

Is the Chagos Deal Really Under Threat?

Written by Peter Clegg

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PETER CLEGG, DEC 8 2024

Two months ago, I wrote an article which attempted to set out the reasons for the UK's decision to reach an agreement with Mauritius for the transfer of sovereignty of the Chagos Archipelago. In the intervening period Donald Trump has won the US Presidential election, a new government has been voted into power in Mauritius, and there has been growing political and media criticism of the deal in the UK. This follow up reflects on what has taken place in recent weeks and if the deal is likely to fall.

In the UK Parliament, there have been four debates in the last three weeks on the Chagos Islands, two in the House of Commons and two in the House of Lords. They have not revealed much new information on the deal but have reaffirmed the Labour Government's commitment to it and the key principles behind the decision to reach an agreement with Mauritius. The debates have also crystallized opposition attack lines.

In the first Commons debate on 13 November instigated by Nigel Farage, the Reform MP, the Minister of State, Stephen Doughty, restated that international law and opinion was clearly moving against the UK. Two tangible examples are the UN changing its maps so that the Chagos Islands are now referred to as part of Mauritius and the Universal Postal Union no longer issuing stamps for the British Indian Ocean Territory (the official UK name for the Chagos Islands). Doughty also highlighted arrangements preventing the presence of foreign security forces on the outer islands, additional support for the Chagossians, including their right of return to all islands apart from Diego Garcia, which hosts the UK-US military base, and that Mauritius would take responsibility for any illegal migration to the islands. The last issue has been a running sore for the UK government, with the status of a group of Sri Lankans remaining unresolved until the last few days. After three years, they have been moved to the UK.

In response, the opposition parties, particularly the Conservatives and Reform were highly critical of the deal, arguing that Mauritius has no legal or historical claim to the Chagos Islands, that the International Court of Justice ruling was purely advisory, that the incoming Trump administration was against the agreement (see below), that national security would be compromised, allowing China to take a greater foothold in the Indian Ocean and that the interests of the Chagossians had been ignored. Many of these issues were dealt with in my previous piece, and all have strong and arguably more convincing counter arguments. For instance, while it is correct that China has increased its presence in the Indian Ocean, it should not be overstated. For Mauritius, the country is not part of the China's Belt and Road Initiative and India is its de facto security provider.

One further suggestion made by Farage, during the second Commons debate on 2 December, was a referendum should be held and that should determine who has sovereignty over the Chagos Islands. This idea has been picked up by others and that a group of peers in the Lords plan to introduce an amendment to the treaty calling for a referendum. At first sight this might seem to be an effective way of gauging the views of the Chagossians about the future of the islands, but in reality this is a non-starter for two reasons.

First, the status of the islands requires a state-based solution and must be completed before anything else. In other words, a deal is needed between the UK and Mauritius to correct the decision made in 1965 to separate the islands from Mauritius just prior to the latter's independence. As I argued recently, "it is the decision regarding the breakup of the territory ... which is the most important international legal question. If that separation had not taken place, the Chagossians would now have been part of an independent Mauritius". Second, deciding on who would vote in a

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referendum would be difficult to agree. Would it be those who were originally forced out in the late 1960s and early 1970s, amounting to 300 or 400 people, or would second and/or third generation Chagossians be included who have never lived on the islands. Such difficulties in defining the franchise have been seen in New Caledonia, which despite having three referendums its status remains contested.

It is unfortunate that discussions at Westminster have not been more nuanced and that has been reinforced by the UK media generally failing to properly interrogate the underlying issues involved in the proposed deal to return the Chagos Islands to Mauritius. It is perhaps not surprising that British tabloid newspapers such as the *Express* and *Mail* have been overwhelmingly critical with headlines such as 'Labour sparks fury after snubbing Chagos Islanders on Remembrance Sunday' and 'Chagos surrender is a risk to security'. But, even the broadsheets, such as *The Times* and *Independent*, have been guilty of some lazy reporting. It is undoubtedly the case that the proposed deal is significant and until the Treaty is published details remain limited, but so far the issue has not been given due consideration. Nevertheless, it is almost certain that the deal would be approved by Parliament.

Of course, the situation has become more complicated as a result of elections in Mauritius and the United States, which have seen new governments being voted in. Perhaps less significant is the change of government in Mauritius. Although the new prime minister, Navin Ramgoolam (interestingly the son of the leader who agreed to the original separation of the Chagos Islands), has asked for an independent review of the draft agreement, with a focus, for example, on the financial settlement, it is unlikely that he will pull the plug because of the benefits that will accrue.

And then there is the new Trump administration and what its view might be. Even though no official comment has been made there is a strong impression that it is against the deal for many of the reasons voiced by Farage and the Conservative front bench, particularly the China 'threat', but also whether the present exemption of Diego Garcia from the African Nuclear-Weapon-Free Zone (Pelindaba) Treaty would be maintained (a likely yes). Indeed, Farage has not hidden the fact that he has been speaking with Trump and others about the issue and there are suggestions that Tory Shadow Home Secretary, Priti Patel, is being "kept in the loop".

The UK Government remain confident of the deal. Foreign Secretary David Lammy, has said:

The agencies in the United States think this is a good deal, the State Department in the United States thinks this is a good deal and, most important of all, the Pentagon and the White House think this is a good deal. That is not just the principal politicians in those areas; it is the system ... An incoming Administration will be reassured about that ...

On balance, the deal will probably get approved as the underlying legal issues that brought the UK Conservative Government to the negotiating table and persuaded the Labour Government (and the Biden Administration) to agree a deal with Mauritius remain in place. Yet, the controversy has highlighted the challenges the Labour Government faces more generally from an ascending right-wing populism both at home and abroad.

About the author:

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