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Mauritius

Britain Exposed in U.N. Court hearing for illegal detachment of Chagos from rest of Mauritius

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Description:

An absolutely riveting case was before the United Nation's court, the International Court of Justice at The Hague, last week. How could a court case 50 years after the events, in what is usually the dry legalistic argumentation of the most arcane kind about international law, be "riveting" by any stretch of the imagination, let alone "absolutely riveting"?

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It was riveting because of the only-just-suppressed rage of many of those speaking in favour of the UN General Assembly Resolution calling on the ICJ to give an Advisory Opinion on whether Britain in the 1960's completed the decolonization of Mauritius, when it excised Chagos which includes Diego Garcia from Mauritius, and what the consequences of this incomplete decolonization are today, including for the resettling by the Mauritian Government of the Chagossian people on their home islands.

The only-just-suppressed rage was coupled with lucid argumentation that was, itself, a fine blend of legal, political, logical and factual points woven tightly together. All this showed that the wounds of colonization are still raw. And that the burning desire to finish with colonization is a live emotion until today - in Africa and world-wide.

We in LALIT and all our friends, comrades, colleagues in the struggle over the past 40 years, had the additional feeling of being vindicated. All our arguments - logical and humane - were on international display, being taken seriously by 15 judges of the UN Court, when we have spent decades answering the childish British arguments, often mimicked by subservient local elites that say, "Old Man Ramgoolam sold Chagos to the English", therefore there is nothing you can do about it.

At the ICJ, all the finer points of law we have, as mere amateurs in LALIT, grappled with for years, were teased out and discussed by top legal minds of the world, and we could all follow this live. And almost all arguments were in favour of the ICJ giving an Opinion, and giving it against Britain for not completing decolonization, and also calling on the Court to lay out the consequences for today of this failure to complete decolonization. It was a source of pride to see a big delegation of Chagossians in the Mauritian delegation, and Mrs. Liseby Elysée giving testimony.

The BBC was the first international media outlet to bow down before the impeccable logic of those challenging Britain for its perfidy - to the credit of those who did the program for the BBC. In LALIT, we have spent hours and hours confronting international journalists on their avoiding of the Chagos issue.

There was also on show, on the British side, a rather despicable display of colonial contempt, in particular on the part of the big four colonizer-defenders: Britain, the USA, Israel and - though an ex-colony herself - Australia.

Their arguments - these four - maintained that the Resolution sent to the ICJ by the entire General Assembly was a mere "bilateral dispute" between Mauritius and Britain, and therefore not admissible before the Court at all because, they argued, one of the parties to this supposedly bilateral dispute, i.e. Britain, has not given its consent.

All the 94 countries that voted in favour of sending this Resolution to the ICJ do not stop it being "bilateral"! How is that for a colonial mind-set? All those 94 countries do not exist, when they call for an Advisory Opinion for the General Assembly. Not only that. As many of those giving evidence against Britain pointed out beautifully, the Resolution was not even proposed in the General Assembly of the United Nations by Mauritius, one of the parties in the supposed bilateral dispute; it was proposed by the 55 States of the African union. Talk about the mentality of the colonizer of terra nullius, or land without people in it! The African union is still, to Britain, the USA, Israel and

Australia, a terra nullius.

So, this point became one of the main debates: Is the question of the excision of all the islands of Chagos from Mauritius just prior to Independence of Mauritius a "bilateral dispute" or a question of decolonization and self-determination, things that are part of the UN Charter, supported by many Resolutions, one such Resolution even warning Britain specifically not to dismember Mauritius in this way?

And on this point there were absolutely wonderful arguments put forward by the African union itself, represented by three speakers, and by the individual countries of Nigeria, South Africa, Kenya, Zambia and Botswana. Immense resources had been allocated by these States - the 55 in the African union plus additional resources from these five countries of Africa - to build up and support their argumentation in favour of the principle of complete decolonization, and that this decolonization must maintain "territorial integrity".

Other States were equally impressive: small states like the Marshall Islands, Belize, and Vanuatu (come before the Court for the first time ever), States under gross and immediate pressure from the USA like Guatemala, Argentina and Nicaragua, other States that are under pressure from the UK, like Cyprus, and others without an axe to grind, only a principle to stand up for, like Thailand, India and Brazil, all in turn gave oral statements.

Listening to the live stream (also on demand - VOD) in English and French on the ICJ site [\[1\]](#) as well as on UN Web TV, the official UN site, made four days of education for spectators or listeners on the history of decolonization. And it was four days that passed in the batting of an eye-lid.

Britain was taken to task for its arguments that verged on the ridiculous when it came to the substantive issues.

Britain argued that Chagos was 2,000 kilometres away from the other islands of the Republic of Mauritius, therefore it, Britain, 10,000 kilometres away should have sovereignty. Do we laugh or cry, on hearing such rubbish?

Or why Britain should have hidden so stealthily from the United Nations General Assembly that they were dismembering Mauritius, or secretly spirited the 2,000 Chagossian Mauritians living there to Mauritius main Island, claiming in a wildly sexist and racist statement at the time that there were no people living there at all, just a few birds there (not - yet - protected by international conventions) and just a few "man Fridays"? Why should Britain have pretended the US military base they were conspiring to get set up there was a mere "communications station"? Why all the deception, if as they now try to say, it was still normal by the 1960s to divide up territories prior to Independence?

Why did the UK pay the Mauritian Government (though a pittance) for the Islands if they were not already Mauritian? Their own actions, so unjustifiable, serve again and again to contradict anything the British State tries to say today. Why did they give fishing rights to Mauritius if the islands had not been part of Mauritius? And why did the British choose to leave most of the Chagossians on the Port Louis docks if they did not know that the Chagossians were Mauritians? And why on earth did they promise to "return" the Chagos Islands to Mauritius, when they decided they were "no longer needed for defence purposes"?

And as for pretending Mauritian voters had a free choice on dismemberment at the time of Independence, this is doubly rubbish: the choice at the 1967 general Elections was between not getting Independence (by voting PMSD) and getting Independence with Chagos excised (by voting the Labour-IFB, CAM alliance); and Chagossians did not get to vote at all. So, what kind of a "self-determination" or consent was that?

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Britain was exposed again and again as having suddenly found a reason for seeing Chagos as worth keeping (when the USA wanted a military base there) and then finding devious ways of keeping and depopulating the islands. So this whim to have a base, meant Britain thought it was justified in passing Orders-in-Council to excise Chagos from Mauritius all of a sudden, and then to drive the Chagossians off over the next 8 years.

Only a colonizing power could not see the absurdity of throwing to the wind international law on decolonization and Chagossians' human rights to live where they live, just because it wanted a place for a base. And Britain has continued in this vein, still pretending it would "return" or later merely "cede" Chagos when it no longer required it. And who would decide when it no longer required it? Well, obviously, the colonizers. They are the only people who are people.

All this came out in the argumentation by all those who spoke in favour of the UN General Assembly resolution for the 15-member ICJ to give an Advisory Opinion. One of the refrains was, understandably and predictably, that Britain is merely trying to "justify the unjustifiable".

And as for Britain (and the USA, Israel and Australia) opposing an "Advisory Opinion" from the ICJ, it is mad. Not just an "opinion", which is very weak, but an "advisory" opinion, which is less than an opinion. The question is why not? It is only "advisory", and only an "opinion", for goodness sake. What's the problem?

And not only that. Britain lost its case at the Tribunal under the Law of the Sea Convention (UNCLOS) in 2015 when Mauritius argued that Britain did not have sovereignty sufficient to set up a Marine Protected Area there - a ruse to keep Mauritius and Mauritian Chagossians away - and yet Britain has not respected the judgment in that case.

So, finally, all those who have contributed to this struggle: Chagossians like the late Charlesia Alexis and Aurelie Talate, and the 150 or so Chagossian women, and all the Chagossian people and their organizations who we, in LALIT, struggled alongside for all those years, first and foremost. In particular the Chagos Refugees Group and the Organizasyon Sosyal Chagosyin, led by Olivier Bancoult and the late Fernand Mandarin respectively. And then there were the eight women - five Chagossians, three in LALIT - who were arrested and charged with illegal demonstration in 1981, for putting the issue on the agenda in Mauritius, by means of street demonstrations in Port Louis for three days running in support of a hunger strike by Chagossian women.

And then there are all the Mauritian organizations - like the Comité Ilois of the Organisation Fraternel, the MMM branches in the 1970s in Port Louis, the unions in the General Workers' Federation, the Muvman Liberasyon Fam, The Komite Moris Losean Indyin and the late Kishore Mundil, the Komite Rann nu Diego in the 1990s and the two LALIT International Action Conferences, the Komite Diego set up in 2006 and still in existence, and musicians and poets like Bam Cuttayan, José Bhoyroo, Rajni Lallah and Joelle Husseiny, and Mennwar, and a number of novelists, too. And individuals who have made immense contributions as journalists (Henri Marimootoo and Patrick Michel), Judges like the late Rajsoomer Lallah, former Presidents of the Republic (like Cassam Uteem), and the Mauritian permanent representative at the UN Jagdish Koonjal, who has master-minded this dossier regardless of which party is in power in Mauritius. It is the hard political work of these combined efforts that forced the Mauritian State finally to go to the ICJ. And even abroad, there have been, in addition to States, organizations and individuals like the No Bases Movement, film-makers like Paedar King, Michel Daeron, John Pilger and others, and many, many workers and peoples' organizations over the 40 years who have supported the Diego Garcia struggle through LALIT.

Britain and the USA are in deep political trouble over the Chagos and Diego Garcia.

Even if the Mauritian Government is obsequious and bows down to the US military, inviting them to stay on, implying a bit of rent money will do, this case brings the actions of the US government and the British Government before the

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eyes of their people, who in general are completely ignorant of all these crimes: the military base (in a dark spot on the surface of the globe - over which neither they nor we in Mauritius have democratic control), the immoral and illegal land-grab by Britain through the dismemberment of a whole country under its rule as a condition for the Independence of the rest of that country, and the cruel removal from their homes by the UK-USA tandem of all the Chagossians after subjecting them to watching their pet animals gassed to death, and then watching food supplies dry up.

So, now, after so much international support - from peoples and even from anti-colonial States, it is time to act. We, in Mauritius must force the Government to prepare an official visit by ship, perhaps a fishing ship. The elected Government and Opposition of Mauritius, Chagossian leaders, Mauritian and international journalists all on board to visit this part of Mauritius.

It is also high time that the Minister Mentor, who was witness at the case and who is the only surviving person from the "negotiations" in which Britain plotted the dismemberment of Mauritius, should hand back his "Sir" and become Mr Aneerood Jugnauth again, just as many Parliamentarians in India did at Independence, and as the poet Tagore did after a British massacre.

And each Ministry in Mauritius must prepare for the return of Chagos to Mauritius.

The coming Electoral Reform that Government says will be a reality by the end of the year must include a Constituency in waiting for Chagossians, too.

And, as the USA goes into deeper and deeper debt, our struggles to close down the US military base must continue.

[1] www.icj-cij.org/en/multimedia-index