

UK dismisses UN Maritime Court ruling that it has no claim to Chagos Islands/Diego Garcia

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Britain, with customary imperial arrogance, has again dismissed a United Nations court decision that it has no entitlement to the Chagos Islands in the Indian Ocean.

On January 27, the United Nations International Tribunal for the Law of the Sea (ITLOS), in the latest round in a protracted legal battle, ruled that the UK has no sovereignty over the Chagos Islands, which includes Diego Garcia, home to one of the US's largest airbases.

It follows a similar decision in 2019 when the International Court of Justice (ICJ) in an "advisory" opinion, ruled that Britain's separation of islands in 1965 from Mauritius before it became independent in 1968 and their incorporation into the specially created British Indian Ocean Territories (BIOT), violated 1960 UN resolution 1514 banning the breakup of colonies before independence.

The ICJ described the UK's method of gaining control over the islands as coercive and the removal of the residents to make way for the US base as "shameful" and urged the UK to end "its administration of the Chagos Islands as rapidly as possible." The overwhelming majority of the UN General Assembly supported the ICJ's ruling.

The maritime court confirmed the legitimacy of Mauritius's claim to the Chagos Islands, calling Britain's continuing administration of the islands "unlawful" and criticised its failure to hand the islands back.

The ruling implies that the UK's leasing of Diego Garcia to the US is also illegal. Britain recently extended the rent-free lease on Diego Garcia, the largest island in the archipelago, halfway between Tanzania and Indonesia, to 2036. The US uses the site as a launching pad for its criminal operations in the Middle East, with the CIA using Diego Garcia as a "dark site," where it detained and tortured people and also refuelled

extraordinary rendition flights.

Following London's refusal to accept the 2019 ICJ and the UN opinions because they were advisory, Mauritius took the case to the international maritime court to press its claim to the islands. It asked the court to resolve its separate maritime dispute with the Maldives, the other nearest island to the waters around the archipelago, which tried to avoid negotiations with Mauritius by arguing that there was a valid live dispute over the sovereignty of the Chagos Islands between the UK and Mauritius. The court ruled that the Maldives could not avoid negotiating its maritime boundaries with Mauritius on this basis.

With no powers of enforcement, the court's ruling is a dead letter and Britain knows this, declaring, "The UK has no doubt as to our sovereignty over the British Indian Ocean Territory, which has been under continuous British sovereignty since 1814. Mauritius has never held sovereignty over the BIOT and the UK does not recognise its claim."

The Foreign Office said that since it had not been a party to the maritime court case, it was not obligated to comply with the ruling. Nevertheless, it has previously stated that it would eventually hand the Chagos archipelago over to Mauritius when it is "no longer needed for defence purposes."

The UK's rejection of the UN rulings is in line with a broader assault, led by the US, on the institutional arrangements established in the aftermath of World War II. It indicates that the imperialist powers, facing an ongoing decline in their economic position, will brook no constraint on their geostrategic interests and their plans for a new imperialist carve up of the world and new forms of colonial-style exploitation of the poorest nations on earth.

It is significant that apart from short articles in the

Guardian and the BBC, Britain's media has failed to report the UN maritime court decision, indicating their dismissal of the UN when it conflicts with Britain's interests.

Mauritian Prime Minister Pravind Kumar Jugnauth called on Britain to end its unlawful occupation of the Chagos Islands and said that ITLOS would now determine the maritime boundary between Mauritius and Maldives on the basis that Mauritius held sovereignty over the Chagos archipelago.

Britain incorporated the Chagos archipelago into the newly created BIOT in 1965 for defence purposes and forcibly evicted and deported the Chagossians to Mauritius and the Seychelles, another former British colony, to make way for the leasing of Diego Garcia to the US Naval Support Facility. The UK rode roughshod of the 1,344 islanders' rights, including denying them the right to return to their homeland, which international lawyer Professor Philippe Sands QC, who represented Mauritius, said was arguably "a crime against humanity within the meaning of Article 7 of the [International Criminal Court] Statute."

Britain's purpose in granting Washington the 50-year lease on Diego Garcia—kept secret from both Parliament and the US Congress--was to secure an \$11 million discount on the US-made Polaris nuclear weapons system, which Labour had pledged to scrap when in opposition.

For more than five decades, Britain has acted like a colonial master, carrying out one crime after another against the Chagossians while lying, ignoring court decisions, invoking Royal Prerogative and then covering up its actions. The islanders have lived in impoverished conditions ever since, with just a few allowed into Britain.

None of the promises of support and compensation were kept. Many of the islanders were simply abandoned when they landed. The islanders, as a condition of accepting Britain's derisory offer of compensation in the 1980s, which largely failed to materialise, were required to renounce their right to return. In 2016, the British Foreign Office set up a £40 million fund to compensate the islanders. Five years later, after it had distributed just £12,000 in direct support to them, Croydon Council, tasked with assessing how to allocate the money, abandoned the work.

Mauritius has sought the return of the archipelago in pursuit of its own interests, not those of the Chagossians. Sovereignty over the archipelago could bring significant benefits. Its size would increase dramatically. Included within the territory is the Great Chagos Bank, the largest

coral reef structure in the world, much of it in pristine condition. Ownership would also allow Mauritius to charge the US for using Diego Garcia, potentially a large annual sum. Hosting the US base would expand and cement the US-Mauritian defence relationship and thus allow Port Louis to limit its dependence on India. Thus far at least, Washington appears to prefer to lease Diego Garcia from the UK than from Mauritius.

Britain is determined to hold onto its remaining 14 colonial possessions and to support the US, which has five, in pursuit of their predatory imperialist interests. It fears claims from the Mauritian government for compensation and the implications for other sovereignty disputes, including with Spain over Gibraltar and Argentina over the Falklands/Malvinas.

In the last weeks, Prime Minister Boris Johnson's Conservative government has lambasted China for its abuse of democratic rights in Hong Kong and Xinjiang. Foreign Secretary Dominic Raab criticized Beijing for imposing wide ranging national security legislation that undermines Hong Kong's autonomy as set out in the 1984 Sino-British Joint Declaration. He specifically called out Beijing for violating its international legal obligations. Since then, Britain has suspended its extradition treaty with Hong Kong.

The UK is increasingly lining up with the US and its confrontational stance in the Indo-Pacific, both because of its dependency on US imperialism—dressed up as its "special relationship" with Washington—and the need to direct increasing class tensions outwards against an external enemy, China.

London is supporting US efforts to assemble a new "coalition of the willing" against Beijing with its "tilt to the Indo-Pacific" in which the Chagos Islands occupies a strategic position. It is hosting the G7 summit that will include India, South Korea and Australia. Having signed trade and security deals with Japan, it is now planning to join the US-led Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) aimed at economically isolating China. It is soon to publish its post-Brexit integrated Foreign, Defence, Security and Development policy review that focuses on China.



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