

## **A Political Trilemma? International Security, Environmental Protection and Human Rights in the British Indian Ocean Territory<sup>1</sup>**

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This article analyzes political questions pertaining to the Chagos Archipelago (British Indian Ocean Territory). In particular, it highlights the interrelatedness of various public policy issues that the extant academic literature has treated as distinct: (1) the US military presence on Diego Garcia; (2) UK efforts to protect the natural environment of the Chagos Islands; and (3) the human rights of the exiled Chagossians, the indigenous people of the Chagos Archipelago. The concept of a trilemma is used to illustrate the unhelpful way in which the interrelatedness of these issues currently is portrayed by the relevant political actors. The article concludes with recommendations for how the trade-offs between military-security, environmental and human rights objectives could be made less stark in the interests of all concerned.

**Keywords:** international security; environmental politics; human rights; military bases.

### **Introduction**

The British Indian Ocean Territory (BIOT) is one of 14 remaining British Overseas Territories. The jurisdiction, which is geographically coterminous with the Chagos Archipelago of around 50 islands, is perhaps best known for the US military base on Diego Garcia, the largest of the Chagos Islands. Indeed, Diego Garcia has become a familiar focus for scholars of geopolitics and international security, interest being fueled by the base's role in the US-led invasions of Afghanistan and Iraq, alleged status as a CIA black site, probable role in any future strike against Iran, and by anticipation of impending great power rivalry in the Indian Ocean (e.g. Erickson, Walter and Mikolay, 2010; Sidaway, 2010; Kaplan, 2010; Salter and Mutlu, 2013). Meanwhile, environmental scientists have worked solidly in recent years to document and raise awareness of the need to protect the Chagos marine environment, efforts that have generated an impressive response from civil society as well as important changes to UK government policy.<sup>2</sup> A third set of scholars, mostly anthropologists, have addressed the plight of the Chagossians, the indigenous people of the Chagos Islands who were evicted from their homes in the 1960s and 1970s in advance of the construction of the base on Diego Garcia (Vine, 2009; Jeffery, 2011; Evers and Kooy, 2011). This division of labour between scholars of security studies, environmental science and anthropology is hardly surprising; a natural consequence of specialization within academia. In practice, however, the military-security, environmental and human rights issues that pertain to BIOT cannot be treated in isolation from one another. Rather, these concerns commingle in legal and political terms.

The political actors concerned with the Chagos Islands recognize that military-security, environmental and human rights issues intersect in BIOT. In this article, I use the concept of a trilemma to describe the way in which this interrelatedness has been conceptualized and acted upon. As I show, the notion of a trilemma has had (and continues to have) far-reaching consequences for politics concerning BIOT by ‘mobilizing bias’ in favour of some interests to the detriment of others (Bachrach and Baratz, 1962). Specifically, I argue that the framing of the debate as a political trilemma has served to disadvantage the Chagossians vis-à-vis the US military and prominent conservationist groups. Furthermore, I suggest that recent legal developments portend that—ironically—currently reigning interests may yet come to suffer as a result of the constructed trilemma. The immediate point is to call for new ways of organizing the political discussion over BIOT. More generally, I highlight the way in which the organization of local politics matters for sustaining overarching international political phenomena, in this case a strategically invaluable US military base and continued military cooperation between the UK and US.

I develop my argument as follows. First, I provide a brief history of BIOT, concluding with a description of events surrounding the UK government’s announcement on 1 April, 2010 of a Marine Protected Area (MPA) in the territory. Second, I discuss recent legal developments that relate to the territory, again focusing on the fallout associated with the MPA. Third, I develop the concept of a political trilemma as applied to BIOT, arguing that the notion of a trilemma has been used to buttress the interests of the US military and certain conservation groups at the expense of the Chagossians. I conclude with an analysis of how the contentiousness of the politics over Diego Garcia and the Chagos Islands could be reduced in the interests of all concerned.

## **Background**

Portuguese seafarers in the fifteenth century were the first Europeans to discover the Chagos Archipelago. From the eighteenth century onwards, the islands were governed as part of the French—and, following the Napoleonic Wars, British—colony of Mauritius. Although early explorers and colonialists are known to have prized Diego Garcia for its excellent harbour (Scott, 1961, p. 68), for most of their history the Chagos Islands proved to be of limited economic or strategic value to the European powers that ruled over them, serving mostly as a site for small-scale coconut production and, for a short time, a World War II reconnaissance base. Under colonial supervision, the islands were populated by slaves from East Africa and indentured workers from the Indian subcontinent—later by migrating workers from the Indian Ocean littoral—such that by ‘the turn of the twentieth century, a distinct society was well established in Chagos’ (Vine, 2009, p. 29).

The history of the Chagos Islands took a dramatic turn with the UK-US decision in the 1960s to build a military base on Diego Garcia. The militarization of Diego Garcia took place in the context of the Cold War and Third World decolonization. Diego Garcia was identified as a desirable site for an Anglo-American military installation because of its strategic location in the middle of the Indian Ocean and its apparent promise of political stability, a commodity that neighbouring (newly independent, or soon-to-be independent) African and Asian states were judged to lack (Vine, 2009). The UK government proposed to guarantee political stability in Diego Garcia by excising the entire Chagos Archipelago from its Mauritian colony in 1965 and putting the islands under the control of an entirely new colonial entity, BIOT, which could be managed from Whitehall. Originally, several Seychellois islands (Aldabra, Farquhar and Desroches) were also included in the new territory, but were later restored to the Seychelles upon Seychellois independence in 1976. As a politico-legal entity, BIOT was created with the explicit purpose of serving the defence needs of the UK and US. The stated objective of British officials was ‘to get some rocks

which will remain *ours*' (quoted in Vine, 2009, p. 91; emphasis in original), that is, to secure an uninhabited piece of territory for the exclusive and perpetual use of the UK and US militaries.

Before the construction of the base on Diego Garcia began, the UK government—acting at the behest of the US—moved to depopulate the Chagos Archipelago (Snoxell, 2009; Vine, 2009; Gifford and Dunne, forthcoming). At first, efforts at depopulation took the form of running down supplies and infrastructure or simply refusing the right of return to islanders who had left Chagos in order to visit Mauritius, sometimes for essential medical attention (Vine, 2009, pp. 92-94). In 1971, however, the Chagossians were formally exiled from their islands via a 1971 Immigration Ordinance enacted by the BIOT Commissioner (Snoxell, 2008, pp. 123-124). Over the course of several years, remaining islanders forcibly were expelled from their homes and deported to Mauritius or the Seychelles (Vine, 2009). With the islanders gone, BIOT became the exclusive preserve of the US military. The formal governance of BIOT was conducted by Whitehall civil servants with primary (if not sole) reference to US security interests. The UK has leveraged BIOT's status as a distinct political and legal jurisdiction to selectively extend legislation to the territory, in so doing freeing US military authorities from legal obligations that would apply elsewhere. International legal scholar Peter H. Sand (2009a; 2009b) calls this a "legal black hole" (see also Sheppard, Tamelander and Turner, 2009; Sand, 2009c)—an arrangement calibrated to provide maximum flexibility to the US military forces operating out of Diego Garcia.

While the base on Diego Garcia has expanded to become one of the most important US military installations in the world, the exiled Chagossians tirelessly have campaigned for their right to return. Although the UK government steadfastly refuses to concede this right, it should be noted that the islanders' protests have delivered important victories—some financial compensation and the right to bear British passports, for example (Vine and Jeffery, 2009, p. 182). Moreover, the Chagossians did win a High Court victory over the UK government in 2000 that resulted in the 1971 Immigration Ordinance being quashed, a decision that then-Foreign Secretary Robin Cook undertook not to appeal. In the aftermath of the High Court's ruling, 'the government immediately introduced an Immigration Ordinance that theoretically allowed Chagos Islanders to return to the smaller outer islands (i.e. with the exception of Diego Garcia)' (Jeffery, 2009, p. 24). In 2004, however, the UK Government re-imposed the exile of the Chagossians through two Orders in Council (primary legislation enacted via the UK monarch's Royal Prerogative). One of these Orders established a new constitution for BIOT while the other reestablished immigration restrictions. A legal battle against the 2004 Orders ended in 2008 when the Law Lords (then the highest court of appeal in the UK legal system) affirmed by majority decision the government's right to legislate in BIOT in a way that subordinates the islanders' right of abode to military-security considerations (Jeffery, 2009). The Chagossians appealed to Strasbourg. In December 2012, however, the European Court of Human Rights (ECtHR) refused to hear the Chagossians' case, likely bringing to an end the Chagossians' legal struggle within the UK court system.

Meanwhile, throughout the time of the Chagossians' exile and the expansion of the US base on Diego Garcia, scientists have taken a keen interest in the natural environment of the Chagos Archipelago.<sup>3</sup> In particular, the Chagos marine environment has been hailed as a rare example of an eco-system relatively unscathed by human activity. According to one team of researchers, '[s]cientific research recognises Chagos/BIOT as a globally significant, uncontaminated reference site and one of the few tropical locations where global climate change effects can be separated from those of pollution and exploitation' (Koldewey et al, 2010, p. 1912). In short, the Chagos Archipelago is a scientific asset because, unlike so much of the world's oceans, it is pristine. The pristineness of the Chagos marine environment, of course, is an unintended consequence of the base on Diego Garcia and the associated

expulsion of the Chagossians. That is, the Chagos Islands other than Diego Garcia are only uninhabited (and thus ‘pristine’) because their indigenous population was forcibly removed. This fact is acknowledged by scientists familiar with the Chagos Islands, who openly attribute the vitality of the islands’ environment to the base: ‘Diego Garcia’s military presence has resulted in the most pristine reefs left in the Indian Ocean’ (Sheppard, Tamelander and Turner, 2009, p. 292).

In 2008-2009, bent on maintaining the *de facto* nature reserve judged to have been established by the military presence on Diego Garcia, a group of scientists and conservation organizations launched a campaign to create a Marine Protected Area (MPA) in BIOT (Jeffery, 2013). Inspired by the success of such legal regimes elsewhere, this collection of environmentalists—eventually grouped under the Chagos Environment Network (CEN) appellation<sup>4</sup>—argued that an MPA was the proper way to formalize and guarantee over the long term the protection of the islands’ natural environment (Sheppard, 2009; Koldewey et al, 2010). In particular, the CEN advocated a no-take MPA—that is, a marine park where all fishing, even subsistence fishing, is illegal. The CEN and its supporters were able to convince the UK government of the merits of an MPA in relatively short order. After holding a consultation between 10 November, 2009 and 5 March, 2010, the UK Foreign and Commonwealth Office (FCO) announced the creation of an MPA on 1 April, 2010 (while Parliament was in recess).<sup>5</sup> The FCO, however, seems not to have embraced the MPA proposal through a singular motivation to protect the marine environment; UK officials justified the MPA to their US counterparts as a way to ‘put paid to [the] resettlement claims of the archipelago’s former residents’ (quoted in Evans and Norton-Taylor, 2010). By converting the Chagos Islands into a no-take MPA, the FCO seems to have believed, it would be possible to cement the islands’ future as being for purely military purposes—which, it should be remembered, has been the *raison d’être* of BIOT since its very inception.

### Recent developments

As noted above, in December 2012 the ECtHR—on jurisdictional grounds—declined to hear a case brought against the UK by the Chagossians. The ECtHR’s dismissal of Chagossians’ case represented an exhaustion of legal avenues open to the Chagossians within the UK court system, at least in terms of their claims to a right of return.<sup>6</sup> In earlier court cases, the UK government—often brandishing letters provided by US officials—argued that resettlement would compromise the strategic value of the base on Diego Garcia (e.g. Snoxell, 2009, p. 134). Given that BIOT was always intended to serve military ends, the concern has perhaps been that a permanent civilian population in the Chagos Islands would necessitate human rights and other legislation being introduced, which would undermine the unique selling point of Diego Garcia as described by Sand (cited above). The ‘legal black hole’ would be no more. Indeed, the stated rationale for opposing the Chagossians’ claims has been ‘defence and security concerns’ and the unfeasibility of resettlement (Campbell and Weaver, 2008). In sum, the UK government argues that its treatment of the Chagossians is a necessary corollary of paramount military-security concerns. The Law Lords’ 2008 decision vindicated this ordering of priorities in BIOT; the ECtHR’s ruling left it untouched.

As one legal challenge to the political *status quo* was brushed aside, however, another appeared to gain traction. In January 2013, an arbitral tribunal constituted under the auspices of the Permanent Court of Arbitration in The Hague agreed to hear a Mauritian challenge to the UK’s unilateral imposition of the Chagos MPA (Bowcott and Vidal, 2013). Whatever the result, the tribunal’s ruling on the legality of the MPA and related issues regarding sovereignty of the islands will be binding on the state parties. For the first time, the UK will have to justify in an international legal setting its 1965 excision of the Chagos Archipelago and its continued claim of sovereignty over the islands. For decades, Mauritius has argued

that its colonial-era dismemberment contravened international law regarding decolonization—a position backed in the UN General Assembly and the African Union (Tong, 2011, pp. 165-168) and which may well find favour in The Hague. While the UK publicly has agreed to cede to Mauritius sovereignty of the Chagos Islands when the territory is no longer needed for defence purposes (Sand, 2009b, p. 66), Whitehall can nevertheless be expected to oppose Mauritius's claims with just as much stridence as it has opposed the Chagossians'. A decision to extend the Anglo-American agreement over Diego Garcia is due by 2016 at the latest (when the current Executive Agreement between the UK and US expires) and retention of unfettered sovereignty over Diego Garcia is essential if the UK is to make good on its current and future commitments to the US regarding this important base.

To be sure, the outcome of the arbitration (expected in 2014) is by no means certain. Nor is it clear how the UK would respond to an unfavourable decision. As such, UK sovereignty over BIOT is by no means imminently imperiled. Nevertheless, there is at least the possibility—unthinkable only a short time ago—that, if Mauritius gains a legal victory over the UK, the US will be forced to close a strategically important military base or else keep it functioning with Mauritian consent. If nothing else, the fact that the Mauritian claim will be heard by an arbitration panel should give US strategic planners pause for thought regarding the impenetrability of London's grip on Diego Garcia. For, as Sand notes, there are important contradictions between the UK's stance vis-à-vis the Chagossians' right of return and its stance regarding its maritime rights around Chagos, which hinge in international law upon the habitability of coastal territory:

it will be interesting to see how the Foreign Office lawyers can reconcile the UK's claim to a 200-mile zone around the Chagos Archipelago with their own contention that the archipelago does not have "any permanent population" and with their elaborate feasibility studies purporting to show that resettlement of the islands would not be economically sustainable in the long term (Sand, 2009b, p. 32).

Moreover, proceedings in The Hague should give environmental campaigners reason to question the longevity of the newly minted MPA framework in Chagos. Although there is no reason to expect that Mauritius would ever seek to overturn the MPA in its entirety, the Mauritian government is committed to restoring the Chagossians' right of return and, as such, would likely revise the existing MPA framework should it ever gain sovereign control over any part of Chagos. Indeed, from the Chagossians' perspective Mauritian sovereignty over the Chagos Archipelago may represent their best hope of achieving the right to return now that legal avenues within the UK have been exhausted. The future, it seems, holds the possibility of political change in the Chagos Islands. How are those with a stake in the territory's future poised to be affected?

### **The political trilemma**

It is clear that military-security, environmental and human rights concerns cannot be treated as discrete or even distinct when it comes to politics in BIOT. At the same time, however, it is necessary to avoid either artificially inflating or exacerbating the trade-offs that exist between various stakeholders' interests. For too long, the political discourse over the future of the Chagos Islands has had flavours of a trilemma—a construction that has served to benefit some vested interests at the expense of others. Here, I borrow the concept of a trilemma from economics, whereby the Mundell-Fleming trilemma holds that a government cannot concurrently pursue the objectives of a fixed exchange rate, an open capital account and monetary autonomy. Rather, only two of these three conditions may obtain at any given time (Schoenmaker, 2011; Rodrik, 2007). The concept of a trilemma provides a useful lens

for viewing the political discourse over BIOT. As I illustrate below, actors often discuss the territory as if only two of the following three goals may exist simultaneously: (1) a secure military base on Diego Garcia, (2) a protected marine environment and (3) the Chagossians' right of return. The trade-offs implied by this imagined trilemma are far too stark, however, and warrant re-estimation, especially in light of recent developments.

The narrative of inherently rivalrous goals is evident in the justifications offered by the UK government for why the Chagossian population must remain in exile. Consider, for example, then-Foreign Secretary David Miliband's comments in the wake of the 2008 Law Lords decision (referenced above):

We do not seek to excuse the conduct of an earlier generation. Our appeal to the House of Lords was not about what happened in the 1960s and 1970s. It was about decisions taken in the international context of 2004. This required us to take into account issues of defence [and] security...and the fact that an independent study had come down heavily against the feasibility of lasting resettlement of the outer islands of BIOT (quoted in Campbell and Weaver, 2008).

With these words, Miliband maintained that resettlement of the Chagos Islands would jeopardise the functionality of the US base on Diego Garcia. Based on this premise, Miliband portrayed the islanders' continued exile as a necessary evil, a regrettable yet unavoidable consequence of UK (and US) defence and security needs. In private, FCO officials have been markedly less contrite, explicitly denying any regret for the removal of the Chagossians (Evans and Norton-Taylor, 2010). Both the public and private positions of the UK government, however, are essentially restatements of the official US stance regarding resettlement, which is that 'an attempt to resettle any of the islands of the Chagos Archipelago would severely compromise Diego Garcia's unparalleled security and have a deleterious impact on our military operations' (quoted in Sand, 2009b, p. 31). Because the provision of UK territory for military bases such as Diego Garcia is a key component of the so-called special relationship, these statements reveal the extent to which the overarching architecture of the bilateral Anglo-American alliance relies upon the micro-foundational organization of local politics in ways congruent with the UK-US governments' objectives.

If the UK government has been reluctant to countenance the Chagossians' claims to resettlement for military-security reasons, it has been veritably eager to cooperate with environmental scientists and conservationists when it comes to promoting the management of the Chagos marine environment. The extent of this cooperation is accentuated in public policy terms by the creation of the official post of BIOT Scientific Adviser, manned by Charles Sheppard (a prominent academic and proponent of conservation in the Chagos Islands), as well as the ultimate creation of the MPA in 2010. In announcing the MPA, David Miliband proclaimed that '[the MPA] is a major step forward for protecting the oceans, not just around BIOT itself, but also throughout the world. This measure is a further demonstration of how the UK takes its international environmental responsibilities seriously' (FCO, 2010). As these policies and statements show, the UK government clearly believes that it is possible to marry military and environmental objectives in BIOT,<sup>7</sup> but only at the exclusion of the Chagossians' right of return.

For their part, conservationists, too, have been unabashed in their arguments against the Chagossians' right of return. Sheppard argues that 'the social dimension [i.e. the Chagossians' claims] may still need a solution, but the science is pretty clear – the ocean needs Chagos as it is' (Sheppard, 2009, p. 31). Sheppard and co-authors restate this position elsewhere, writing:

Diego Garcia's military presence has resulted in the most pristine reefs left in the Indian Ocean. Of course, the historical reasons for this are well-known and have been well criticised, but the resulting biological gem could usefully be invaluable as an environmental reference point, providing a benchmark against which climate change on reef environments can be assessed, *in the absence of other anthropogenic impacts that complicate the effects elsewhere* (Sheppard, Tamelander and Turner, 2009, p. 292; emphasis added).

Scientists such as Sheppard therefore hold that the US military base on Diego Garcia has benefited the Chagos marine environment by serving as a bulwark against 'anthropogenic impacts' (a euphemism for human habitation). As such, the base is well worth tolerating and cooperating with in the name of science. To highlight the obvious, this accommodation between the UK government and conservationists is neatly congruent with the anti-resettlement stance of the US government, a fact not lost on Washington: in a leaked diplomatic cable commenting on a discussion with UK officials regarding the MPA in Chagos, a US representative wrote: 'Establishing a marine reserve might...be the most effective long-term way to prevent any of the Chagos Islands' former inhabitants or their descendants from resettling in the BIOT' (Evans and Norton-Taylor, 2010). Again, the organization of BIOT politics as a trilemma can be seen to undergird the Anglo-Americans' broader international political objectives.

If the UK-US governments and conservationist groups have managed to accommodate each other over BIOT, what success have the Chagossians had in making common cause with either vested interest? In fact, Chagossian groups have had limited success in engaging the UK government, but only insofar as the issue of resettlement is kept off the table. For example, the Diego Garcia Society—a Chagossian group based in Crawley, UK—cordially hosted David Miliband in his capacity as Foreign Secretary at one of its meetings, and has repeatedly come out against Mauritian claims of sovereignty over the Chagos Islands (the society's leader, Allen Vincatassin, styles himself as President of the Provisional Government of Diego Garcia and the Chagos Islands). The UK government has also cooperated with Chagossian groups based in the UK and Mauritius to facilitate visits to the Chagos Islands in order to tend to the graves of deceased family members. However, there has been no chance of an accommodation between the UK and the Chagossians regarding a restoration of the islanders' right to return. Rather, UK officials have made no secret of their intention never to allow resettlement so long as the US military base on Diego Garcia is in operation.<sup>8</sup>

Similarly, while mainstream Chagossian groups such as the Chagos Refugees Group (and the Chagos Refugees Group UK) have had some success in finding support among environmental conservationists, the environmental groups most closely associated with the MPA framework have declined to support the Chagossians' right of return. Among others, Greenpeace UK, the International Fund for Animal Welfare, the Whale and Dolphin Conservation Society and the Natural Resources Defense Council all argued in favour of resettlement and against the US military base on Diego Garcia in their submissions to the FCO's consultation on whether to create an MPA in Chagos. In contrast, members of the CEN refused to back resettlement, instead arguing that a no-take MPA should be established 'without prejudice' to the islanders' right of return—a clear attempt to divorce the two issues. To be sure, organizations such as the Chagos Conservation Trust (CCT) have engaged with members of the Chagossian community to establish environmental scholarships that partially are aimed at educating Chagossians about the conservation of their homeland. Again, however, an accommodation based upon recognition of the right to return has been illusive, indeed, incompatible with the stated beliefs of leading CEN/CCT figures.

So far, I have discussed two of the conceptual worlds allowed for by the imagined trilemma surrounding BIOT politics. In the first world, the military base on Diego Garcia co-exists with an environmental management regime that excludes the Chagossians. In the second, the military base co-exists with a resettled Chagossian community that trumps environmental protection initiatives. The first of these worlds is the political *status quo* while the second is the *bête noire* of the UK-US governments and the CEN/CCT. The third conceptual world allowed for by the trilemma is a Chagos Archipelago in which environmental protection and resettlement go hand-in-hand at the expense of the US military base. This option has been vocalized less frequently than the other two, largely because actors have taken for granted the long term presence of the base on Diego Garcia. However, this third leg of the trilemma deserves attention given the arguable uncertainty over the future of UK sovereignty. To be sure, Mauritius has sought to calm fears that it would seek to close the US base on Diego Garcia should it gain sovereign control of the island (Norton-Taylor, 2012), but it is unclear whether the US would continue to invest in Diego Garcia with Mauritius as a landlord. Moreover, domestic opposition within Mauritius to the base on Diego Garcia should not be discounted. Overall, it is at least possible that Mauritian sovereignty over some or all of the Chagos Archipelago could result in resettlement by the Chagossians and the continuation of environmental protection initiatives (albeit in a revised form) at the expense of a US military unwilling to operate under Mauritian law and alongside an indigenous Chagossian population charged with the environmental stewardship of the Chagos Islands.

Each of the permutations of the political trilemma, then, creates losers. Under the current arrangement, the UK-US governments and leading environmental campaigners enjoy the benefits of a secluded military presence on Diego Garcia and the imposition of their preferred environmental-protection regime (the no-take MPA), respectively. The costs of this arrangement fall disproportionately on the Chagossians. As such, the UK-US governments and conservationist groups have every reason to be satisfied; the trilemma organizes the political discussion concerning BIOT in a way that buttresses their interests. However, it behooves those who value a continued military presence on Diego Garcia as well as those who prize the continued implementation of the Chagos MPA to consider what costs they might incur if developments were to alter the current balance of power in BIOT. If Mauritius regains sovereignty over the Chagos Islands as a result of deliberations in The Hague, for example—or if the Chagossians secure a political establishment of their right to return via a triumph in the UK Parliament<sup>9</sup>—which vested interests will suffer as a consequence? Given ambiguity over the future of Chagos, in whose interests is it to continue framing the interrelationships between military-security, environmental and human rights issues in stark and rivalrous terms?

### **The way forward**

The Chagossians' hopes of achieving a restoration of their right to return have suffered because of the framing of military-security, environmental and human rights concerns as a trilemma. Nevertheless, by framing the politics of BIOT in uncompromising and rivalrous terms, political stakeholders in the UK-US governments and the conservationist community have left open the possibility that their interests may yet come to be adversely affected. A prudent way forward for all parties involved is to take diplomatic steps to ease the rigidity and the severity of the trade-offs imposed by the supposed trilemma. There are several options in this regard. For example, the Outer Chagos Islands—which lie 100 miles from Diego Garcia and have never been used for defence purposes—could be ceded to Mauritius without delay, as is in fact advocated by members of the UK Parliament's All-Party Parliamentary Group (APPG) on the Chagos Islands. Moreover, it should be recognized that



the Chagossians themselves have rarely, if ever, protested the US base (Vine, 2012). In other words, a restoration of their right to return (even if only to the Outer Islands) need not jeopardize the functionality of the US base (as was recognized, at least implicitly, by Robin Cook in his response to the High Court's 2000 decision). In addition, plans could be laid to integrate a resettled Chagossian population into marine conservation initiatives, which would mean replacing the current (anti-resettlement) environmental-protection regime. Even a symbolic restoration of the Chagossians' legal right of return, coupled with proper compensation, could satisfy a number of exiled islanders—many of who do not wish to physically resettle their homeland (Jeffery, 2011). The critical point is that political stakeholders do unnecessary injury to their own objectives and to the interests of others by treating the interrelationships between military-security, environmental and human rights concerns as overly rivalrous. To be sure, the stakes are high and it is hard to imagine a grand bargain over the political fate of the Chagos Islands that will satisfy all parties. Nevertheless, given that recent developments have made it such that even the most powerful stakeholders in this debate now face a realistic prospect of seeing their interests suffer, circumstances may yet come to create the incentives for adroit diplomacy and conciliation to hold sway.

In terms of the wider IR-theoretical implications of this discussion, the case of BIOT emphasizes that states' foreign policies critically depend upon the organization and continual management of local politics. To date, the UK has been relatively successful in managing the politics of BIOT in a way conducive to US military needs and pursuant of the broader goal of sustaining Anglo-American cooperation. By leveraging BIOT's status as a colonial jurisdiction—and benefiting from the leeway afforded by domestic courts—officials have kept the politics of BIOT subordinate to overarching foreign policy objectives. Whitehall's recent *entente* with conservationist groups can be seen as part of this pattern, a means of establishing a coalition of interests in favour of the *status quo*—and, in particular, against the restoration of the Chagossians' right of return. Thus, a seemingly discrete and localized issue such as environmental protection can be seen as integral to maintaining a larger international-political superstructure. International politics depends upon local political bargains. It is in the interests of the powerful and not just the powerless that the correct bargain is struck.

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<sup>2</sup> For an overview, see Jeffery (2013).

<sup>3</sup> For an extensive list of publications, see <https://sites.google.com/site/thechagosarchipelagofacts/papers-publications> (accessed 25 June, 2013).

<sup>4</sup> The CEN's membership comprised the Chagos Conservation Trust, the Linnean Society of London, the Marine Conservation Society, Pew Environment Group, the Royal Botanic Gardens, the Royal Society, the Royal Society for the Protection of Birds, the Zoological Society of London, and Professor Charles Sheppard.

<sup>5</sup> The announcement of an MPA was made in contravention of a pledge given by FCO Minister Ivan Lewis MP that no action would be taken without consulting Parliament (Hansard, 2010a). Explaining the decision to abrogate this commitment, Chris Bryant MP (Minister for Overseas Territories) expounded: 'it became clear to us that...no further information could have come in that would have made any difference to the decision on the protection of the marine environment in the British Indian Ocean Territory' (Hansard, 2010b).

<sup>6</sup> At the time of the ECtHR decision, the Chagossians were pursuing a judicial review of the MPA. These legal proceedings came to an end in June 2013 with the High Court ruling against the Chagossians.

<sup>7</sup> The FCO's (2009) consultation document on whether to create an MPA in BIOT explicitly highlighted the need to accommodate the military base on Diego Garcia.

<sup>8</sup> A new feasibility study into resettlement of Chagos was announced in July 2013.

<sup>9</sup> Dozens of current and former MPs, as well as members of the House of Lords, are on record as supporting the Chagossians' right to return—including high profile members of the current coalition government.

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