



By: *Harvey Morris*

# Trouble in paradise presents new UK government with diplomatic conundrum



The fate of refugees stranded on the remote Indian Ocean island of Diego Garcia has drawn fresh attention to an unresolved anomaly of Britain's post-colonial era, namely its continuing rule over a disputed territory that has long served as a vital US military base.

The outcome of legal moves to address the refugees' plight has implications for the close UK-US relationship and for the new Labour government's stance on asylum seekers.

It also raises the issue of the legality of Britain's claim to sovereignty. The case is being watched closely by Mauritius, 1,300 miles to the southwest, which claims the territory as its own.

Diego Garcia, the largest island of the Chagos archipelago, is effectively an off-limits US military fiefdom, having been leased to Washington by the UK in 1966 during the Cold War. It served the American military in every conflict east of Suez from Vietnam to Iraq and Afghanistan.

The drama of the refugees **began** in October 2021 when a fishing boat carrying 89 of Sri Lanka's minority Tamil community to a sought-after new life in Canada broke down off the coast. They were rescued by British vessels and transported to the tropical island and detained.

With the arrival of other boats, the number of refugees rose to almost 200 by mid-2022. Although they insisted they were fleeing persecution at home, some took the option of voluntary repatriation to Sri Lanka after their bids for UK asylum were blocked.

The denial of asylum was seen as linked to the government's determination not to create a remote magnet for seaborne migrants seeking onward passage to the UK. That determination to control migrant numbers is not likely to diminish under a Labour government.

## US concerns

The administration of the British Indian Ocean

Territory (BIOT), of which Diego Garcia is a part, last year dropped a threat to forcibly repatriate the remaining 61 Tamils, who include 16 children and some born in refugee camps in India.

Since then they have been in limbo, held in tented encampments under the watch of private security guards and unable to move around the military-controlled island. There have been claims of ill-treatment and several suicide attempts.

Lawyers acting for the Tamils claim they are unlawfully detained and had hoped to see the issue resolved this month when the BIOT Supreme Court was due to convene on Diego Garcia to hear a judicial review claim in the case.

Then, at the last moment, Washington intervened, with US authorities effectively barring access to the island not only to the lawyers but also to the presiding judge.

### The legal teams understood the ban was imposed under pressure from the Pentagon

The hearing was abandoned just hours before they were due to board their flight after US government officials informed the BIOT administration and the UK foreign office that acting judge Margaret Obi and her party would not be provided with transport, accommodation, food or water on Diego Garcia, **according** to Leigh Day, one of the British law firms involved.

Lawyers immediately penned a joint appeal to foreign secretary David Lammy, complaining of the US refusal to allow a British judge to enter a British territory.

The legal teams understood the ban was imposed under pressure from the Pentagon but they dismissed US concerns that those detained would pose a security threat if they were allowed more freedom.

They noted in passing that keeping the Tamils

on Diego Garcia was costing UK taxpayers more than £100,000 a day.

## London-Washington rift

With no official word yet from the Foreign Office, the BIOT Supreme Court was convening in London this week and expected to schedule a new date for a hearing in Diego Garcia later this year. Lawyers hope Lammy and the BIOT administration will ensure there is no further delay.

The prospect of a London-Washington rift over the case is, however, just one aspect of what might be termed Lammy's Indian Ocean conundrum. As both a declared Atlanticist and a defender of international law, he has to square UK and US strategic interests with the need to resolve the disputed status of the Chagos archipelago.

Diego García and the other largely uninhabited islands of the scattered chain were purchased by Britain from the self-governing British colony of Mauritius in 1965, three years before that island nation gained independence.

### Subsequent Mauritian governments have asserted their sovereignty over what Britain terms BIOT

Subsequent Mauritian governments have asserted their sovereignty over what Britain terms BIOT, a stance backed by the International Court of Justice and the UN General Assembly.

During the brief premiership of Liz Truss, Britain agreed to open negotiations with Mauritius over the future of the islands, a move confirmed by then foreign secretary James Cleverly shortly after Truss left office.

A year later, Boris Johnson, her predecessor, denounced what he claimed to reveal as a "done deal" to hand the Chagos islands to Mauritius, which he described as a close ally of

China.

Mauritius does indeed enjoy close ties with Beijing, having signed a free trade agreement with China in 2019. It is perhaps an exaggeration, however, to suggest that such ties place the island state within China's strategic orbit.

## The future of Diego Garcia

Any deal on the future of Diego Garcia and the other Chagos islands might rest on Mauritius agreeing to be the new landlord for the US's military base. That might in turn, however, clash with Mauritius's membership of the African nuclear weapons-free zone.



*While in opposition, David Lammy welcomed moves by the Conservative government to resolve the sovereignty issue*

While in opposition, Lammy welcomed moves by the Conservative government to resolve the sovereignty issue. If he moves ahead with it, that might help right the wrong done to another group of refugees who were ousted from their homeland more than half a century ago.

As part of the military base deal with Washington, the British expelled the some 1,000 inhabitants of Diego Garcia. These so-called Chagossians, mainly descendants of enslaved Africans and Asian indentured workers, were forced to seek refuge in Mauritius and neighbouring island states. Some were allowed to settle in the UK.

There would be pressure for any deal on

sovereignty to allow either for the return of the Chagossians or appropriate compensation for the sufferings they and their descendants suffered at the time and since.

The US military likes to portray Diego Garcia to its recruits and to the occasional celebrity visitor as a tropical island paradise. For the shipwrecked Tamils and for the survivors of the Chagossian diaspora it has been more like a living hell.