2013) states on their website that there are 8,000 Ilois on Mauritius alone, of whom 60% are unemployed and 45% illiterate, compared with the national figures of 4% of men out of work and 15% uneducated³⁶. If true, these statistics point out the continuing failure of the government of Mauritius to “supervise and guide” the Ilois after 40 years of exile.

Although the author finds the Ilois Support Trust's population figures excessive, it is true that for the Ilois, their laborer status, and their historical reliance on in-kind food and services, worked against their integration into even the non-industrial Mauritian economy in the late 1960s and early 1970s (2003:50).

As the time came to close the plantations, many of the Ilois remaining on the Chagos were not prepared or interested in leaving. The final boat out of each of the plantations carried the last reluctant people, and their memories of the departures and voyages are emotionally painful (2003A:353-370). The Ilois left behind their homes, their pets and domestic animals, and larger items of moveable property, taking only a small quantity of personal possessions (2003:36).

However, many claims made by the Chagos Islanders today, including that they were forcibly removed by British officers, threatened with execution by American soldiers, or that individuals committed suicide by jumping overboard on the voyages out of the Chagos, have been shown in Court to be untrue (2003A:358;359;399). There can be no doubt that the weather, overcrowding, and the “deck passenger” status of many made the week-long voyages dreadful (2003:38; 2003A:332) but they were not deadly (2003A:399).

The last ship, the schooner *ISLE OF FARQUHAR*, sailed from Diego Garcia on October 15, 1971, ending 178 years of civilian occupation of the island (2003:29). At that time, there was still no firm plan to close Peros Banhos or Salomon, so most of the Ilois families from Diego Garcia resettled on those atolls. Only eight families chose to continue on to Mauritius (2003A:345).

Meanwhile, ultimately unworkable schemes for resettlement of the Ilois on Agalega Island and on Mauritius were considered and then abandoned. The result was movement to Mauritius where a tragedy brewed for the Ilois. Among the reasons were:

- The Mauritian Government's internal political difficulties with the receipt and distribution of British funds which might appear to favor the Ilois

ⁱ A term replacing Ilois in the 21st Century. “Chagossians” is another variation of this term.

Ilois Numbers

- over other needy groups of residents (2003:42),
- Mauritius' 20% unemployment rate (2003A:221),
- Moulinie and Company's desire to keep costs under control (2003A:390), and,
- The unskilled and uneducated nature of the Ilois themselves (2003:25)

Plans for re-settlement and adequate compensation were still incomplete when the last ship from the Chagos departed Peros Banhos, and the Ilois were left to their own devices – albeit with the assistance of their kin already in residence – in the slums of Mauritius.

In the 21st Century, another migration began for the Ilois. Because the B.I.O.T. was formed before Mauritian Independence, and remained a territory after that event, anyone *ever* born on the Chagos was also a “British Territorial Citizen” under the British Nationality Act of 1948. This was not publicized during the clearances and therefore not well understood by the Ilois (2006 44). In 2002, the Ilois became “British Dependent Territories Citizens”, which conferred full British citizenship, including the right of abode in the United Kingdom and related rights within the European Union (2006:45). This citizenship was put to advantage in the 21st Century as many Ilois left Mauritius to live in the United Kingdom.

The Ilois Compensation

Government to Government Payments: Up until the final clearances the United Kingdom's primary strategy for resettlement of the Ilois seems to have been obtaining the concurrence of the governments of Mauritius and the Seychelles to repatriate their own citizens (2003:16). In 1965, in preparation for the creation of the B.I.O.T., the United Kingdom paid those countries to take the Ilois.

These payoffs were agreed to 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 (2003:16;31). The self-governing colony of the Seychelles was provided with a new civil airport planned to cost £4.1 millionⁱ (but eventually costing £6 millionⁱⁱ) which would generate significant employment and other economic benefits (2003:31). In 1966, the Labour government of Chief Minister Seewasagur Ramgoolam of the self-governing colony of Mauritius accepted £3 millionⁱⁱⁱ for the Chagos.

However, it seems that even though the governments of Mauritius and the Seychelles accepted vast amounts of money, they did nothing to help the Ilois re-settle as they were evicted from the Chagos a few years later. For example, there is no record of Mauritius using any of its £3 million to assist the Ilois in any way (2003:458).

Termination Pay for the Workers: The Seychellois workers and a few Ilois returned to the Seychelles. These workers received a pay out of the remainder of their contract, but received no other compensation (2003:44). It should be noted that the Seychellois had only been employed on Chagos in significant numbers since 1962, and that 10-year link to the islands could not be considered the same as the multi-generational link of the Mauritian-descended Ilois.

Mauritian-descended Ilois were returned to Mauritius. Their reception and integration by and into the primarily Indo-Mauritian society contrasted sharply with the experience of the Seychellois Ilois (2003A:771). For various reasons, from their unskilled worker status, to the general overpopulation and impoverishment of the island, to racial segregation (often cited in Ilois testimony in the British Courts) many Ilois did not adapt to life in Mauritius, and the contrast with the life they had left could "scarcely have been more marked" (2003:50).

It was to those individuals that the United Kingdom directed cash compensation in 1972, unfortunately through the Government of Mauritius.

The 1972 Compensation: In 1972, as the plantation at Salomon atoll was closing, the United Kingdom gave the Mauritian Government £650,000^{iv} to pay directly to the 426 families identified as Mauritian Ilois

ⁱ Worth £42.2 million in 2012 GBPs.

ⁱⁱ Worth £61.7 million in 2012 GBPs.

ⁱⁱⁱ Worth £43.6 million in 2012 GBPs.

^{iv} Worth £6.7 million in 2012 GBPs.

(2006:56). However, the Government of Mauritius paid out nothing to any of the evacuees until 1978 (2003:51).

The delay in paying out the 1972 Compensation was considered unacceptable by many Ilois. As a result, in February 1975, Michel Vincatassin, at the urging of Gaetan Duval, the head of the Kreole Party on Mauritius, filed suit against the United Kingdom for additional compensation (2003:54). As a result of this litigation, the United Kingdom brought pressure to bear on the Mauritian Government to pay out the 1972 Compensation, which it finally did in 1978.

Unfortunately, the Mauritian Government had previously un-pegged the Rupee from the Pound Sterling, and the Mauritian Consumer Price Index had experienced a 57% increase between 1972 and 1978³⁷. This significantly decreased the value of the 1972 Compensation, which was only partially offset by a cumulative 25% interest earned on the funds. As a result, the original £650,000 was worth only £512,000 when distributed in 1978ⁱ. In addition, the Mauritian Government also distributed the money to an additional 169 families who were not identified as Ilois in the 1972 negotiations (2003A:417-419). This reduced the value of the compensation to just £860 per familyⁱⁱ – half of the amount intended by the the United Kingdom.

It is not clear why the Ilois did not also sue the Mauritian Government for not distributing the compensation in a timely or correct manner.

Practical value of the 1972 compensation: As we saw earlier, wages for labor and in-kind provisions on the Chagos were worth £150 per year. Since each family received £860 in compensation, the amount equaled 5½ years worth of work on the Plantations. Had the Mauritian Government immediately paid out the U.K. compensation package to qualified Ilois in 1972, it would have represented 10 years worth of work to the average Ilois family. This means the Mauritian Government, by withholding the United Kingdom's compensation and instead co-mingling it with the nation's finances, essentially stole 4½ years of pay from each Ilois family.

Another way to consider the value of the compensation is to compare it to the *per capita* income on Mauritius in 1972, which was £110³⁸. Compared to the average Mauritian family's income of £220 per annum³⁹, even the reduced value of the compensation was worth four (4) years of earnings on Mauritius. Had the U.K. compensation been paid out in 1972 as intended, it would have been worth almost seven years of income.

The 1982 Compensation: Responding to the Vincatassin litigation, the United Kingdom offered an additional settlement in February 1978. There was a great deal of confusion over the provisions of the proposal among the Ilois, many of whom believed that the entire settlement would be paid to Vincatassin. Eventually, Vincatassin was required to drop his

ⁱ Worth £2.3 million in 2012 GBPs.

ⁱⁱ In 2007 worth £8,178, or Rs 25,607,049.

lawsuit or the United Kingdom would not settle on any compensation for the whole of the Ilois on Mauritius (2003A:542). Once individual claims were no longer at issue, the Ilois resumed the negotiations with the assistance of attorneys, and in 1982 the United Kingdom agreed to pay £4,000,000ⁱ to the Mauritian Government for distribution directly to the Ilois. The Mauritian Government promised to contribute £1,000,000ⁱⁱ worth worth of land for resettlement (2003:71;580) and the Indian Government added one million Indian Rupees, worth about £68,000 at the time (2003A:628).

The agreement required all who received the 1982 Compensation to sign or thumbprint an affidavit called a "Renunciation Form" stating that this was the final settlement for any claims on the Chagos (2003:580). This was to prevent endless individual lawsuits and claims for years to come, although in the end this did not stop the seemingly endless series of lawsuits filed against the United Kingdom in the 21st Century.

Of 1,579 eligible Ilois, 12 people initially refused to sign or thumb the papers, including Vincatassin. The agreement between the United Kingdom and Mauritius also required the establishment of the Ilois Trust Fund Board (ITFB)ⁱⁱⁱ, composed of Mauritian Government officials and government appointed representatives of the Ilois. The ITFB was created on July 30, 1982 to disburse the £5.068 million^{iv} in total compensation (2003:74).

The ITFB defined eligibility for compensation as someone *born on the Chagos* (2003A:690). Therefore the recipients did not include descendants born on Mauritius. 1,419 adults and 160 children were determined to be eligible (2003:77). Each adult received Rs 58,287 and each minor received Rs 39,140.^v The money was distributed as follows:

- December 1982: Rs 10,000 to 1,288 adults and 83 minors (a total of Rs 13,710,000) (2003A:630).
- June 1983: Rs 36,000 to 1,220 adults, and 23,000 to 200 minors (a total of Rs 43,920,000) (2000:79).
- September 1983: Rs 8,687 to adults, and Rs 4,340 to minors. By this time, the ITFB had determined there were a total of 1,344 persons eligible for the compensation. Since there are no numbers of actual recipients in the documentation, I'll use the same numbers as the June 1983 pay out, thus estimating a total of Rs 11,466,000 distributed (2003A:644).
- Spring, 1987: Rs 3,600 per adult and Rs 1,800 per minor (the ITFB distributed a total of Rs 5,000,000 in this disbursement) (2003A:748).

Total payments were Rs 74,096,000. This compares closely with the conclusion in the 2003 Court Case, which said Rs 75 million was distributed

ⁱ Worth £11 million in 2012 GBPs.

ⁱⁱ Worth £2.7 million in 2012 GBPs.

ⁱⁱⁱ Renamed the "Chagossian Welfare Trust Board" in 2012

^{iv} Worth £13.9 million in 2012 GBPs.

^v Worth £3,067 and £2,060 respectively in 1982. In 2012, worth £8,440 and £5,670, or £28,220 for a family of four.

to 1,344 Ilois, equaling £4 million at the then prevailing exchange rate of Rs 19 to £1 (2003A:80;573).

After the 1987 disbursement, there was still Rs 2.6 million, or £137,000ⁱ, remaining in the coffers of the ITFB (2003A:748). Adding that to the £4 million distributed, and it appears that that £818,000ⁱⁱ was unaccounted for.

Since the United Kingdom contributed its agreed amount, it appears that the Mauritian Government never contributed the £1 million worth of land it promised. The Government of Mauritius claimed that amount was provided in cash in the June 1983 disbursement (2003A:638). However, according to the calculations of the total disbursement by the Ilois Trust Fund Board, no money from Mauritius was ever received or accounted for (2003:80).

Many Ilois have claimed the 1982 Compensation was never distributed equitably, quickly, or completely, and blamed those problems on the United Kingdom, although it is clear that the Government of Mauritius and the Ilois members of the ITFB were responsible for the disbursements (2003A:640). Claims included that payments were made to dead persons (2003A:639), that the political motives of the Mauritian Government worked against the Ilois (2003A 640), and that the ITFB was corrupt. For example, an Ilois member of the ITFB, Mrs. Charlesia Alexis, was convicted of making a fraudulent claim on behalf of two deceased children and served a short custodial sentence (2003A:641). Mrs. Alexis was also the first president of the Chagos Refugee Group (2003A:655).

As of 2013, the government of Mauritius still retains money from 1982 in the Fund, now called the Chagossian Welfare Fund. Instead of distribution to Ilois families, the money is now used to maintain and manage 'community centres'⁴⁰. Olivier Bancoult remains the Chairman of the Fund Board⁴¹.

Practical value of the 1982 compensation: How much was the 1982 Compensation actually worth to the individual Ilois? If we assume the people receiving the compensation from the 1982 settlement comprised the original 426 families, the value of the 1982 Compensation per family of four was £10,254 in 1982 money – £28,200 in 2012.

Between 1972 and 1982 Mauritius had suffered a 370% increase in its Consumer Price Index. This meant that the cost of a year of labor by a family on the Chagos, which had been worth £150 in 1972, would have cost £555 in 1982. Also, it cost 50% more to live on Mauritius than it had in the islands, so the value of a year's work on Mauritius was £1,100.

Therefore, the value of the 1982 distribution was worth nine (9) years of per capita family income on Mauritius.

Combining the actual 1972 and 1982 compensations, they were worth over 14 years of income on Mauritius.

ⁱ Worth £396,000 in 2012 GBPs.

ⁱⁱ Worth £3.43 million in 2012 GBPs.

A Brief History of the Ilois Experience

Was this enough compensation? No, if the number of subsequent claims for billions more in compensation and resettlement of the Chagos is any indication.



The main street of the East Point Plantation on Diego Garcia in 1961. Note the complete lack of modern infrastructure, and the ever-present chickens and dogs. Photographer Unknown.



The building that housed the East Point Plantation School, Diego Garcia. Over 200 children under the age of 13 attended this 30-chair classroom. Photo by Carl Villanueva in 1972, after the departure of the Ilois.

The Era of Litigation

Following the 1982 “full and final” settlement of Ilois claims, Ilois activists began agitating for additional compensation. One individual, Olivier Bancoult, born on Peros Banhos in 1964, began consolidating power within the Ilois community on Mauritius, and remains extremely influential in Chagossian politics today. He was a founding member of the Chagos Refugee Group in 1983 (2003A:640) and was elected to the Ilois Trust Fund Board in 1984 (2003A:695). As of this writing, he is the President of the Board. Between 1985 and 1998, he was involved with virtually every discussion regarding additional compensation and the right of abode on the Chagos. In July 1985, he began threatening legal actions against the United Kingdom (2003A:710-712). By the end of November 1985, Bancoult and 811 other Ilois thumbed or signed the “Common Declaration of the Ilois People” asserting their rights as B.I.O.T. citizens to reside on the Chagos (2003A:745). In February 1986, the CRG (of whom Bancoult was the Secretary) sought the advice of an American lawyer who advised the Ilois that there was a “compensable” claim to be made against the United Kingdom (2003A:746). In July 1989, the ITFB’s legal adviser told the Board that they could press the UK for more compensation (2003:750). It seems clear that the Ilois on Mauritius were never satisfied with the British Government’s compensation packages.

Beginning in 1998, Bancoult initiated a series of lawsuits seeking more compensation and an unlimited right of return to the Chagos, and that litigation continues as of this writing in 2013. A very brief distillation of those lawsuits follows, along with some of the events these lawsuits precipitated.

With the exception of “*Bancoult 1*”, in the final appeal, none of these lawsuits were found in favor of the Chagossians.

“*Bancoult 1*”;ⁱ 1998–2000; U.K. Courts: In August 1998, accompanied by a media blitz bringing the Ilois issue to the British public's attention, Olivier Bancoult brought suit against the United Kingdom to overturn the Immigration Ordinance of 1971, thus permitting resettlement of the Chagos.

The U.K. Government's position was that the case should be heard in B.I.O.T. Court, but the judge felt the case required a careful consideration of a difficult area of constitutional law, and therefore should be judged by a full Divisional Court. In 2000, the England and Wales High Court of Justice Queens Bench Division (The Administrative Court) heard the case. The ruling was handed down on 3 November 2000. The issues and decisions were:

- Whether the Court had jurisdiction over the validity of the Ordinance. The government argued that Orders in Council applying to territories

ⁱ In the U.K., significant cases are often given descriptive names, and all the Chagossian litigation cases have been given such names.

were beyond the reach of the courts. The Court disagreed and ruled that it had jurisdiction.

- Whether the B.I.O.T. Commissioner had exercised his power under Section 11 of the B.I.O.T. Order of 1965 lawfully. The Court found that he had not acted for an improper purpose, but that the Immigration Ordinance itself was *ultra vires* (beyond his power to make). The reason stated was that although it was lawful to send “belongers” (remembering that the Ilois were British Territorial Citizens at the time) to another part of the Queen's dominions, to create an Ordinance to exile them completely could not possibly be viewed as a law benefiting the population.

The court therefore quashed Section 4 of the 1971 Immigration Ordinance, and ruled that the Islanders could return to the Chagos, but not to Diego Garcia which remained justifiably off-limits due to its military status.

The U.K. Government was permitted to appeal, but did not (2006:76). Instead, the B.I.O.T. Government repealed the 1971 Ordinance and issued B.I.O.T. Ordinance No. 4 permitting the Islanders to return to Peros Banhos and Salomon atolls to reside without restrictions.

Although permitted by this ruling to resettle the Chagos, no Islander ever made the attempt (2003:92).

As a result of the Bancoult 1 litigation, in 1999, the U.K.'s Foreign and Commonwealth Office commissioned a two-phased feasibility study for the resettlement of the Chagos Archipelago by Posford Haskoning Ltd. to determine what new infrastructure would be required to permit resettlement of the islands of the northwest archipelago and the establishment of sufficient commercial activities to support themselves. This study showed that the cost of permanent resettlement for the population numbers proposed would require continuous subsidies, and life would be precarious on the low-lying islands in light of sea-level rise due to global climate change (2006:93).

Bancoult et al vs. The United States; 2001–2006; United States Federal Court: In 2001, Bancoult brought suit against the United States in the United States District Court of Washington, D.C., claiming that the United States had committed genocide against the Chagos Islanders, and seeking \$2 million for each of the surviving 5,000 Islanders and their descendants – a total of \$10 billion in damagesⁱ. In 2004 the Court found in favor of the United States and the individual defendants named in the suit.

The plaintiffs were:

- Olivier Bancoult, on his own behalf, and on behalf of all those similarly

ⁱ Worth approximately £14.5 billion at the time.

situated,

- Terese Mein, of the Seychelles, on her own behalf, and on behalf of all those similarly situated,
- Marie Isabelle France-Charlot, of Mauritius, on her own behalf, and on behalf of all those similarly situated,
- The Chagos Refugee Group, Mauritius, on its own behalf, and on behalf of its members,
- The Chagos Social Committee, Seychelles, on its own behalf, and on behalf of its members

The defendants were former and serving U.S. Defense Department and U.S. State Department personnel, including Robert S. McNamara, former Secretary of Defense, Donald H. Rumsfeld, former and in 2001 the current Secretary of Defense, Admiral Thomas Moorer, former Chairman of the Joint Chiefs of Staff, and George T. Churchill, former Director of International Security Operations, Department of State. In addition, the following organizations were also named as defendants:

- The United States of America,
- Halliburton Corporation - Dropped from the suit by the plaintiffs in 2003,
- De Chazal Du Mee - Dropped from the suit by the plaintiffs in 2003,

Under United States law, individual defendants who are employees of the United States may be granted immunity under the Westfall Act (28 U.S.C. § 2679). That act provides that if the U.S. Attorney General certifies that an employee of the federal government was "acting within the scope of his office or employment" at the time of an incident, any claims arising out of that incident are converted into claims against the United States itself.

The individual defendants applied to the Court for this immunity, providing certifications from the Attorney General, and the Court granted them immunity. *Bancoult et al* did not rebut the certification or show that an exception to Westfall immunity should apply. Therefore, the claims against the individual defendants were converted into claims against the United States itself.

The district court then dismissed the claims against the United States, finding that the Islanders had failed to exhaust their administrative remedies, as required by 28 U.S.C. § 2675(a), and that the claims would be barred because the injuries were suffered on foreign soil and therefore are beyond the United States' jurisdiction per 28 U.S.C. § 2680(k).

Additionally, *Bancoult et al* had argued that the Court should interpret federal tort law in context with "federal common law and customary international law". The Court ruled that the political nature of such a request barred judicial review.

Following their loss in United States District Court, *Bancoult et al* appealed. The appeal was heard in The United States Court of Appeals, D.C. Circuit. That court dismissed the appeal in 2006, finding that the decision to establish a military base on Diego Garcia and the subsequent

decisions were political questions not subject to judicial review, stating:

"[The case] involves topics that serve as the quintessential sources of political questions: national security and foreign relations [and] matters intimately related to foreign policy and national security are rarely proper subjects for judicial intervention . . . The conduct of the foreign relations of our government is committed by the Constitution to the executive and legislative – 'the political' – departments of the government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision . . . Foreign policy decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative . . . They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and have long been held to belong in the domain of political power not subject to judicial intrusion or inquiry."

In other words, Bancoult *et al* had raised a political issue, not a judicial one, and the responsibility for political decisions rests with the voters and their representatives in the Congressional and Executive Branches.

Of interest to note is that this is the opposite of the position taken in 2000 and 2006 by the British Courts regarding Orders in Council. In those cases British Courts ruled that decisions by the Crown were reviewable by the Judiciary.

In 2007, the United States Supreme Court refused to hear additional appeals of this case, thus ending the lawsuit in favor of the United States.

Given the intensely political nature of Bancoult's legal team which framed the lawsuit as the pursuit of "social justice" – a concept not accepted in the U.S. system – this result was pre-ordained. That the Chagos Islanders had to be put through six years of false hopes during this litigation is solely due to their use as props by attorneys interested in "global struggle" rather than individual justice.

"The Chagossian Litigation"; 2002–2003; U.K. High Court:

In April 2002, Bancoult initiated a third lawsuit, this one in the High Court of Justice, Queens Bench Division (Case Number HQ02X01287). This suit was aimed at obtaining additional compensation for thousands of individuals and financing their return to the Chagos (*i.e.*, building and maintaining the necessary infrastructure required by the returnees). The Chagos Social Committee of the Seychelles joined the suit.

The judge in this case gave Summary Judgement against the Islanders. They in turn appealed, but the Application was rejected by the Appeals Court.

Of particular note in this case is the definition and number of "Chagossians" accepted by the court: The judge ruled that anyone born on the Chagos, or the descendant of anyone born on the Chagos, to at least the third generation, was an Islander. However, the number of Chagossians, as with earlier attempts to determine an exact census, could

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not be determined. The Court accepted that there were 4,466–5,023 Islanders, of whom 24–58 were from Agalega Island, 546–573 from the Seychelles, and the remainder from Mauritius. 1,072–1,075 were born on the Chagos, of which 542–576 were deceased. 461–475 of the Claimants were children under the age of 12.

In this litigation, the Islanders claimed six wrongs had been committed against them:

- Misfeasance in public office,
- A new tort to be called 'unlawful exile',
- Negligence,
- Infringement of property rights,
- Infringement of rights under the *Mauritian* constitution, and
- "Deceit."

To rectify these alleged wrongs, they asked for "the steps necessary to make practicable the right of return to the Chagos Archipelago, such that the Chagossians may again live in each and all of the previously inhabited islands," more specifically:

- Compensation and restoration of their property rights on the Chagos,
- The right to return to all the Chagos islands.
- Financial damages for "personal injury created by diseases linked to poor living conditions and mental illnesses [on Mauritius after being exiled]", and
- Monetary and other assistance to return to the Chagos.

"The Chagossian Litigation" of 2002-03 established three things:

- That in the British legal system, a Chagossian is anyone born on or descended from someone born on the Chagos.
- That the acceptance of the negotiated 1982 Compensation ended the right of the Chagossians to seek further compensation, and those doing so, including Olivier Bancoult, were abusing the British legal system, and,
- That all the claims of new evidence and loss were "time barred" and/or fictitious.

The judge in this case gave summary judgment against the claimants and in favor of the government on 9 October 2003. He found that:

- The claims were not reasonably arguable – for example, the United Kingdom could not be held responsible for actions of the Mauritian Government – and/or were time-barred, and,
- Those individuals who had signed or thumbed the Renunciation Forms in 1982 in order to receive the compensation offered at that time, and who now gave oral evidence in this case, including Olivier Bancoult, were abusing the legal process.

The Islanders appeal was rejected by the Appeals Court on 22 July 2004, which stated the treatment of the Islanders was resolved by 1982

Compensation agreement and the completion of the Renunciation Forms by the Islanders (ECtHR:20).

"Bancoult 2"; 2004–2008; U.K. High Court: On June 10, 2004, the U.K. Government repealed the 1965 Order in Council that established the B.I.O.T., and issued a new Order in Council, The Constitution Order of 2004.

Section 9 of that Order declared that no person had the right to live in the B.I.O.T. without authorization. To avoid the issue of whether the Commissioner of the B.I.O.T. exceeded his authority by issuing Ordinances governing immigration (as had been determined in *Bancoult 1*), the government repealed the 2000 Immigration Ordinance, and issued an Order in Council to govern immigration, The Immigration Order of 2004. This Order authorized occupation permits lasting up to 4 years, and that anyone found in the B.I.O.T. without a permit could be fined £3,000 and/or imprisoned for three years.

Following the enactment of the 2004 Constitution Order and Immigration Order, Bancoult brought another lawsuit (Case Number CO/4093/2004) in the England and Wales High Court. The suit challenged the new Orders, claiming that it was clear that no permit would be given to allow Chagos Islanders to resume living in the islands.

The High Court agreed with Bancoult, and issued its own order quashing Section 9 of the 2004 Constitution Order on May 11, 2006. They also required the Immigration Order of 2004 to reinstate the wording of the 2000 Ordinance to permit Chagos Islanders to live on the Chagos without a permit. The Court continued to prohibit resettlement of Diego Garcia.

Buoyed by the 2008 ruling in *Bancoult 2*, the U.K. Chagos Support Association commissioned "Returning Home, A Proposal for the Resettlement of the Chagos Islands", commonly called "The Howell Report". The study concluded that the Total Capital Costs to resettle 2,500 people on Salomon and Peros Banhos atolls would be £17.5 million, with another £3 million per annum for technical assistance to the settlers.

In June 2008, Dr. J.R. Turner *et al*, in association with the Chagos Conservation Trust, published a critique of the Howell Report that concluded that the costs in the Report were out by an order of magnitude, or two if shoreline protection, an appropriate airport facility, impact mitigation and other aspects were to be taken into account.

The U.K. Government appealed, but the England and Wales Court of Appeal (Civil Division) rejected the appeal. However, because the decision involved a Constitutional Issue (specifically, whether the Courts had the right to interfere with Orders in Council), the defendants (in this case the U.K. Government) had the right to Petition the House of Lords to re-hear the case and render a judgment on that Constitutional Issue. The U.K.

Government exercised that option.

Appeal of "Bancoult 2"; 2008; The House of Lords' Law

Lords: The U.K. Government laid out its arguments before the Lords of Appeal from June 30–July 4, 2008. The Law Lords rendered a decision in favor of the government on October 22, 2008.

The Law Lords narrowed the focus of their review to the validity of Section 9 of the B.I.O.T. Constitution Order of 2004. Five Lords heard the appeal, and each delivered his own ruling, which in the aggregate form the decision.

- One Lord ruled that Orders were not subject to judicial review.
- Two Lords ruled that Orders were reviewable, but that the High Court had ruled incorrectly, and that the 2004 version of the Constitution Order, Section 9, was valid.
- Two Lords ruled that Orders were reviewable and that the High Court had ruled correctly.

Thus, by a majority of three to two, the Lords ruled in favor of the Government, allowing Section 9 of the Constitution Order to stand, thereby prohibiting resettlement of the Chagos.

The Lords of Appeal were invited by *Bancoult et al* to rule on the application of the Human Rights Act 1998 and international law on the B.I.O.T. The Lords did not *rule* on those questions, although two of the Lords did *comment* and both opined that since the European Convention on Human Rights was never extended to the B.I.O.T. by Parliament or by an Order in Council, the Human Rights Act 1998 had no applicability in the B.I.O.T. The European Court of Human Rights later upheld this same opinion.

"CHAGOS ISLANDERS against the United Kingdom"; 2004-2012; The European Court of Human Rights: At the same time he filed *Bancoult 2* in U.K. Courts, *Bancoult*, on behalf of 1,786 individuals, submitted an Application for trial on the same issues before the European Court of Human Rights. Unique among international courts, the ECtHR decisions are binding on the countries involved (which include the United Kingdom), and compensation and financial damages can be part of an award from that court. The Application was placed on hold until the conclusion of *Bancoult 2* before the House of Lords, and thus did not come before the ECtHR until 2012. The Complaints before the ECtHR were that the United Kingdom violated Chagos Islander rights under the European Convention on Human Rights, specifically:

- Article 3: The prohibition against degrading treatment,
- Article 6: The right to a fair trial,
- Article 8: The right to privacy in one's home, and
- Article 13: The right to obtain remedy before national courts, and,
- Protocol 1, Article 1: The right to peaceful enjoyment of one's possessions.

In its ruling in December, 2012, the ECtHR systematically rejected

every argument, ruling that the B.I.O.T. did not come under the jurisdiction of the ECtHR, and that in any event, all claims had previously been raised and settled in the proper national, that is British, courts. Therefore the Application for a trial was rejected.

The Lords of Appeal ended the Islanders' legal options for direct compensation or additional rights within the United Kingdom. With the rejection of the ECtHR Application, the direct litigation pathways for additional compensation for the Ilois/Chagos Islanders were exhausted, and the Islanders turned to a less direct approach by attacking the establishment and continued existence of the Chagos Marine Reserve.

"Bancoult 3"; 2010–Present; U.K. High Court: In April 2010, the United Kingdom established the Chagos Marine Reserveⁱ (CMR), co-located with the B.I.O.T. Exclusive Economic Zone. The CMR includes a prohibition on all commercial fishing or other extractive industry within the Reserve. Bancoult filed suit in the High Court in August 2010, and amended the filing in 2012, claiming:

- The decision to establish the CMR was unlawful because the motive for doing so was solely to prevent resettlement of the islands. The evidence provided was a WikiLeaks publication of an alleged US diplomatic cable that quoted the FCO's Director of Overseas Territories as saying that ". . . the BIOT's former inhabitants would find it difficult, if not impossible, to pursue their claim for resettlement on the islands if the entire Chagos Archipelago were a marine reserve,"
- That in the process of seeking public comment during the Solicitation regarding the proposal to establish the CMR, the British Government knew, but failed to disclose, an individual consultant's claim that the 2002 Feasibility Study by Posford Haskoning Ltd. was manipulated to show that resettlement was infeasible, when in fact it was feasible, and,
- That the Islanders and Mauritius have unlimited fishing rights in and around the Chagos, and that the CMR's existence wrongfully terminates those rights.

A hearing was held in April 2013. A decision is expected in June 2013.

Mauritius vs. The United Kingdom; 2010 to the Present; before the International Tribunal of the Law of the Sea

Convention: Mauritius claims that the United Kingdom cannot legally establish a Marine Protected Area in the B.I.O.T. Essentially, the dispute is about sovereignty over the Chagos. Mauritius claims that the Chagos was illegally detached and must be ceded to Mauritius. In the interim, the United Kingdom cannot control Mauritian use of the archipelago for fishing or for settlement. Their specific claims before the Tribunal are:

- The Chagos MPA is not compatible with the 1982 Convention because the United Kingdom is not the "coastal state", that is, the legitimate

ⁱ Also called the Chagos Marine Protected Area.

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sovereign owner of the Chagos Archipelago, and,

- Only Mauritius is entitled to declare an Exclusive Economic Zone around the Chagos within which a marine protected area might be declared.

As with any court hearing, it is difficult to predict an outcome. However, the United Nations Convention on the Law of the Sea does not address sovereignty issues, and for that reason, the case may be dismissed. A hearing is set for the Spring of 2014.

Chagos Islander Politics in Early 2013

There are two formal organizations composed of Islanders and claiming to represent Chagos Islander interests. One, the Chagos Refuge Group (CRG)ⁱ, was founded on Mauritius in 1983, and has been headed by Olivier Bancoult for most of its existence. The U.K. Chagos Support Association (UKCSA)ⁱⁱ is the CRG's surrogate in the United Kingdom, and Bancoult is its Honorary President. Bancoult and/or the CRG, of which he is President, initiated the series of lawsuits discussed above.

The other organization is the Diego Garcia and Chagos Islands Council (DG&CIC), the successor organization to the Diego Garcian Society. Headed by Allen Vincatassin, the grandson of Michel Vincatassin, the DG&CIS is strongly opposed by Bancoult and the CRG. The members of the DG&CIS have immigrated to the United Kingdom since 2002 when Mr. Vincatassin led the first group of Islanders out of Mauritius to the United Kingdom. The DG&CIS does not have a website as of this writing.

There are six general areas of disagreement between these groups. Except as indicated below, the positions listed are taken directly from the CRG and UKCSA websites, and from Mr. Vincatassin's formal statement to the Chagos Regagné Conference of May 19, 2011⁴².

- Sovereignty over the Chagos:
 - The CRG and UKCSA websites contains numerous uncontested statements from officers and supporters who want sovereignty to pass to Mauritius.
 - The DG&CIC wants the Chagos to remain British.
- Resettlement of the Chagos:
 - The CRG insists the United Kingdom build the infrastructure needed to resettle the entire archipelago⁴³.
 - The DG&CIC wants Islanders to receive preferential hiring as employees on the U.S. base on Diego Garcia, permission to move to that island with their families when so hired, and the resettling Diego Garcia when the military restrictions are lifted.
- Status of the U.S. base:
 - CRG: The base must be closed. Bancoult himself went on a speaking tour of the United States 13-18 April 2013, demanding closure of the base⁴⁴.
 - DG&CIC: The base offers the best opportunity for employment by returning Islanders.
- Environmental issues.
 - The CRG opposes the Chagos Marine Reserve (see the "*Bancoult 3*" litigation).
 - Vincatassin states his support for the Chagos Marine Reserve which will protect the Islanders' homeland until such a time as they can

ⁱ <http://www.chagosrefugeesgroup.net/>.

ⁱⁱ <http://www.chagossupport.org.uk>.

exercise their right of self-determination and protect their home waters themselves.

- Immigration to the United Kingdom.
 - The CRG discourages emigration out of Mauritius, most likely since this dilutes the sovereignty argument. The Islanders who remain on Mauritius continue to live in squalor and poverty.
 - Since 2002, the DG&CIC has assisted Islanders to migrate to the United Kingdom. Most of the immigrants have settled in and around Crawley, a town near Gatwick Airport in West Sussex, where they have integrated into British schools, the economy, and, when required, the welfare system.
- Monetary Compensation.
 - The CRG wants the U.K. Parliament to provide additional compensation.
 - The DG&CIC urges the Mauritian Government to apologize for its role in the Clearance of the Chagos, and to pay compensation for “what we had to endure in our exile there.”

Bancoult and Vincatassin and their respective organizations also have differing approaches to resolving these issues. Bancoult has consistently sought redress through litigation and confrontation. Vincatassin seeks to work with the U.K. Government to resolve issues affecting immigration, obtaining jobs on Diego Garcia, and eventual resettlement there. In addition, young Chagos Islanders associated with the DG&CIC have participated in all the recent scientific expeditions to the Chagos Marine Reserve.

Even while pursuing litigation, Bancoult has conducted an effective political campaign to gain supporters. Two splinter movements evolved, the “Let Them Return” campaign, and “Chagos Regagné” (Kreole for “Chagos Regained”), both efforts to resettle the archipelago.

The UKCSA has developed a wide following in the blogosphere. Any web search for “Chagos Islands” or “Chagossians” will turn up dozens of reprints of articles first appearing on the UKCSA website. It was through this network of surrogates that the UKCSA was able to gather the necessary signatures to trigger a response from the White House website petition (please see Appendix 6).

The UKCSA and its surrogates in the blogosphere also practice internet intimidation of Islanders who speak out publically but do not adhere to the UKCSA’s positions. For example, on 23 April 2013, UKCSA published a verbal attack by Claudy Pauline, an Inspector of the Mauritius Police⁴⁵, on Yannick Mandarin, a student recently returned from a scientific expedition to the Chagos. Mr. Pauline’s attack was endorsed by the UKCSA’s current President, Sabrina Jean, and Philippa Gregory, one of UKCSA’s Patrons, both of whom condoned the organization’s tactics⁴⁶.

Vincatassin and the DG&CIC have no European surrogates, and have less of a media presence than the CRG/UKCSA, and no comparable presence in the blogosphere. From what can be gleaned from the web,

Vincatassin states that this group recognizes that the old plantation life-style, as well as the infrastructure the Islanders knew before their expulsion, is long-gone, and although the old folks may still want to return, the future of the Islanders is brightest as integrated citizens of the United Kingdom. In an article in the *New Statesman* on October 4, 2007, Vincatassin was quoted as saying that decisions regarding return to the Chagos will be made by individual Islanders, not by a political machine as Bancoult advocates⁴⁷. According to the same article, Bancoult accuses Vincatassin of "selling out" because of Vincatassin's views regarding individual choice and his unwillingness to join as a party in Bancoult's lawsuits. In keeping with its non-confrontational philosophy, in 2011, the Diego Garcian Society held an election run by Electoral Reform Services⁴⁸ and created the DG&CIC, and elected Vincatassin as President of a "provisional administration in waiting" for the Chagos Islands⁴⁹.

It is unclear in early 2013 if Bancoult's confrontational approach will translate into a successful appeal to the British body politic. It is possible that Vincatassin's cooperative approach may change the dynamic.

Over the decades, other Chagossian individuals and groups have sought more compensation, "reparations", the right of return to the Chagos, and/or the expulsion of the United Kingdom and United States from the Chagos. Chagossian oral testimony in British Courts has identified these smaller, more radical groups as pawns of the Government of Mauritius in its continuing quest for sovereignty over the Chagos (2003A:736;742-744).

Non-Islanders too have created Chagos-oriented organizations with differing visions of the future of the Chagos and/or the Chagossians. For example, in 2008, the House of Commons of the United Kingdom established the "Chagos Islands (British Indian Ocean Territory) All-Party Parliamentary Groupⁱ" with the stated purpose, "To help bring about a resolution of the issues concerning the future of the Chagos Islands (BIOT) and the Chagossians." It is difficult to ascribe objectivity to this group, as the APPG minutes are published on the UKCSA website, and the APPG's Co-Ordinator, David Snoxell, a former High Commissioner to Mauritius, advocated as recently as January 2013 the same agenda as the UKCSA: The right of return, resettlement, and ceding sovereignty to Mauritius⁵⁰.

As noted above, the conservation status of the Chagos has been challenged by Bancoult and his supporters. There are two organizations in 2013 that are dedicated to maintaining a "no-take", wilderness-style conservation program in the Chagos, The Pew Environmental Trust, and the Chagos Conservation Trust (CCT)⁵¹. Each claims that protection of the Chagos natural environment is "without prejudice" to the outcome of the legal and political processes regarding sovereignty or resettlement⁵². In 1993 the predecessor of the CCT was established as a U.K. charity dedicated to the scientific and historical study, and the conservation, of the

ⁱ Please see: <http://www.publications.parliament.uk/pa/cm/cmllparty/register/chagos-islands-british-indian-ocean-territory.htm>.

Chagos. In 2008, the CCT initiated the movement to establish the Chagos Marine Reserve, attracting the attention of the Pew Environmental Trust's Global Ocean Legacy group. In 2009, Global Ocean Legacy created a confederation of British charities and conservation groups called the Chagos Environment Network (CEN) with the goal of creating the necessary political impetus for the United Kingdom to create the CMR. The CEN organizations included The Chagos Conservation Trust, The Linnaean Society of London, The Marine Conservation Society, The Pew Environment Group, The Royal Botanic Gardens Kew, The Royal Society, The Royal Society for the Protection of Birds, and The Zoological Society of London. Once the Reserve was created in 2010, the formal confederation ended, although there is reportedly close coordination between several of the organizations in support of scientific expeditions to the Chagos.

There are other conservation organizations that oppose the no-take status of the CMR. Chief among these is the Marine Education Trust⁵³, Chaired by David Snoxell.

Appendix 1: The Mauritian Government's Treatment of the Ilois.

As mentioned in the main text, Mauritian leaders have seldom wavered from their general position that the Chagos belongs to Mauritius, that the U.S. base must be closed down, and, more recently, that the Chagos Marine Reserve must be dismantled. How does this affect the Ilois?

In the 1980s, the Mauritian Government's sovereignty issue regarding the Chagos was kept alive at the expense of the Ilois, according to oral testimony (2003A:640;742). The Government of Mauritius almost quashed the 1982 compensation agreement, and then approved the requirement to sign or thumbprint the Renunciation Forms (2003:70), the completion of which was the basis of the rejection of additional Ilois compensation in "*The Chagossian Litigation*" and the European Court of Human Rights. Simon Vincatassin, one of only 2 Ilois who refused to sign the Renunciation Forms, claimed that this proved that the Ilois had been betrayed by "Mauritian intellectuals" (2003A:677).

There have been repeated claims by the Islanders and their supporters that Ilois are excluded from employment on Diego Garcia by the United Kingdom. In fact, the Notes exchanged between the United Kingdom and United States require the United States to employ as many Mauritians and Seychellois as possible for civilian jobs on Diego Garcia⁵⁴.

Where then are the Ilois contract employees on Diego Garcia? Typically about 200 of the contractors for the U.S. base are from Mauritius. However, these employees have almost all been Indo-Mauritians, although in 1987 there was at least one Ilois in the work force on Diego Garcia, and his presence was trumpeted by the local U.S. Navy television station at the time. Another Chagos Islander, John Bridiane, was employed on Diego Garcia in the late 1990s⁵⁵, and in the 21st Century several have been employed by the U.S. contractors on the island⁵⁶.

Nevertheless, the claim that the Ilois were excluded from available work is essentially valid, although the claim that this is a result of British and American government decisions is not. The Mauritian Government determines which Mauritian citizens go to Diego Garcia. Those employees are vetted by the Mauritian Government and provided to the U.S. contractors on Diego Garcia through a government-licensed labor broker in Port Louis. In 2003, that brokerage was De Chazal Du Mee. That company was named as a defendant in Bancoult's 2001 lawsuit against the United States. The claim was that the company practiced discriminatory hiring procedures. However, that company was dropped from the U.S. lawsuit by the Chagossians' attorneys for unstated reasons in 2003⁵⁷.

Although few of the Ilois have historically possessed the technical and language skills for the majority of jobs on the base on Diego Garcia, there has always been unskilled work available (janitorial and house-keeping, food service, grounds maintenance, etc.). Had the government of Mauritius insisted on providing employment on Diego Garcia for Ilois,

rather than Indo-Mauritians, dozens if not hundreds of jobs would have been available, which instead have gone to non-Ilois Mauritians and Filipinos.

Meanwhile, as in the late 1960s and early 1970s, and again in the compensation of 1982, the Mauritian Government hasn't taken sufficient action to relieve the Islanders' poverty. According to the Ilois Trust⁵⁸, Islanders have an unemployment rate 1500% higher than the rest of the population. Most telling is that 45% of Chagos Islanders on Mauritius are illiterate in a country with Government-provided free tertiary education has resulted in an 89.8% literacy rate⁵⁹.

These figures would indicate that the Mauritian Government has not provided adequate education or employment assistance over the last 40 years. However, the Government of Mauritius blames the United Kingdom for the Chagos Islander condition. As recently as March 2007, the Mauritian President, Sir Anerood Jugnauth, threatened to pull the country out of the Commonwealth because of Britain's "repugnant" treatment of the Chagos Islanders⁶⁰.

It is interesting to note that President Jugnauth failed to say what (if anything) his administration was doing to help the Chagos Islanders on Mauritius.

Nor has Bancoult *et al* ever sought redress for the treatment of the Ilois on Mauritius from the Government of Mauritius. This raises questions that cannot currently be answered.

Appendix 2: The footnoting of Court Rulings as found in this document.

- Please see the original works for complete listings.
- (2000:+ paragraph number) – The paragraph numbers being those found in England and Wales High Court of Justice Queens Bench Division (The Administrative Court); Case No: CO/3775/98; Judgment, 2000.
 - (2003:+ paragraph number) – The paragraph numbers being those found in The High Court of Justice Queens Bench Division; Case No: HQ02X01287; Approved Judgment, 2003.
 - (2003A:+ paragraph number) – The paragraph numbers in The High Court of Justice Queens Bench Division; Case No: HQ02X01287 (Appendix); Approved Judgment Appendix.
 - (2006:+ paragraph number) – The paragraph number in England and Wales High Court; Case No: CO/4093/2004, 2006; Handed Down Judgment.
 - (ECtHR:+ paragraph number) – The European Court of Human Rights (Fourth Section); Application No. 35622/04; Chagos Islanders against The United Kingdom; Decision, 11 December 2012.

Appendix 3: Calculation of Monetary Values.

The equivalents found in the footnotes were calculated in each country's currency, using the inflation calculators as noted here:

- For Great Britain Pounds–GBP, or £–equivalents were based on official U.K. Government Retail Price Index increases as found here: <http://www.measuringworth.com/ppoweruk/?redirurl=calculators/ppoweruk/>.
- For U.S. Dollars–USD, or \$–were based on the United States government's Consumer Price Index increases): <http://www.westegg.com/inflation/>.
- For Mauritian Rupees–Rs–the calculations were based on the Mauritian Government's CPI increases found at the Republic of Mauritius Central Statistics Office Historical Series Comparative annual Consumer Price Index, (Base January – December 1963 = 100), 1963–2007. Found at: http://www.gov.mu/portal/site/cso/menuitem.e252e3fb5d85cdde965c062ca0208a0c/?content_id=8a39e924d448a010VgnVCM1000000a04a8c0RCRD.

Should one wish to covert one currency to another in the common dates used in this essay, please use these exchange rates:

- 1965-1978 was £1 = Rs 13.333 = \$2.40.
- 1982 was £1 = Rs 19 = \$1.75.
- April 2013 was £1 = Rs 48 = \$1.56.

Appendix 4: Property Ownership on the Chagos.

With the exception of marooned French lepers in the 1780s, it is safe to say that every adult who has ever lived on the Chagos for any period of time was an employee of an agribusiness, its associated commercial enterprises, a coaling station, or a distant government. Beginning in 1865, that employer owned the land and other real property in the islands⁶¹, and always had headquarters elsewhere. Employees included everyone from the attempted colonizers from the East India Company in 1786, to the plantation managers, workers, priests, visiting colonial administrators, law enforcement officials, and today, the resident multi-national force of military members, government employees, and associated contractors.

At no time did anyone other than a commercial company or a government enjoy any property rights on Chagos. This included the resident managers of those enterprises, and the workers, including the Ilois (2000:7; 2003A:221;385-386).

The plantation companies provided the sole source of employment on the islands in the 20th Century (2003:5). All the employees, including the Ilois, lived in what in the United States is called "a company town" in assigned housing provided by the Plantation Company. These companies

were granted Concessions (*Jouissances* in French) by the Colonial Government which initially permitted exploitation of the islands, and later entailed ownership of the real estate and natural resources of the Concession. Each Concession was run as if it were a private estate, and in 1934, a Mauritian Company, the Societe Huiliere de Diego et Perosⁱ, consolidated ownership of all the real estate on the Chagos⁶². In 1962, the Chagos-Agalega Company Limited, based in the Seychelles, bought the interests of the Societe Huiliere de Diego et Peros⁶³, and the entire Chagos – its land and improvements, and even the trees – became the property of Chagos-Agalegaⁱⁱ. In turn, during March and April, 1967, Chagos-Agalega sold it all to the newly created British Indian Ocean Territory (2003A:95), which in 1968 employed Moulinie and Company of the Seychelles to manage the plantations.

Even though many Ilois spent much of their lives on the Chagos, they owned no real estate, and were not considered “belongers” until 1966 (2000:13). Certainly, the plantation owners considered the workers as nothing more than contracted laborers who could be allowed to stay or could be sent away. Few if any non-employees stayed on the Chagos for long. Although it was common for local plantation managers to allow “pensioners” and the disabled to remain in the islands and continue to receive rations in exchange for light work, children over the age of 12 were required to work (2003:217;344). For example, a detailed census in 1964 showed a total population, including children, on the Chagos of 963, of whom only three adults were unemployed (2003A:12).

Appendix 5: The Inability to Grow Food Crops on the Chagos.

The inability of the Chagos to provide adequate foodstuffs to sustain human life was a serious issue on the Chagos from the earliest days – in fact, the British colonizing expedition of 1786 had to bring its own topsoil to grow grains and potatoes, an experiment that ultimately failed⁶⁴. Ever since the French succeeded where the British did not in establishing their colony, basic rations were provided by the employer (2003A:215-216). Carbohydrates were essential to workers whose employment was almost exclusively physical labor. However, maize and rice would not grow well in the islands⁶⁵, so carbohydrate rations in the form of 2 pounds of rice per person per day, more or less, were provided from the earliest records⁶⁶. In the modern era, witnesses testified that they “got lots of rice and foodstuffs given to them” (2003A:195;215;427). The workers supplemented the rations with vegetables grown in small gardens and poultry, while pork was provided from semi-wild Company-owned herds. Each plantation assigned fishermen to provide extra protein (2003A:25).

How important were the Company-provided rations? In the days and

ⁱ The Oil Company of Diego [Garcia] and Peros [Banhos].

ⁱⁱ Except for six acres on Diego Garcia previously transferred to the Crown by previous plantation owners in lieu of taxes.

weeks leading up to the final voyages clearing the islands, it came down to this: If the Islanders didn't get on the boat when it left, they would slowly starve (2003A:353). As with other comparisons with life on the islands in the Plantation Era, the issue of food has serious implications for re-settlement of the islands as proposed in the 21st Century. For example, the Chagos Refugee Group and the U.K. Chagos Support Association, proposed in 2008 to resettle 2,500 people on Peros Banhos and Salomon atolls⁶⁷. This represents a 350% increase over historic population numbers, and food would certainly prove to be a major logistical concern if such settlements were put in place⁶⁸.

How much food would be required to feed 2,500 people on the islands? In 1987 & 1988 the author's job included scheduling weekly resupply flights of fresh fruits and vegetables from Singapore to Diego Garcia. The 3,000 personnel stationed on the atoll at the time did not engage in agriculture of any sort, and only were permitted to fish for recreation on Saturday afternoons and Sundays (per capita catch was less than 11 kilos/year⁶⁹ – half the annual per capita consumption of the United Kingdom and just 5% of that of the nearby Maldives⁷⁰). For all intents and purposes, all food for the population had to be brought to the island.

Each *month* a supply ship made a round-trip from the U.S. Naval Base in the Philippines, carrying over 50,000 kilos of packaged and preserved food. Each *week* a U.S. Air Force cargo plane carried over 10,000 kilos of food from Singapore, 3,700 kms to the east. This much food provided a 3,000 calorie per day diet to everyone on the island.

A similar amount of food choice should be provided for any settlement on the islands. Any attempt to resettle the islands must resolve this food issue prior to resettlement. If, as envisioned by the "Returning Home, A Proposal for the Resettlement of the Chagos Islands", fishing for rations will be required⁷¹, it would be well to consider the effect on the in-shore fishery of Salomon and Peros Banhos of consuming 175 kilos per person per year (437 metric tonnes) as they do in the neighboring Maldives. Clearly, importation of the majority of foodstuffs consumed will be required, as it always has on the Chagos.

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A typical day's work for an Ilois man - husking coconuts. This level of physical labor requires a high-calorie diet.



Women at work on Diego Garcia cutting the meat out of coconuts for further processing. This work in the sun was as exhausting as the men's work husking the coconuts.

Appendix 6: The Petition to President Obama.

In March 2012, the U.K. Chagos Support Association submitted a petition to a U.S. Government website intended for the use of American Citizens to petition their government. The petition demanded that "The U.S. Government Must Redress Wrongs Against the Chagossians." It went on to say: "For generations, the Chagossians lived on the Chagos Archipelago in the Indian Ocean. But in the 1960s, the U.S. and U.K. Governments expelled the Chagossians from their homes to allow the United States to build a military base on Diego Garcia. Facing social, cultural, and economic despair, the Chagossians now live as a marginalized community in Mauritius and Seychelles and have not been allowed to

return home. The recent passing of the oldest member of the exiled population underscores the urgent need to improve the human rights of the Chagossians. We cannot let others die without the opportunity to return home and obtain redress. The United States should provide relief to the Chagossians in the form of resettlement to the outer Chagos islands, employment, and compensation.” 30,037 signatures were gathered, of which fewer than 10% were from U.S. addresses.ⁱ

The official U.S. Government response was:

“Thank you for your petition regarding the former inhabitants of the Chagos Archipelago. The U.S. recognizes the British Indian Ocean Territories, including the Chagos Archipelago, as the sovereign territory of the United Kingdom. The United States appreciates the difficulties intrinsic to the issues raised by the Chagossian community.

“In the decades following the resettlement of Chagossians in the late 1960s and early 1970s, the United Kingdom has taken numerous steps to compensate former inhabitants for the hardships they endured, including cash payments and eligibility for British citizenship. The opportunity to become a British citizen has been accepted by approximately 1,000 individuals now living in the United Kingdom. Today, the United States understands that the United Kingdom remains actively engaged with the Chagossian community. Senior officials from the United Kingdom continue to meet with Chagossian leaders; community trips to the Chagos Archipelago are organized and paid for by the United Kingdom; and the United Kingdom provides support for community projects within the United Kingdom and Mauritius, to include a resource center in Mauritius. The United States supports these efforts and the United Kingdom’s continued engagement with the Chagossian Community.”

The authors of the response included the Assistant Secretary of State for Democracy, Human Rights, and Labor, indicating that the Obama Administration has nothing more to say to the Bancoult faction.

Appendix 7: Select Bibliography.

For those wishing to more fully understand the detail and depth of this complicated subject, I would invite you to consider study of the following works. Combined, they detail thousands of objective facts about the history of the island, the creation of the British Indian Ocean Territory, the events and decisions leading up to the evacuations, the compensation provided to the Ilois as the plantations closed to make way for the establishment of the U.S. base, and the Islanders’ historical and current claims and desires.

There are other recent books that openly advocate on behalf of the Bancoult faction. If one chooses to read them, one should evaluate them

ⁱ <https://petitions.whitehouse.gov/petition/us-government-must-redress-wrongs-against-chagossians/gPRF7hmz>.

Appendices and References

for bias, which is often exhibited in the extreme. An example is David Vine's *Island of Shame: The Secret History of the U.S. Military Base on Diego Garcia*. Vine wrote the book at the behest of Michael Tigar, attorney for Bancoult *et al* in the suit in the U.S. Federal Courts. Tigar claims that he recruited Vine specifically to produce evidence for the trial, and describes Vine's role as a biased researcher who "sees the Chagossian people in the context of global struggle."⁷² Vine in turn claims he was not paid for his work, but states that "Tigar reimbursed my expenses."⁷³ Vine is also a race-baiter. At the 11 May 2011 Chagos Regagné conference, with absolutely no evidence whatsoever to back up his claims, he told an audience of hundreds of Chagos Islanders that the only reason the United States had requested the clearance of the Chagos was because they, the Islanders, were "black". He repeats that claim in his book at length, again without any evidence to justify such an extreme claim⁷⁴. It is thus difficult to see how his book could be objective in any way.

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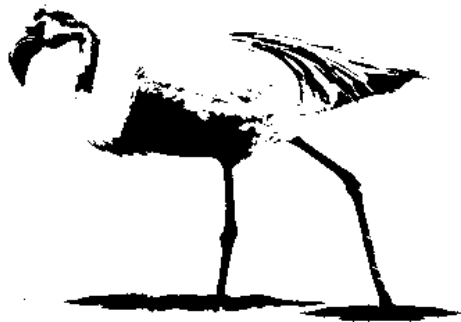
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Endnote: The Author's Opinion.

As I completed this essay, I became convinced that the Ilois/Chagossians as a group have been treated poorly by almost everyone they have come into contact with, from French slavers, to the companies paying slave wages, to the American and British Governments that shared the decision to remove them from their homes, to the Mauritian government which failed to pay compensation faithfully or on time, to the activist attorneys, anthropologists, and authors who have used the Islanders as pawns in the “global struggle” of the Progressive Movement of the 21st Century. Even the Obama Administration has washed its hands regarding the Islanders’ issues, and vocal former and present British diplomats and politicians now beat the drum to return the Islanders to the sovereignty of Mauritius.

One must ask, “Where do the Islanders’ best interests lie?” Clearly, each Chagossian must make that decision for himself – relying on others has proven ineffective at best, and disastrous for many. Granted that certain individuals have played prominent roles in the recent history of the Islanders *as a group*, we still must wonder if they have really played a helpful role in improving the daily life of the *individual* Chagos Islander and his or her family. Or has the noise and fury of the past 15 years of confrontation and litigation benefitted anyone but the few politicized rabble-rousers? Isn’t it the individual Chagossian who has been affected – and clearly not in a positive way – by the legal and political maneuvering of the past? And isn’t it they who will be affected by those actions taken in their name, with or without their consent, tomorrow?

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