Chagos Islands dispute

Why in News?

Mauritius called the UK an “illegal colonial occupier”, after it ignored a UN mandated deadline to return the Chagos Islands to Mauritius.

What is the story behind?

- The Chagos Islands is an archipelago in the Indian Ocean.
- The United Nations (UN) had given the United Kingdom (UK) 6 months to process the transfer the Chagos Islands to Mauritius.
- This UN move was bitterly resisted by the UK and the US.
- Mauritius argues that the Chagos Islands has been a part of its territory since the 18th century, till the UK broke the archipelago away from it in 1965.
- After Mauritius gained independence from the UK in 1968, the UK refused to return the Chagos Islands to Mauritius.

Why UK isn’t returning Chagos?

- **Petition** - Mauritius submitted petitions to the Permanent Court of Arbitration (PCA) that the island was required to accommodate the US’ desire to use certain islands in the Indian Ocean for defence purposes.
- **Military base** - The largest island on the Chagos Islands archipelago, Diego Garcia, is where the US and the UK operate a large military base.
- After the September 11, 2001 attacks, the military facility was also used as a CIA interrogation site.
- **Mauritius’ exchange** - After independence, Mauritius proposed an exchange allowing the UK to let the US use the island for defence purposes till those needs ceased.
- In exchange, it demanded for increasing the quota of sugar imports into the US, a move that would contribute to Mauritius’ economy.
- The UK rejected the proposal stating that the US could not be involved in any treaty despite using the islands themselves.
- **Depopulation** - The UK in conjunction with the US embarked on a six-year long forced depopulation of the Chagos Islands to accommodate the UK and US military base.
- There were subsequent denials issued by the UK claiming that the displaced

people did not belong to the Chagos Islands.

What happened at the PCA?

- In 2015, Mauritius initiated legal proceedings in these matters against the UK in the PCA at The Hague, the Netherlands.
- It declared that the UK had breached its obligations under the UN Convention on the Law of the Sea.
- The ruling called out the UK for deliberately creating a Marine Protected Area (MPA) in the waters surrounding Chagos Islands in 2010.
- According to the ruling, the PCA judges found that there was evidence that the UK had ulterior motives in declaring the Marine Protected Area.
- They also found that the UK violated the standard of good faith.
- The PCA found that the MPA created by the UK in connivance with the US was illegal and that British and American defence interests were put above Mauritius's rights.

What happened at the UNGA?

- In 2017, at the UN General Assembly (UNGA), 94 countries voted in support of Mauritius' resolution to seek an advisory opinion on the legal status of Chagos Islands from the International Court of Justice (ICJ).
- The US and the UK were among the 15 countries that voted against the resolution.
- The vote came as a blow for the UK and the US because 65 countries abstained from voting on whom they have been banking on for support.
- The result of the vote was a signal that the UN was unlikely to support continued colonisation of territories or colonial legacies of which occupiers were unwilling to divest control.

What happened at the ICJ?

- In February 2019, the UN's highest court of justice, the ICJ ordered the UK to return the Chagos Islands to Mauritius "as rapidly as possible".
- Mauritius had submitted before the ICJ that it had been coerced into giving the islands to the UK as part of colonial occupation of the country.
- It stated that this move was in breach of UN resolution 1514 which specifically banned the breakup of colonies before independence.
- The UK argued that the ICJ did not have any jurisdiction to hear the case at all.
- Of the 14 judges overseeing the ruling, the only judge to dissent was an American.
- After the ICJ ruling, the UK Foreign Office said that the ICJ ruling was "an

advisory opinion, not a judgment".

- It also claimed that the defence facilities on the British Indian Ocean Territory help to protect people here in Britain and around the world from terrorist threats, organised crime and piracy.

What happens now after UK missed the UN deadline?

- After the UK missed the deadline to do so, Mauritius called the UK an "illegal colonial occupier".
- The African Union issued its own rebuke against the UK and demanded that the nation put an end to its continued colonial administration.
- The UK is slowly finding itself more diplomatically isolated after its failures at the UNGA concerning Chagos Islands.
- The Brexit has also alienated the UK to a certain degree in terms of its relations with other EU members.
- For now, the UK might be searching for reassurance in the fact that the ICJ ruling is not binding and no immediate sanctions or adverse actions will be taken against it.
- The next step at the 2020UNGA would be the question of resettlement of and potential compensation for the displaced Chagos Islanders who were forcefully removed from their homeland by the UK and the US.

Source: The Indian Express

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