

DEMOCRACY | FREEDOM | HUMAN RIGHTS

THE CASE AGAINST THE CHAGOS DEAL

by DR JOHN HEMMINGS

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*Satellite image of Diego Garcia in the Chagos Islands archipelago, by zelvan at Shutterstock
(www.shutterstock.com/image-photo/diego-garcia-island-indian-ocean-on-2523443915).*

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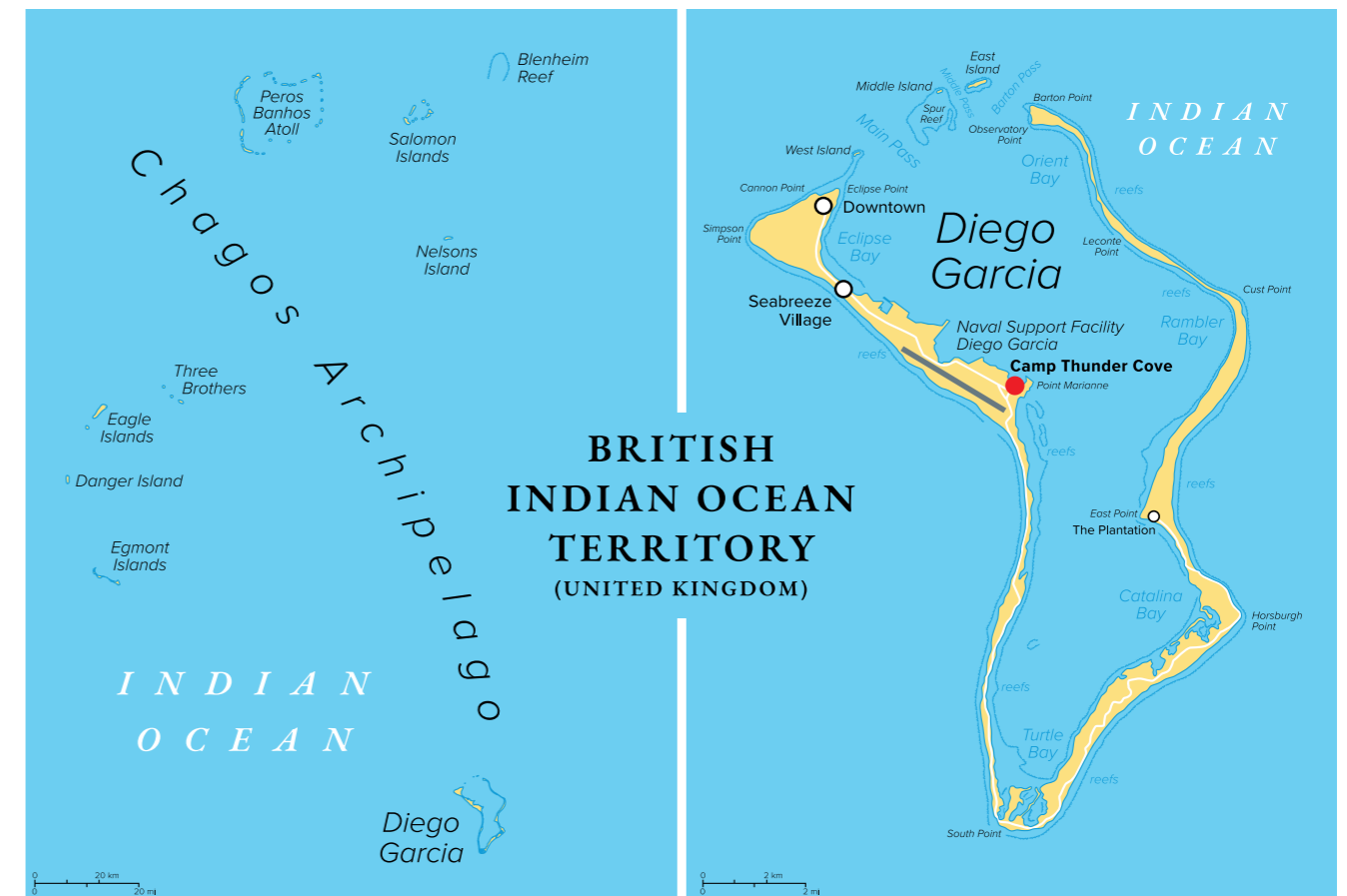
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The case has also been politicized at the international level since January 20th, when President Donald Trump branded the deal “an act of great stupidity”.⁹ This was in contrast to his previous acceptance of the deal and came after Marco Rubio, US Secretary of State, had already given his endorsement of the deal on the US Department of State website.¹⁰ This was also followed by a statement on 17 February 2026 that added that while the US “supports” the deal,¹¹ it wanted to conclude a bilateral agreement with the UK that guarantees the continued use of the UK-US joint base on the island of Diego Garcia. Much of this politicization stemmed from the controversial nature of the deal itself and the sense that it made little sense legally or geopolitically. This paper seeks to lay out these arguments and examine them more closely in order to ascertain whether or not they have merit; whether or not the deal has been misunderstood; or whether or not the deal is an incredible act of folly, deserving of the criticism it has received.



Map of Indian Ocean showing countries and borders, by Peter Hermes Furian at Shutterstock (www.shutterstock.com/image-vector/indian-ocean-political-map-countries-borders-659813653).



Map of the atolls of the Chagos Archipelago (British Indian Ocean Territory, BIOT) in the Indian Ocean with the largest island, Diego Garcia, highlighted, by Peter Hermes Furian at Shutterstock (www.shutterstock.com/image-vector/british-indian-ocean-territory-biot-political-2604783829).

Chapter 1: The Legal Case against the Chagos Deal

“The purposes of the United Nations are...to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”

- UN Charter, Article 1.2

In order for us to ascertain the merits of the legal case, it is necessary to rehearse them here and assess their validity. The origins of the legal case are shrouded in post-colonial politics, but those who supported the deal – and in some cases, supported its negotiation – are convinced that this was the only moral and legally sound route for the government of the United Kingdom to pursue. This argument, in its simplest form, involves the following principles.

1. That the UK broke international law when it divided Chagos from Mauritius at the stage of decolonization in 1968.
2. That there has been a UK-Mauritius territorial dispute since that time that meant that the process of decolonization was not lawfully completed by the UK.
3. That the International Court of Justice Advisory Opinion and International Tribunal on the Law of the Sea (ITLOS) have legitimated Mauritius’ sovereignty claim over the Chagos Archipelago.
4. That the UK faced imminent legal action against it which would have made the base inoperable.

⁹ Jessica Elgot, “Trump cites UK’s ‘stupidity’ over Chagos Islands as reason to take over Greenland”, *The Guardian*, 20 January 2026, www.theguardian.com/world/2026/jan/20/trump-greenland-chagos-islands-uk-stupidity.

¹⁰ “U.S. Support for UK and Mauritius Agreement on Chagos Archipelago”, U.S. Department of State, 22 May 2025, www.state.gov/u-s-support-for-uk-and-mauritius-agreement-on-chagos-archipelago/ (This webpage seems to have been disabled).

¹¹ “The US and Mauritius to hold bilateral security discussions”, U.S. Department of State, 17 February, 2026, www.state.gov/releases/2026/02/indian-ocean-territory-biot-political-2604783829/ (this webpage seems to have been disabled).

That the UK broke international law when it divided the Chagos Archipelago from Mauritius at the stage of decolonization in 1968: Exploring this argument a little more in detail reveals its demerits. The ICJ’s advisory opinion cited the Declaration of Independence to Colonial Countries and People, Resolution 1514 (XV) of December 1960, Paragraph 6, which states that “any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”.¹² Here, the word *country* is completely inappropriate for the relationship between Mauritius and the Chagos Archipelago and was misused.

The Declaration of Independence to Colonial Countries and People intended to stop the dismemberment of national groups into multiple territories; NOT to protect the imperial claims of states over former dependencies. There is nothing in the Declaration nor in the ICJ Advisory Opinion on the nature of dependencies and for good reason. The concept of dependencies stems from the imperial era and was a form of colonialism, with one state taking over the sovereignty of another. The original term used in the 1814 Treaty of Paris, which ceded Mauritius to the United Kingdom referred to “Mauritius and its dependency” and the UK itself referred to the Chagos Archipelago as “a dependency of the colony of Mauritius”. According to the United Nations itself, “With the developments in international relations since 1945, and in particular the process of decolonization, older dependency relationships have been terminated. Such links do not involve any legal right to direction or control on the part of the representing State.”¹³

“His Britannic majesty stipulating for himself and his allies, engages to restore to his most Christian majesty, within the term which shall be hereafter fixed, the colonies, fisheries, factories, and establishments of every kind, which were possessed by France on the 1st of January 1792, in the seas and on the continents of America, Africa, and Asia, with the exception however of the islands of Tobago and St. Lucie, and of the Isle of France and its dependencies, especially Rodrigues and Les Seychelles, which several colonies and possessions his most Christian majesty cedes in full right and sovereignty to his Britannic majesty”

Treaty of Paris, 1814

What’s more, if we consider the history of the two territories, then it becomes clear that the Declaration of Independence to Colonial Countries and People has been misapplied to Mauritius and the Chagos Archipelago, and the ICJ and United Nations General Assembly have each doubled down onto that mistake rather than reappraising it.

That there has been a UK-Mauritius territorial dispute since that time that meant that the process of decolonization was not lawfully completed by the UK: If we accept that Mauritius has cynically attempted to keep a dependency in the name of decolonization, then we understand that not only did the UK lawfully complete decolonization in 1968, but that Mauritian attempts to reclassify the issue as incomplete decolonization is legally dubious and instead intensely political. While it’s true that the Chagos Archipelago was governed with Mauritius in a single administrative unit, this was an imperial territorial jurisdiction, not a *national* one as denoted by the term “dependency”. The two were bundled together by civil servants in Paris who were attempting to maintain administrative tidiness, an administrative

habit continued by the UK when it assumed control. There has never been a national entity that combined the two territories, nor was there a single national people, common language, or common culture. Chagossians are an Afro-Asian ethnic group who speak Chagossian Creole, a French based creole language. By contrast, the people of Mauritius have their own creole and are more heavily of Indian descent than the Chagossians. According to Richard Ally, a Chagossian activist based in the UK, “I spent the first half of my life in Mauritius and I can tell you that we are different peoples with distinct cultures. Even after many years, we have not been accepted by the Mauritians.”¹⁴

That the International Court of Justice Advisory Opinion and International Tribunal on the Law of the Seas (ITLOS) have legitimated Mauritius’ sovereignty claim over the Chagos Archipelago: Even the Government acknowledges that Mauritius’ claims have not yet been fully realized. There are several reasons for this, but it’s better if we deal with the ICJ first before then moving to the ITLOS.

ICJ: The primary weakness of the ICJ advisory opinion is that it was non-binding. This means that the ICJ itself did not intend for a ruling to be made on issues of sovereignty. While the ICJ IS able to rule on issues of sovereignty, it requires that both nations to be party to the dispute settlement process. In the case of the advisory opinion, the UK was not consulted or involved in the case. Instead, the ICJ considered that it was ruling on the specific question of decolonization of Mauritius, not on sovereignty. In some ways, the UK’s promise to return Mauritius at some future point has worsened its own case.

The UK should resolve to settle the question of decolonization directly by holding a referendum among UK-based Chagossians and delivering the verdict to Mauritius. It should withdraw all future promises to return the Chagos Archipelago to Mauritius, and proclaim that the UK’s stated intent to abide by the referendum settles the decolonization issue raised by the ICJ advisory opinion.

ITLOS: The ITLOS judgement is harder to dispute and recognizes Mauritius sovereignty. As ever, international law is a matter of state compliance and the UK has one or two options. The first of these, and that put forward by this paper, is to promote decolonization through Chagossian recognition. A referendum that transfers the dependency from Mauritius to the United Kingdom could be said to have settled the question of lawful decolonization. A second option, and one that is weaker is to accept the judgement, but to defer action. Both the advisory opinion and the ITLOS judgement argue that “the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible”. Given that there is no set timeline and the timeline is contingent on what is “possible”, the UK could state that it accepts the argument but will decide when the cessation of its administration is possible.

Self-determination: If we accept that Mauritius and other nations are determined to tie the UK down in lilliputian law cases, we must at least put forward alternative legal grounds for continued UK administration. This is easier to do since the Chagossian community has historically been treated as a distinct entity from Mauritius, then we must also accept that there is a valid legal case for Chagossian self-determination. The principle of self-determination of a dependency is an alternative legal principle to the Mauritian post-colonial claim and has great strength under international law. It is recognized as a fundamental human right and an inalienable right giving rise to obligations shared by the international community. It is a foundational principle to the United Nations and appears in Article 1 and

¹² “Declaration on the Granting of Independence to Colonial Countries and Peoples”, The United Nations, 14 December 1960, www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples.

¹³ https://legal.un.org/legislativeseries/pdfs/chapters/book25/english/book25_part1_ch4_art17.pdf.

¹⁴ Telephone interview with Richard Ally, Chagossian Voices Spokesman, 17 February 2026.

Article 55 of the United Nations Charter alongside equal rights.¹⁵ It is also in Article 1 of the International Covenant on Civil and Political Rights (ICCPR),¹⁶ which was signed two years before Mauritius received its independence from the United Kingdom.

It is an astonishing contradiction that Chagossians who profess a desire to remain British must be allowed to practice their self-determination by being given to a nation state to which they have never belonged. This, of course, brings us to the “original sin” at the heart of the Chagos Deal, the removal of the Chagossians and the negation of their right to self-determination by nearly everyone involved in the dispute – including the UN General Assembly and the ICJ.

The political nature of these so-called legal claims are made clearer by the fact that the Chagossians themselves declared a government-in-exile in December 2025, arguing for the status accorded British Overseas Territories, noting a strong intent to remain British citizens and “loyal subjects of His Majesty”.¹⁷ The UK government’s determination to ignore this aspect of the Chagos situation is deplorable, sidelining the human aspect of international law in its rush to seal the deal and is at variance to the UK Government’s approach towards the Falklands Islands, where a 2013 Referendum was held to establish the principle of self-determination against the continued agitation of Argentina. The sidelining of Chagossian wishes to remain British by the ICJ and UN General Assembly reveals the politicized nature of the process and has been called successful “lawfare”¹⁸ by Jack Watling, a senior research fellow at the Royal United Services Institute. Instead of the ICJ’s “great moral authority” we see the shadow of great power politics and a willingness to use international law as levers of state power.

Chapter 2: The Geopolitical Case against the Chagos Deal

The potential to influence decision-making, directly or indirectly, has been witnessed in countries where China has invested heavily, and may indicate a future risk for the UK as it seeks closer economic ties with Beijing post-Brexit. While the UK in principle is not opposed to participating in the Belt and Road Initiative (BRI), the current opacity around Maritime Silk Road port projects makes third-country engagement difficult.”¹⁹

- The Royal United Services Institute, 2019

Geopolitical Decolonization: When one looks at the supporters for decolonization within the United Nations territories, it is impossible not to see geopolitical stratagems at play. This does not invalidate the process, but it does require great powers to be more sensible when they are subject to what some have called “lawfare”.²⁰ For example, one of the UN agencies that has been a major driving force behind the legal attacks on the British Indian Ocean Territories is the UN Special Committee on Decolonization, also known as C-24. As Lord Roberts of Belgravia noted in a House of Lords debate in early February, the committee

lists 17 territories on its website that it wishes to decolonize, including the Falkland Islands, Gibraltar, the Pitcairn Islands, St Helena, the British Virgin Islands, Guam, and American Samoa, among others.²¹ Among the members of the committee are Cuba, Iran, Russia, Syria, Venezuela and China. The fact that China is a member that has interests in ridding the US of the base is notable, as is the fact that the C-24 list only focuses on Western states and does not list dependencies or “special administrative regions” of Russia or China, such as Hong Kong or Macau.²²



C-24 Map of Non-Self-Governing Territories (United Nations, <https://www.un.org/dppa/decolonization/en/nsgt>)

Indian Ocean Region by the numbers:

- 100,000 ships transit annually
- 50% of global oil reserves
- 42% of global crude oil
- 40% of the global coastline
- 40% of global offshore production
- 35% of the global population
- 30% of global containerized cargo
- 20% of global refining facilities

Geopolitical Context: The geopolitical context around the UK-Mauritius Deal has been mentioned explicitly in national debates and by the US President, Donald Trump, a number of times, but what exactly is it? In essence, it is based on the anti-Western strategies of Russia and China. In the first instance, it is based on the expansion of Chinese military, economic, and political power into the Indian Ocean from the early 2000s onwards. Originally called

¹⁵ “United Nations Charter”, United Nations, www.un.org/en/about-us/un-charter/full-text.

¹⁶ “International Covenant on Civil and Political Rights”, United Nations, 16 December 1966, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-4&chapter=4&clang=en.

¹⁷ “Tiny Chagos Islands humiliate Starmer by forming government-in-exile of ‘loyal subjects’”, *The Express*, 17 December, 2025, www.express.co.uk/news/uk/2147218/Chagossian-government-in-exile-british.

¹⁸ Jack Watling, “The UK’s Surrender of Chagos is a Symptom of Strategic Ineptitude”, RUSI, 11 October 2024, www.rusi.org/explore-our-research/publications/commentary/uks-surrender-chagos-symptom-strategic-ineptitude.

¹⁹ Veele Nouwens, “China’s 21st Century Maritime Silk Road: Implications for the UK”, RUSI, 14 February 2019, www.rusi.org/explore-our-research/publications/occasional-papers/chinas-21st-century-maritime-silk-road-implications-uk.

²⁰ Jack Watling, “The UK’s Surrender of Chagos is a Symptom of Strategic Ineptitude”.

²¹ “UK-Mauritius Agreement on the Chagos Archipelago”, House of Lords, 3 February 2026, <https://hansard.parliament.uk/lords/2025-06-30/debates/4BFB2C33-2979-4807-818B-CEC8ABC092F4/UK-MauritiusAgreementOnTheChagosArchipelago#contribution-B1BA6E87-EBD1-4630-874D-E767601DA188>.

²² “Non-Self-Governing Territories”, United Nations, www.un.org/dppa/decolonization/en/nsgt.

the “String of Pearls” strategy in early US Department of Defense-funded studies,²³ China’s strategy is asserting commercial control over vital sea lines of communication between Chinese mainland ports and energy ports in the Persian Gulf. Along this energy trade route, which sees the passage of 15 million barrels of oil daily,²⁴ China has developed ever-closer relations a number of “client states” – including Mauritius, the Maldives, Pakistan, and Myanmar – which have all developed close economic ties with Beijing across the Maritime Silk Road, the southerly branch of the Belt and Road Initiative.

Chinese container fleets dominate trade and Beijing has spent billions, building or licensing a string of ports to include Gwador in Pakistan, Feydhoo Finolhu in Maldives, Hambantota in Sri Lanka, Kyaukpyu in Myanmar, Malacca Gateway in Malaysia, and Port Darwin in Australia. While China has insisted that its actions in the Indian Ocean merely economic, various studies have shown that the civilian infrastructure was built with military-grade specifications in mind, allowing for People’s Liberation Army – Navy (PLAN) vessels to resupply. In addition, various Western and Indian studies²⁵ have tracked the growing military activities of the PLAN in the Indian Ocean, indicating a strategic desire to protect vital energy trade from the Middle East to China and commercial trade from Europe. Given the location of the UK-US military base, there are serious concerns that China might be able to pressure Mauritius into taking some actions that are unfavorable to the bases’ operations and security.

The US Argument: Recently, a former senior special advisor named Ben Judah, who worked on the UK-Mauritius Agreement for Foreign Secretary David Lammy wrote in *The Sunday Times*²⁶ that the deal would in fact protect UK national interests in ways far more than public statements would indicate. In the article, he revealed that “this base is not just any old base. Once you’ve been briefed, even partially, on what it does the information gives you vertigo...once you understand what it does and how our diminutive presence lets the UK get access to something we would never be able to build or afford ourselves, you enter the British deep state’s logic: we simply must do whatever we have to do to retain access.” Even if we do not speculate on the nature of that capability, we can take it on authority that it is in the UK’s national interest to retain access to that capability. However, what is NOT clear is that the international legal implications of the ICJ and ITLOS findings would actually threaten this capability or compel the United States to remove it. And even if the United States did remove this capability, it’s unclear as to why the UK would lose access to it or that it would be unable to renegotiate access.

There is an understandable further argument made here that the Biden Administration very much wanted this UK-Mauritius Agreement to occur, and the special advisor rather complains that the current Trump US administration has become “erratic, internally divided and impulsive”. Furthermore, when “The US was officially committed to the rules-based order, Britain’s own loyalty to it did not clash with its allegiance to the United States.” The unfortunate response to this is threefold: first, welcome to democracies. They are by their nature capricious, bound to change their minds between administrations; that’s not just a bug of the Trump administration

²³ Juli A. MacDonald, *Energy Futures in Asia*, Booz Allen Hamilton, 2004.

²⁴ Talmiz Ahmad, “Indian Ocean by the Numbers”, *The Hindu*, Mar 7, 2024, [HTTPS://frontline.thehindu.com/world-affairs/indian-ocean-region-by-the-numbers-vital-hub-for-global-commerce-strategic-chokepoints-vast-oil-reserves/article67891133.ece](https://frontline.thehindu.com/world-affairs/indian-ocean-region-by-the-numbers-vital-hub-for-global-commerce-strategic-chokepoints-vast-oil-reserves/article67891133.ece).

²⁵ See, for example, Darshana M. Baruah, “China in the Indian Ocean: A Stronger Indo-Pacific Presence”, IISS, 22 May 2025, www.iiss.org/online-analysis/charting-china/2025/05/china-in-the-indian-ocean-a-stronger-indo-pacific-presence/; Aditya Gowdara Shivamurthy, Harsh V. Pant, “China and India Jostle in the Indian Ocean”, ORF, 5 December 2022, www.orfonline.org/research/china-and-india-jostle-in-the-indian-ocean/; Matthew P. Funaiolo, Brian Hart, and Aidan Powers-Riggs, “Surveying the Seas: China’s Dual-Use Research Operations in the Indian Ocean”, CSIS, 10 January 2024, <https://features.csis.org/hiddenreach/china-indian-ocean-research-vessels/>.

²⁶ “I worked on Chagos, a deal worthy of Le Carré. Then Trump charged in”, *The Sunday Times*, 22 February 2026, <https://drive.google.com/file/d/1-UcAtf8NqT6FU9ZjzBpKP6XHiuSBqYJ4/view>.

(though perhaps it is taken to extremes), but common to the type. Second, seeks to play it both ways, blaming an erratic United States while admitting to a deeper reason for the UK’s “deep state” to pursue the UK-Mauritius Agreement as it did. While it is impossible to argue the merits of this case due to the classified nature of the capability associated with the base, one cannot simply argue that there was no other way. New arrangements could be made with the Americans, if Whitehall were to trade the UK-Mauritius Agreement for continued access. As Trump showed when requesting use of Diego Garcia prior to the attacks on Iran, the airfield itself still remains an important asset for continued US usage. Third, and finally, there is little point pursuing a defence of the international system in variance with the US if the UK itself is unsure about the rules-based system.

While the Prime Minister recently voiced support for the United Nations and “the rules-based order that comes with the architecture of the United Nations”, it is clear that there are increasing tensions between rules and national interests. The phrase is not used inside Number 10 and the Cabinet Office, and it’s conspicuously absent from the 2025 National Security Strategy,²⁷ despite having its own section in the 2015 version.²⁸ To be fair, the UK – along with many US allies – are in a quandary on how to treat US policies that run counter to the system – the strikes on alleged narcotic-carrying vessels, the strike on Venezuela and Iran – but are compelled by UK national interests to back Washington. Perhaps, a better line for the UK would be that of Sir John Chipman, former director of the IISS who has said publicly, that “international law is no longer ‘fit for purpose’. It is outdated, not least because it does not account for non-state actors or so-called grey area threats. A period of harsh realpolitik will inevitably re-shape international law.”²⁹

Conclusion

This paper has argued against the validity of the case made by the UK Government in favor of the UK-Mauritian Agreement. For the most part, these arguments relied heavily on the claims of legal authority, but as this paper has sought to argue the ICJ’s claims were advisory and not binding, the process was deeply politicized from the start, and most damningly ignored an alternative legal foundation for Mauritian decolonization, that of Chagossian self-determination. The central fact that the Chagossian will has been to remain British has been ignored by the government of Mauritius, the government of the UK, and the various United Nations agencies that have advocated on behalf of Mauritius is a clear indicator of the politicized nature of the campaign.

The second factor that must be included in any analysis of the Chagos Deal is the nature of geopolitical rivalries around the Indian Ocean. As this paper has briefly discussed, China has been working on growing its military, diplomatic, and economic footprint in the Indian Ocean since the early 2000s, primarily to guard and maintain its commercial control over the sea lanes of communication. Control over the energy trade between the Gulf States and the manufacturing powers of Northeast Asia is a significant aspect to this, as is China’s sense of vulnerability over its own energy supply. Furthermore, arguments made by former government special advisors that the Agreement IS in fact in the UK national interests

²⁷ https://assets.publishing.service.gov.uk/media/685ab0da72588f418862075c/E03360428_National_Security_Strategy_Accessible.pdf.

²⁸ https://assets.publishing.service.gov.uk/media/5a74c796ed915d502d6caefc/52309_Cm_9161_NSS_SD_Review_web_only.pdf.

²⁹ Sir John Chipman IISS, on X: “If it is agreed that the so-called ‘rules based order’ is dead, is it logical to have that dead order govern our decisions in disorder? During the Cold War there was no ‘rules based order’; there was balance of power, regulated by arms control. Now we have neither; and rules cannot be enforced ...”, <https://x.com/chipmanj/status/2028567141633675485>.

are compelling but not invulnerable to counterargument. Problematically, the alleged capabilities that drive the logic in this track of reasoning are classified and thus reduce public debate to speculation and guesswork.

As a result of these broad arguments, therefore, this report finds that not only is there NO legal compulsion to carry out this deal, there are alternative legal arguments that might be used instead. In addition to these are the geopolitical arguments that are much rehearsed in public debates already. It is notable that in all of these discussions, little is made of the vulnerability of any deal to Mauritius non-compliance. Much instead is made of the funding that would bring Mauritius “towards the West”, but it is unclear that the amount committed will satisfy Port Louis. This is mainly because Mauritius has developed strong ties to China, it has ALREADY proven itself to be willing to break previous agreements if it will help secure its national interests, and it is vulnerable to Chinese infrastructure-lending practices.

This report therefore recommends against the deal and makes the following recommendations.

1. The Government must reject the international legal understandings made since 2019 on the following basis:
 - a. They are based on a Mauritian dependency relationship with the Chagos Archipelago.
 - b. That this was an imperial administrative boundary, not a national boundary.
 - c. That these claims have been motivated by geopolitical actors and pushed through the courts without UK consent or participation on the false basis of decolonization.
 - d. That these legal understandings have ignored the UN Charter’s cardinal of self-determination.
2. The Government must support UK-based Chagossians on their right to self-determination and the political choice to remain British citizens with rights to inhabit islands in the Chagos Archipelago – to be determined in a future referendum.
3. That the Government announce the final settling of Mauritian decolonization on the basis of that referendum once it has occurred.
4. That Chagossian resettlement issues and challenges be arranged in further negotiations with the UK-Chagossian community and the United States.
5. That the UK and US work together to resolve future Mauritian legal claims; pausing tourism and economic activity with Mauritius until such time as those claims are resolved and Mauritius accepts decolonization status.
6. That the UK and US develop an active strategy for dealing with lawfare within the UN system, and withdraw recognition of UN Cold-War era “decolonization” agencies that have been used against Western strategic interests.



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