

“With political will and compromise, solutions could be found”

David Snoxell, former British high commissioner to Mauritius between 2000 and 2004 and former deputy commissioner of the British Indian Ocean Territory, as the British called it, David Snoxell has, since 2008, been the coordinator of the British All Party Group on Chagos that militates for the right of return of the Chagossian people. Where are we today and what can we expect?

■ **Mr. Snoxell, you wrote the foreword for Jean-Claude de L'Estrac's recent book *Next year in Diego Garcia*. What does this book introduce to our understanding of the problem that's new?**

The book weaves together the complicated strands of the history of Chagos and helps the reader to discern that the core questions today are the right of the Chagossians to return to their homeland and the restitution of the archipelago to Mauritius, as the UK has always promised. We know that there are no longer any real impediments to restoring the right of return and making resettlement on the Outer Islands possible. Likewise there is no reason why a timetable for transferring sovereignty or agreeing co-management with Mauritius, should not be negotiated between the two governments. There are no insuperable defence, security, financial, climatic or environmental reason to prevent this. Incidentally what is not revealed in the book is that in July 1982 Mr de L'Estrac had a meeting in London to discuss Chagos with Francis Pym, the British foreign secretary.

■ **You recently gave a talk at Bristol University on colonialism and human rights and focused on *Diego Garcia*. What kind of human rights abuses are we talking about here?**

As Lord Justice Sedley put it in his judgment in the Court of Appeal in 2007 we are talking about “one of the most fundamental liberties known to human beings, the freedom to return to one's homeland however poor and barren the conditions of life”. The case of the Chagos Islanders before the European Court of Human Rights in Strasbourg is about the violation by the UK of Articles 3 (inhuman

or degrading treatment), 6 (right to a fair trial), 8 (right to respect for private and family life), 13 (right to an effective remedy) and Article 1 of Protocol 1 (right not to be deprived of possessions).

■ **You were in Strasbourg a few weeks ago. Where have we reached there?**

I visited the court in Strasbourg on 7 December as part of an organized tour, including the courts in Luxembourg and Karlsruhe. A chamber of seven judges in Strasbourg is considering the case but we do not know when they will give their decision. They are very conscious of the delay which has exceeded the normal two to three years and that in the meantime elderly Chagossians are dying and being denied the right to see their homeland after 40 years of exile. The case was first registered in April 2005, but had to await the end of proceedings in the UK courts before the ECHR could consider the case. The current legal arguments are over whether or not Strasbourg has the jurisdiction to take the case. If the court decides the case is admissible, then I would expect the Chagossians to win since it is self evident that the UK's treatment of the Chagossians is a violation of the European Convention on Human Rights. There is a possibility of further delay if the case is referred by the Chamber to the Grand Chamber of 17 judges. I would hope that if the FCO loses in the Chamber they will not appeal to the Grand Chamber. Let's hope that ministers will this time have the courage to accept defeat and over-rule officials and legal advisers who will no doubt be urging them to prolong the litigation and win more time.

■ **Are they going to accept defeat? The perception here is that the recently**



declared Marine Protected Area is a ruse to keep the Chagossians out. That the British are not really serious about resolving the issue. Last Thursday, you went with the Chagos Islands (BIOT) All-Party Parliamentary Group to meet the British foreign secretary. First, what is the Chagos Islands (BIOT) All-Party Parliamentary Group?

The Chagos Islands (BIOT) All-Party Parliamentary Group was established following the narrow defeat of the Chagos Islanders' case by the Law Lords in October 2008. Parliamentarians felt that since the legal process in the UK was finally over it was

the duty of parliament to take responsibility for what had happened to the Chagossians and to work for a resolution of the issues concerning the future of the British Indian Ocean Territory and its inhabitants. I was asked to be the coordinator. There are currently 42 members from all political parties which include leading politicians. Four of the members had been ministers in the FCO and currently a number are members of the coalition government. The Group has held 26 meetings in three years. It has had discussions with the Mauritius High Commissioner, the US Embassy, FCO Ministers, leaders of the Chagossian groups, conservation experts and voluntary organizations such as the UK Chagos Support Asso-

ciation and the Chagos Environment Network. It seems to me that the Group has significantly raised the profile of Chagos in Parliament, the media and public. Government is in no doubt about the deep concern of parliamentarians to bring about a long term resolution of the issues.

■ **What did you discuss with the foreign secretary?**

Eight members of the Group met the foreign secretary on 15 December. Members expressed their views on a wide range of issues including a review of the 1966 UK/US agreement, defence and security, pre-election coalition commitments to the Chagossians, the case at

Strasbourg, the UK's human rights obligations, feasibility of resettlement, availability of funding, the need for a new independent study into the practicalities of resettlement, the legitimacy of the MPA, conservation and future sovereignty. Members urged the foreign secretary to discuss any defence concerns the US might have, with Hilary Clinton directly and to seize the opportunity of the 2014 review of the 1966 agreement in order to make provision for the return of the Chagossians to the Outer Islands. With political will and compromise, solutions could be found.

The foreign secretary listened carefully to their suggestions but whilst he said he was sympathetic to many of the views expressed he could not take matters forward until the court cases had been concluded when a different situation could prevail. He understood that a decision by Strasbourg might take until the early summer. Members urged him, in the meantime, to take forward discussions with the US and Mauritius. Mr Hague reiterated FCO positions on defence and feasibility, whilst recognising that the practical aspect of resettlement was secondary to the principle of the right to return. He agreed to a further meeting with the Group after the ECHR had given its decision. I felt that Mr Hague was receptive and positive.

■ **How do you see the MPA? Are we right in calling it a ruse?**

My take on the MPA was that, although in itself an excellent initiative and example for world conservation, its ulterior motives were to provide a green legacy for the Labour government, a reinforcement of British sovereignty, a further barrier to Chagossian return and a fait accompli in advance of Strasbourg. Wikileaks confirmed that this was in part the motivation. The current government finds itself in a very difficult position because the MPA, as designated, is not supported by many Chagossians and Mauritius and therefore lacks international legitimacy. But as many of us have pointed out, compromise is possible if the fishing rights of Mauritius and the Chagossians are enshrined in it.

■ **When we say the right of return, are we talking about the whole Chagos archipelago?**

“I think that Mauritian politicians accepted that, as they could not stop the UK going ahead with the excision, Mauritius might as well get some compensation for the loss of the Islands.”

A distinction should be made between Diego Garcia, the largest and most southerly island of the Chagos Archipelago and the 54 Outer Islands 140 miles to the north. We are talking about resettlement on the Outer Islands and an agreement on sovereignty of these islands. Diego is a formidable US base and is likely to continue to be so for the foreseeable future. It is unrealistic to expect the US to abandon this base or to welcome resettlement there. The struggle I am involved with is to persuade the FCO that they can restore the Chagossian right of return to the Outer Islands without prejudice to the security of the base.

■ **Many contend that that's the elephant in the room. After all, isn't that why Diego was taken in the first place? Doesn't the U.S have a part to play in keeping the issue unresolved?**

My feeling is that many in the US administration have no problem with either a controlled resettlement on the Outer Islands or the UK reaching an agreement over sovereignty with Mauritius. But like all complex democracies there will be those, perhaps in the Pentagon, who still think that both these scenarios would somehow prejudice the security of the base. If so I think it is up to the foreign secretary to convince Hilary Clinton, if she needs convincing, that there is no risk to the base.

■ **Let's go a little bit into history now. The book mentions how the Mauritian state was made to accept the excision of the archipelago. Does that affect our legal stand to-**

day? Do you see that as a valid argument that the British or anyone else might bring up?

Clearly the UK was in breach of the UN declaration on decolonisation in Resolution 1514 of 1960 and Resolution 2066 of 1965 directing the UK “to take no action which would dismember the territory of Mauritius and violate its territorial integrity”. As for the acquiescence of the Council of Ministers in 1965 to the excision of Chagos it is my view that they had little choice because Britain could have done it anyway under its own powers, ie the 1895 Colonial Boundaries Act. I think that Mauritian politicians accepted that, as they could not stop the UK going ahead with the excision, Mauritius might as well get some compensation for the loss of the Islands. So you could say that Mauritius was coerced, and that an agreement to dismember the country could only have freely been taken after independence. But part of the deal was that the UK would return the territory to Mauritius when “no longer needed for defence purposes”. Mr Hague repeated this commitment to the parliamentarians at the meeting on 15 December. So the UK does recognize the future sovereignty of Mauritius - it's really a question of when. It is obvious that neither the US nor the UK requires the Outer Islands for defence, otherwise over the last 46 years they would have developed defence facilities on the islands.

■ **How forceful have we been in arguing our case?**

My impression is that since the 1970s successive Mauritian governments have been very forceful in arguing for the return of the islands both in dialogue with the UK and in international fora. Certainly the present government seems very determined but also prepared to compromise over the type of sovereignty to be exercised by Mauritius.

■ **How can the people here get more involved in the cause?**

Well in the UK people get involved through the democratic process, writing to the press, to their MPs and through lobby groups and voluntary organizations. People in Mauritius could start by seeing what support they can give to the Chagossian community who are poor, living in Mauritius, and also working with Olivier Bancoult, and the Chagos Refugees Group.

IQBAL AHMED KHAN

Left Field]

By Nicholas RAINER



On books

Mull over this. A friend of mine recently presented himself at the Carnegie Library in Curepipe, of which he is a member, in view of donating two voluminous bags of books to the august institution. Imagine his surprise when the librarian at the counter turned his donation down, saying that they were old. A library rejecting books on the grounds that they're not shiny new, fancy that! Now, if they were the worse for wear, one can understand the refusal more readily, but this simply wasn't the case. I've known this guy since we were 11, since the days we used to excitedly exchange Willard Price's adventure books and I can guarantee that he treats his paper friends impeccably. Whereas mine would usually end up tired and dog-eared after a single read, his would invariably look like their pages had barely been skimmed through (to the point that he was sometimes reluctant to hand them over to me).

So even if the books he offered the Carnegie Library weren't latest editions, they were in good shape. What makes this refusal even stranger is that anyone who's been there can tell you that the tomes that sit atop its shelves are hardly hot off the printing press. It's possible that the institution has its own set of rules and regulations with regard to offerings, but categorically turning down a donation composed largely of quality non-fiction is utterly confounding. This episode probably says something very salient about the country – about the state of our mindsets and public services, in particular – but it'll take someone far less dumbfounded than myself to identify what it is.

Books are absolutely brilliant. They've got something for everyone: they can be sources of escape, erudition, laughter, shock, discovery, heartache, learning, self-discovery and a lot more. And the more one reads, the more one recognizes how little one really knows, which is usually a rather healthy thing to realize. But books also boast a different, more practical quality: they're completely burglarproof. For the simple reason that no one's interested in stealing them. You can leave a book anywhere for a few hours and the chances of it still being there when you come back are extremely high. This is all the more remarkable in an age when one has to constantly keep an eye on one's possessions to prevent them from being illegally borrowed. This also probably says something interesting about the country, but we'll leave that for another day or another life. In the meantime, if you're looking for a low risk investment opportunity, books could be right down your alley.

I'm not a big fan of New Age mumbo-jumbo but a recent conversation reminded me of the concept of Indigo children. You know, those kids who are supposed to have reached a higher level of evolution than previous generations and will drag the world out of misery and war. The theory might sound blindingly farfetched, but the way things are going, they might be our best hope, which says a lot about the state of the planet.