

'BRITAIN SHOULD HAND OVER CHAGOS ISLANDS TO MAURITIUS'

Relevant for: International Relations | Topic: Effect of policies and politics of developed & developing countries on India's interests

Britain has an obligation to end its administration of the Chagos archipelago — home to the U.S. military base of Diego Garcia — and complete the process of decolonisation of Mauritius, the International Court of Justice (ICJ) in The Hague has said in an advisory opinion that is a significant legal victory for Mauritius and other nations, including India, which supported its case.

Delivering the opinion, ICJ president Abdulqawi Ahmed Yusuf said the judges had rejected the contention that the issue did not fall within its jurisdiction because it was a bilateral matter for the two countries, and concluded that the decolonisation of Mauritius was not lawfully completed as a result of Britain's continued administration of the Chagos islands.

'Wrongful act'

He found that the continued administration of the territory by the U.K. amounted to a "wrongful act," that was not consistent with the right to the people of "self determination." The judges concluded that any detachment of part of a colony had to be based on the "freely expressed and genuine will" of the people.

The Chagos islands are home to the U.S. military base of Diego Garcia, under lease from the United Kingdom since the 1960s.

In his statement, the judge also noted that the original agreement had not allowed for third-party involvement in the territory. The base's construction led to the displacement of some 1,500 people, who have been unable to return.

The advisory opinion is unlikely to impact the U.S. military base, even assuming that Britain acted on the advisory opinion. "Mauritius is committed to the continued operation of the base in Diego Garcia under a long-term framework...", Mauritius had said in the UN General Assembly, during the discussions on requesting an ICJ advisory opinion.

"This is an advisory opinion, not a judgment. Of course, we will look at the detail of it carefully. The defence facilities on the British Indian Ocean Territory help to protect people here in Britain and around the world from terrorist threats, organised crime and piracy," said a spokesperson for the U.K. Foreign and Commonwealth Office.

The case is seen as having far wider ramifications beyond the two parties immediately concerned as it deals with the legacy of colonialism. It also raises the question of whether agreements struck between colonial powers and their colonies in the final stages their rule could really be seen as legitimate, given the imbalance of power.

1965 pact

Mauritius's contention is that the leadership of its independence movement had been corralled into agreeing to the 1965 separation of the islands, fearful that if it did not do so, independence would not be granted.

India too supported Mauritius in its case, with India's Ambassador to the Hague Venu Rajamony telling the court last year that a historical survey of facts placed the archipelago as part of Mauritian territory. "Regarding the process of decolonisation of Mauritius, it remains incomplete both technically and in substance as long as the Chagos archipelago continues to be under the colonial control," he had told the court in September last year. Britain says that the islands will be returned to Mauritius when they are no longer needed for defence purposes. Under an agreement struck in 1965, in return for compensation to Mauritius and fishing rights, Britain has maintained control of the islands.

The continued administration of the territory by the U.K. amounts to a wrongful act

Abdulqawi Ahmed Yusuf

ICJ president

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