

## **Trust, Mistrust and the Chagos Archipelago Sovereignty Dispute**

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### **Introduction**

Trust and mistrust in Indian Ocean security affairs is not only an issue between major powers, but also between major and minor players in asymmetric relationships. The Chagos Archipelago dispute highlights the complex interplay between trust, sovereignty and power projection capabilities in this contested ocean. This short article will examine the Chagos Archipelago case study to identify points of mistrust between parties to the dispute, and identify several ways to build mutual trust, which may contribute to a dispute resolution.

Britain's decision in 1965 to detach the Chagos Archipelago – then part of the Colony of Mauritius – and create the British Indian Ocean Territory (BIOT) still has ramifications for Indian Ocean security some 55 years subsequent. This dispute between Mauritius and the United Kingdom (UK) (plus the United States (US) indirectly) has increased in profile in recent years. In 2019 the International Court of Justice opined that British sovereignty of the territory is unlawful.<sup>1</sup> In the same year, the United Nations General Assembly passed Resolution 73/295 which demanded the UK “withdraw its colonial administration from the Chagos Archipelago unconditionally” no later than 22 November 2019, thus enabling Mauritius to complete its decolonisation.<sup>2</sup> The UK decided against complying and the dispute continues into 2020.

This dispute is complicated by the presence of a major military installation on Diego Garcia – the largest island in the Chagos Archipelago. While nominally a ‘joint’ US/UK base but in reality primarily US-run – Naval Support Facility Diego Garcia (NSFDG) – is critical for staging US (and allied) operations in the Indian Ocean, Middle East, South Asia and Africa. The base's four primary functions are hosting one third of the US' Afloat Prepositioning Force, tending to naval platforms including submarines and surface vessels, hosting long-range and tactical aircraft and telecommunications functions.<sup>3</sup> This strategically located base (see Figure 1) has become a critical enabler for US power projection into the Indian Ocean Region and beyond.

Based on the premise that Britain ceding the Chagos Archipelago to Mauritius, while retaining the US presence on Diego Garcia, is in the collective interest of Indian Ocean security players, this article will assess the role of trust and mistrust in this dispute and identify various solutions. In public statements,<sup>4</sup> Mauritian decision makers explicitly stated that they are

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<sup>1</sup> Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, No. 169 (International Court of Justice February 25, 2019).

<sup>2</sup> “A/RES/73/295 - Advisory Opinion of the International Court of Justice on the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965,” United Nations, 2019, <https://undocs.org/en/A/RES/73/295>.

<sup>3</sup> Walter C. III Ladwig, Andrew S. Erickson, and Justin D. Mikolay, “Diego Garcia and American Security in the Indian Ocean,” in *Rebalancing U.S. Forces: Basing and Forward Presence in the Asia-Pacific*, ed. Carnes Lord and Andrew S. Erokson (Annapolis: Naval Institute Press, 2014), 145.

<sup>4</sup> “UN General Assembly Proceedings Resolution A/RES/73/295,” § UN General Assembly (2019), <https://undocs.org/en/A/73/PV.83>; Jagdish Koonjul, “Diego Garcia: The US Has a Clear Choice,” Blog, The Interpreter, August 14, 2020, <https://www.lowyinstitute.org/the-interpreter/clear-choice-us-diego-garcia>.

willing to grant the US (and UK if desired) a 99-year lease for Diego Garcia and will allow “unhindered” military operations. Despite these assurances, the UK, and by extension the US, have shown no indications of a willingness to cede the territory to Mauritius. This paper will assess the role of trust and mistrust in the Chagos Archipelago sovereignty dispute – which acts as a hurdle to the transfer of sovereignty from the UK to Mauritius.

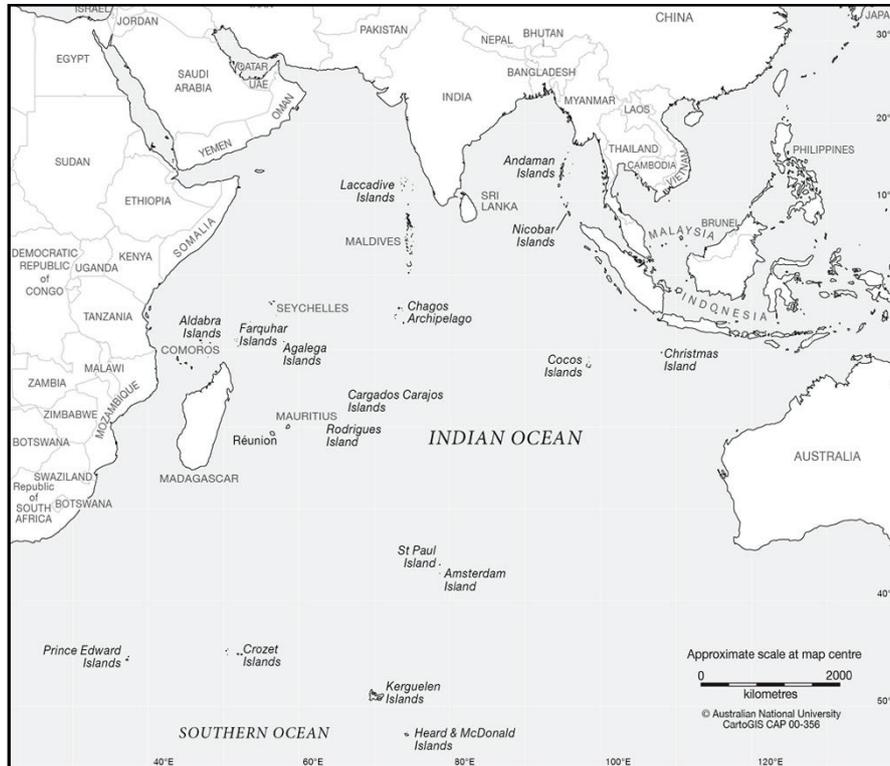


Figure 1: The Chagos Archipelago is located in the centre of the Indian Ocean (Map provided by CartoGIS Services, ANU College of Asia and the Pacific, The Australian National University).

This paper does not seek to defend or legitimise British retention of the BIOT – which is accurately characterised as a “illegal colony”<sup>5</sup> – an aberration of international law. Ideally, the onus should not be on Mauritius to right this historic wrong. However, as the UK has shown no indications of a willingness to cede the territory, the task falls to Mauritius to agitate for sovereignty transfer. The US also has a role in building trust with Mauritius, although it has not publicly declared that it will support sovereignty transfer, yet. In this sense, trust and mistrust is an apt lens for analysis.

Further, it must be noted that this is a dispute principally between the UK and Mauritius. However, the US is the prime beneficiary of UK sovereignty of the Chagos Archipelago. Analysts contend that if the US deems Mauritian sovereignty of the Archipelago is in its national interest, the US could persuade the UK to cede the territory to Mauritius. Indeed, ceding the territory would relieve the UK of a decades-long headache, one which is perpetuated by the US preferring London over Port Louis as the landlord. The political and diplomatic costs for the UK and US for perpetuating the BIOT are mounting. As such, if Port Louis and Washington are able to establish themselves as mutually trustworthy, the rationale for British

<sup>5</sup> Peter Harris, “A Footprint of Unfreedom: The Future of Naval Support Facility Diego Garcia,” *Journal of Indo-Pacific Affairs* 3, no. 2 (2020): 90, <https://media.defense.gov/2020/Jun/08/2002311975/-1/-1/1/HARRIS.PDF>.

retention of the Chagos may become irrelevant. Thus, trust and mistrust may play a role in ending this decades long dispute.

### **The role of trust and mistrust**

Various Diego Garcia base security issues highlight why US policymakers may lack trust in Port Louis to accommodate US interests should the territory be ceded. Under British sovereignty, US Diego Garcia access terms were robustly negotiated, and are now stable, practiced and favourable to the US military. This is compounded against the “special relationship” – characterised in the modern era by “a political and ideological superstructure and an embedded military and intelligence substructure”<sup>6</sup> – that the UK and US share. Should Mauritius gain sovereignty over Diego Garcia in future, various factors may create tension between the landlord and lessee.

Firstly, long term territory exclusivity – both in terms of foreign power basing and local populations – may become problematic for US interests in the event that Mauritius gains sovereignty of the Chagos. Currently, the UK and US have exclusive access to the entire strategically located 640,000 square kilometre area. The prospect of Britain allowing another foreign power to establish a military presence in this territory in the coming decades is remote. However, as the Indian Ocean region becomes more contested, US exclusivity of the entire Archipelago under Mauritian sovereignty for a period of 99 years is less certain. Similarly, under British sovereignty the territory is void of a local population on Diego Garcia and the outer islands. While the human rights and international legal implications of forcibly removing the Chagossian population (both historic and ongoing) are reprehensible, from a hardnosed US base security perspective, the lack of a local population is optimal. Mauritius has indicated that should it gain sovereignty, Chagossians and Mauritians will be allowed to return to the Chagos, and expects the US military to employ some of these returnees on Diego Garcia as civilian workers.<sup>7</sup> How exactly Mauritius plans to repopulate the Archipelago, considering the secretive military base, has immense consequence for trust and mistrust between Port Louis and Washington.

Secondly, the degree of oversight Port Louis expects as regards US military operations in Diego Garcia has the potential to generate mistrust. Mauritian Prime Minister Pravind Kumar Jugnauth stated at the UN General Assembly in 2019 that his government would allow the US military to operate from Diego Garcia “unhindered,”<sup>8</sup> and Mauritius’ ambassador to the UN noted in 2020 that the “Government of Mauritius has made it clear that it has no desire to impose itself in the running of the base.”<sup>9</sup> In reality however, Port Louis will need to oversee to some degree the sensitive military operations run from Diego Garcia, and the degree to which such operations from Mauritian soil will be palatable in the eyes of Mauritians is uncertain. Whether or not Washington can trust Mauritius to allow unhindered operation of the military facility is of consequence in resolving this dispute.

Lastly, how Mauritius plans to comply with its obligations under the Africa Nuclear-Weapon-Free-Zone (Pelindaba) Treaty, while allowing the US to continue to use Diego Garcia

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<sup>6</sup> William Wallace and Christopher Phillips, “Reassessing the Special Relationship,” *International Affairs (Royal Institute of International Affairs 1944-)* 85, no. 2 (2009): 263.

<sup>7</sup> Koonjul, “Diego Garcia: The US Has a Clear Choice.”

<sup>8</sup> UN General Assembly Proceedings Resolution A/RES/73/295.

<sup>9</sup> Koonjul, “Diego Garcia: The US Has a Clear Choice.”

for nuclear capable and powered platforms is another important factor in this dispute. Again, on the issue of the Pelindaba Treaty, Mauritian decisionmakers noted that “we are certain that constructive negotiations will lead us to a solution that will satisfy both Mauritius’ obligations under the treaty and US national security interests.”<sup>10</sup> While exactly how Mauritius can placate its fellow African Union members while permitting US nuclear capable and powered platforms to use Diego Garcia is unclear, this sensitive issue will require immense trust between Port Louis and Washington.

### **Overcoming mistrust**

#### ***Reassurances from Mauritius***

As Mauritius’ Prime Minister noted at the UN in 2019 after outlining his government’s offer of a 99-year lease, “it is therefore difficult to understand the United Kingdom’s position, unless it is one whereby Mauritius is not considered to be a trusted partner – a position that is deeply offensive to Mauritius and every member of the African continent.”<sup>11</sup> Since this statement, Mauritius has taken bold steps to reassure the US and UK that it will be a fiduciary for their military interests and Indian Ocean security objectives. In 2020, Mauritius’ UN representative penned that “there is no basis for any doubts about our reliability. As a stable democracy with strong ties to the UK, US, Australia and especially India, Mauritius can offer the necessary guarantees that the US requires to ensure its long and unimpeded use of Diego Garcia.”<sup>12</sup> By also noting that Mauritius “fully understand[s] the key role the base has played in ensuring stability in the region,”<sup>13</sup> Mauritius demonstrated to the international community its commitment to perpetuation of the base. By positing this sentiment in the public domain through international institutions and think tanks, pressure will mount on the UK and US to cede the territory to Mauritius. In lieu of formal negotiations between Mauritius and the UK and US, these public reassurances are an effective tool to increase the trustworthiness of Mauritius in the eyes of the fellow parties to this dispute.

#### ***Confidence building***

While the above recommendation pertains to only Mauritius, there are efforts both Mauritius and the US can make to increase trust and confidence in furtherance of settling this dispute. While Mauritius does not have a military, cooperation in environmental security, illegal, unreported and unregulated fishing and even counter-smuggling between Mauritius’ coast guard and US assets could increase trust. Further participation in regional maritime security exercises could also be a means of promoting Mauritius’ resolve to increase trust with regional security players. This dispute provides the US an opportunity to build its relationship with Mauritius into a trusted and mutually-beneficial partnership.

#### ***Prospects for change?***

While the prospect of Mauritius attaining the same ‘special relationship’ status with Washington is remote, practical steps can be taken by Port Louis and Washington to increase mutual trust. Indeed, many US military bases are hosted on the sovereign territory of other nations, with which US relations fall variously on the spectrum of trust and mistrust. While the UK has no ethical or legal right to perpetuate the BIOT, the realpolitik considerations this paper

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<sup>10</sup> Koonjul.

<sup>11</sup> UN General Assembly Proceedings Resolution A/RES/73/295.

<sup>12</sup> Koonjul, “Diego Garcia: The US Has a Clear Choice.”

<sup>13</sup> Koonjul.

outlined indicate the barriers to sovereignty transfer – hurdles which perhaps could be overcome by reassurances and confidence building initiatives in the medium term. This case study demonstrates that Indian Ocean security dynamics are not solely dependent on trust and mistrust between great powers, but also by other asymmetric relationships, such as between Mauritius, the UK and the US. While settling the Chagos Archipelago sovereignty dispute will not end great power competition in the Indian Ocean, it will ensure the US presence on Diego Garcia is based on consent rather than colonialism.