

The Chagos Islands and the Dark Soul of the British Labour Party

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Even if you think you know all about the Chagos story – an entire population forcibly removed from their island homeland at British gunpoint to make way for a US Air Force nuclear base, the people dumped destitute over a thousand miles away, their domestic animals gassed by the British army, their homes fired and demolished – then I beg you still to read this.

This analysis shows there could be no more startling illustration of the operation of the brutal and ruthless British Establishment in an undisguisedly Imperialist cause, involving actions which all reasonable people can see are simply evil. It points out that many of the key immoralities were perpetrated by Labour governments, and that the notion that either Westminster democracy or the British “justice” system provides any protection against the most ruthless authoritarianism by the British state, is utterly baseless.

Finally of course, there is the point that this is not only a historic injustice, but the injustice continues to the current day and continues to be actively promoted by the British state, to the extent that it is willing to take massive damage to its international standing and reputation in order to continue this heartless policy. This analysis is squarely based on [the recent Opinion](#) of the International Court of Justice.

Others have done an [excellent job](#) of chronicling the human stories and the heartache of the Islanders deported into penury far away across the sea. I will take that human aspect as read, although this account of one of the major forced transportations is worth reading to set the tone. The islanders were shipped out in [inhuman conditions](#) to deportation, starved for six days and covered in faeces and urine. This was not the 19th century, this was 1972.

The MV Nordvaer was already loaded with Chagossians, horses, and coconuts when it arrived at Peros Banhos. Approximately one hundred people were ultimately forced onto the ship. Ms. Mein, her husband, and their eight children shared a small, cramped cabin on the ship. The cabin was extremely hot; they could not open the portholes because the water level rose above them under the great weight of the overloaded boat. Many of the other passengers were not as fortunate as Ms. Mein and shared the cargo compartment with horses, tortoises, and coconuts. Ms. Mein remembers that the cargo hold was covered with urine and horse manure. The horses were loaded below deck while many human passengers were forced to endure the elements above deck for the entirety of the six-day journey in rough seas. The voyage was extremely harsh and many passengers became very sick. The rough conditions forced the captain to jettison a large number of coconuts in order to prevent the overloaded boat from sinking. Meanwhile, the horses were fed, but no food was provided for the Chagossians.

Rather than the human story of the victims, I intend to concentrate here, based squarely on the ICJ judgement, on the human story of the perpetrators. In doing so I hope to show that this is not just a historic injustice, but a number of prominent and still active pillars of the British Establishment, like **Jack Straw, David Miliband, Jeremy Hunt** and many senior British judges, are utterly depraved and devoid of the basic feelings of humanity.

There is also a vitally important lesson to be learnt about the position of the British Crown and the utter myth that continuing British Imperialism is in any sense based on altruism towards its remaining colonies.



Before reading the ICJ Opinion, I had not fully realised the blatant and vicious manner in which the Westminster government had blackmailed the Mauritian government into ceding the Chagos Islands as a condition of Independence. That blackmail was carried out by Labour **Prime Minister Harold Wilson**. The court documentation makes plain that the United States was ordering the British Government on how to conduct the entire process, and that Harold Wilson deliberately “frightened” Mauritius into conceding the Chagos Islands. This is an excerpt from the ICJ Opinion:

104. On 20 September 1965, during a meeting on defence matters chaired by the United Kingdom Secretary of State, the Premier of Mauritius again stated that “the Mauritius Government was not interested in the excision of the islands and would stand out for a 99-year lease”. As an alternative, the Premier of Mauritius proposed that the United Kingdom first concede independence to Mauritius and thereafter allow the Mauritian Government to negotiate with the Governments of the United Kingdom and the United States on the question of Diego Garcia. During those discussions, the Secretary of State indicated that a lease would not be acceptable to the United States and that the Chagos Archipelago would have to be made available on the basis of its detachment.

105. On 22 September 1965, a Note was prepared by Sir Oliver Wright, Private Secretary to the United Kingdom’s Prime Minister, Sir Harold Wilson. It read: “Sir Seewoosagur Ramgoolam is coming to see you at 10:00 tomorrow morning. The object is to frighten him with hope: hope that he might get independence; Fright lest he might not unless he is sensible about the detachment of the Chagos Archipelago. I attach a brief prepared by the Colonial Office, with which the Ministry of Defence and the Foreign Office are on the whole content. The key sentence in the brief is the last sentence of it on page three.”

106. The key last sentence referred to above read: “The Prime Minister may therefore wish to make some oblique reference to the fact that H.M.G. have the legal right to detach Chagos by Order in Council, without Mauritius consent but this would be a grave step.” (Emphasis in the original.)

107. On 23 September 1965 two events took place. The first event was a meeting in the morning of 23 September 1965 between Prime Minister Wilson and Premier Ramgoolam. Sir Oliver Wright’s Report on the meeting indicated that Prime Minister Wilson told Premier Ramgoolam that “in theory there were a number of possibilities. The Premier and his colleagues could return to Mauritius either with Independence or without it. On the Defence point, Diego Garcia could either be detached by order in Council or with the agreement of the Premier and his colleagues....”

I have to confess this has caused me personally radically to revise my opinion of Harold Wilson. The ICJ at paras 94-97 make plain that the agreement to lease **Diego Garcia** to the USA as a military base precedes and motivates the rough handling of the Mauritian government.

Against this compelling argument, Britain nevertheless continued to argue before the court that the Chagos Islands had been entirely voluntarily ceded by Mauritius. The ICJ disposed of this fairly comprehensively:

172. ...In the Court’s view, it is not possible to talk of an international agreement, when one of the parties to it, Mauritius, which is said to have ceded the territory to the United Kingdom, was under the authority of the latter. The Court is of the view that heightened scrutiny should be given to the issue of consent in a situation where a part of a non-self-governing territory is separated to create a new colony. Having reviewed the circumstances in which the Council of Ministers of the colony of Mauritius agreed in principle to the detachment of the Chagos Archipelago on the basis of the Lancaster House agreement, the Court considers that this detachment was not based on the free and genuine expression of the will of the people concerned.

A number of the individual judges’ Opinions put his rather more bluntly, of which Judge Robinson gives perhaps the best account in a [supporting Opinion](#) which is well worth reading:

93. ... The intent was to use power to frighten the Premier into submission. It is wholly unreasonable to seek to explain the conduct of the United Kingdom on the basis that it was involved in a negotiation and was simply employing ordinary negotiation strategies. After all, this was a relationship between the Premier of a colony and its administering Power. Years later, speaking about the so-called consent to the detachment of the Chagos Archipelago Sir Seewoosagur is reported to have told the Mauritian Parliament, “we had no choice”⁴²It is also reported that Sir Seewoosagur told a news organization, the Christian Science Monitor that: “There was a nook around my neck. I could not say no. I had to say yes, otherwise the [noose] could have tightened.” It is little wonder then that, in 1982, the Mauritian Legislative Assembly’s Select Committee on the Excision of the Archipelago concluded that the attitude of the United Kingdom in that meeting could “not fall outside the most elementary definition of blackmailing”.

The International Court of Justice equally dismissed the British argument that the islanders

had signed releases renouncing any claims or right to resettle, in return for small sums of “compensation” received from the British government. Plainly having been forcibly removed and left destitute, they were in a desperate situation and in no position to assert or to defend their rights.

At paragraphs 121-3 the ICJ judgement recounts the brief period where the British government behaved in a legal and conscionable manner towards the islanders. In 2000 a Chagos resident, **Louis Olivier Bancoult**, won a judgement in the High Court in London that the islanders had the right to return, as the colonial authority had an obligation to govern in their interest. **Robin Cook** was then Foreign Secretary and declared that the Foreign and Commonwealth Office would not be appealing against the judgement.

Robin Cook went further. He accepted before the UN Commission on Human Rights in Geneva that the UK had acted unlawfully in its treatment of the Chagos Islanders. And he repealed the Order in Council that de facto banned all occupation of the islands other than by the US military. Cook commissioned work on a plan to facilitate the return of the islanders.

It seemed finally the British Government was going to act in a reasonably humanitarian fashion towards the islanders. But then disaster happened. The George W Bush administration was infuriated at the idea of a return of population to their most secret base area, and complained bitterly to Blair. This was one of the factors, added to Cook’s opposition to arms sales to dictatorships and insistence on criticising human rights abuses by Saudi Arabia, that caused **Tony Blair** and **Alastair Campbell** to remove Robin Cook as Foreign Secretary.

Robin Cook was replaced by the infinitely biddable Jack Straw. There was never any chance that Straw – who received large donations to his office and campaign funds from British Aerospace – would stand against the interests of the arms industry or of the USA, particularly in favour of a few dispossessed islanders who would never be a source of personal donations.

Straw immediately threw Cook’s policy into reverse. Resettling the islanders was now declared “too expensive” an option. The repealed Order in Council was replaced by a new one banning all immigration to, or even landing on, the islands on security grounds. This “coincided” with the use of Diego Garcia, the Chagos island on which the US base is situate, as [a black site](#) for torture and extraordinary rendition.

Straw was therefore implicated not just in extending the agony of the deported island community, but doing so in order to ensure the secrecy of torture operations. I don’t have the vocabulary to describe the depths of Straw’s evil. This was New Labour in action.

The estimable Mr Bancoult did not give up. He took the British Government again to the High Court to test the legality of the new Order in Council barring the islanders, which was cast on “National security” grounds. On 11 May 2006, Bancoult won again in the High Court, and the judgement was [splendidly expressed](#) by Lord Hooper in a statement of decency and common sense with which you would hope it was impossible to disagree:

“The power to legislate for the “peace order and good government” of a territory has never been used to exile a whole population. The suggestion that a minister can, through the means of an Order in Council, exile a whole

population from a British Overseas Territory and claim that he is doing this for the “peace, order and good government” of the Territory is, to us, repugnant.” (Para 142)

The judgement did not address the sovereignty of the islands.

Unlike Robin Cook, Jack Straw did appeal against the judgement, and the FCO’s appeal was resoundingly and unanimously rebuffed by the Court of Appeal. The Foreign and Commonwealth Office then appealed again to the House of Lords, and to general astonishment the Law Lords found in favour of the British government and against the islanders, by a 3-2 judgement.

The general astonishment was compounded by the fact that a panel of only 5 Law Lords had sat on the case, rather than the 7 you would normally expect for a case of this magnitude. It was very widely remarked among the legal fraternity that the 3 majority judges were the only Law Lords who might possibly have found for the government, and on any possible combination of 7 judges the government would have lost. That view was given weight by the fact that the minority of 2 who supported the islanders included the Lord Chief Justice, Lord Bingham.

The decision to empanel only 5 judges, and the selection of the UK’s three most right wing Law Lords for the panel, was taken by the Lord Chancellor’s office. And the Lord Chancellor was now – Jack Straw. The timing is such that it is conceivable that the decision was taken under Straw’s predecessor, Lord Falconer, but as he was Blair’s great friend and ex-flatmate and also close to Straw, it makes no difference to the Establishment stitch-up.

If your blood is not now sufficiently boiling, consider this. The Law Lords found against the islanders on the grounds that no restraint can be placed on the authority of the British Crown over its colonies. The majority opinion was best expressed by Lord Hoffman. Lord Hoffman’s judgement is a [stunning assertion](#) of British Imperial power. He states in terms that the British Crown exercises its authority in the interests of the UK and not in the interest of the colony concerned:

49. Her Majesty in Council is therefore entitled to legislate for a colony in the interests of the United Kingdom. No doubt she is also required to take into account the interests of the colony (in the absence of any previous case of judicial review of prerogative colonial legislation, there is of course no authority on the point) but there seems to me no doubt that in the event of a conflict of interest, she is entitled, on the advice of Her United Kingdom ministers, to prefer the interests of the United Kingdom. I would therefore entirely reject the reasoning of the Divisional Court which held the Constitution Order invalid because it was not in the interests of the Chagossians.

It is quite incredible to read that quote, and then to remember that the British government has just argued before the International Court of Justice that the ICJ does not have jurisdiction because the question is nothing to do with decolonisation but rather a bilateral dispute. Thankfully, the ICJ found this quite incredible too.

You may think that by the time it fixed this House of Lords judgement the British government had exhausted the wells of depravity on this particular issue. But no, David Miliband felt that he had to outdo his predecessors by being not only totally immoral, but

awfully clever with it too. Under Miliband, the FCO dreamed up the idea of pretending that the exclusion of all inhabitants from around the USA leased nuclear weapon and torture site, was for environmental purposes.

The propagation of the [Chagos Marine Reserve](#) in 2010 banned all fishing within 200 nautical miles of the islands and, as the islanders are primarily a fishing community, was specifically designed to prevent the islanders from being able to return, while at the same time garnering strong applause from a number of famous, and very gullible, environmentalists.

As [I blogged](#) about this back in 2010:

The sheer cynicism of this effort by Miliband to dress up genocide as environmentalism is simply breathtaking. If we were really concerned about the environment of Diego Garcia we would not have built a massive airbase and harbour on a fragile coral atoll and filled it with nuclear weapons.

In retrospect I am quite proud of that turn of phrase. David Miliband was dressing up genocide as environmentalism. I stand by that.

While the ruse was obvious to anyone half awake, it does not need speculation to know the British government's motives because, thanks to Wikileaks release of [US diplomatic cables](#), we know that British FCO and MOD officials together specifically briefed US diplomats that the purpose was to make the return of the islanders impossible.

7. (C/NF) Roberts acknowledged that "we need to find a way to get through the various Chagossian lobbies." He admitted that HMG is "under pressure" from the Chagossians and their advocates to permit resettlement of the "outer islands" of the BIOT. He noted, without providing details, that "there are proposals (for a marine park) that could provide the Chagossians warden jobs" within the BIOT. However, Roberts stated that, according to the HMG,s current thinking on a reserve, there would be "no human footprints" or "Man Fridays" on the BIOT's uninhabited islands. He asserted that establishing a marine park would, in effect, put paid to resettlement claims of the archipelago's former residents. Responding to Polcouns' observation that the advocates of Chagossian resettlement continue to vigorously press their case, Roberts opined that the UK's "environmental lobby is far more powerful than the Chagossians' advocates." (Note: One group of Chagossian litigants is appealing to the European Court of Human Rights (ECHR) the decision of Britain's highest court to deny "resettlement rights" to the islands' former inhabitants. See below at paragraph 13 and reftel. End Note.)

Incredible to say, that is still not the end of the ignominy of the British Establishment. As the irrepressible Chagossians continued their legal challenges, now to the "Marine reserve", the UK's new Supreme Court shamelessly [refused to accept](#) the US diplomatic cable in evidence, on the grounds it was a privileged communication under the Vienna Convention. This was a ridiculous decision which would only have been valid if there were evidence that the communication were obtained by another State, rather than leaked to the public by a national of the state that produced it. For a court to choose to ignore a salient fact is an abhorrent thing, but it allowed the British Establishment yet another "victory". It was short lived, however.

Mauritius challenged the UK to arbitration before a panel constituted under Article 287 of the UN Convention on the Law of the Sea, a Convention I am happy to say I was directly involved in bringing into force, by negotiating and helping draft the Protocol. Mauritius argued that the UK could not ban fishing rights which it enjoyed both traditionally, and specifically as part of the agreement to cede the Chagos Islands. The UK brought four separate challenges to the jurisdiction of the panel, and lost every one, and then lost the [main judgement](#). It is pleasant to note that acting for the Chagos Islands was Elizabeth Wilmshurst, the FCO Legal Adviser who had resigned her position, telling Jack Straw that the attack on Iraq constituted an illegal war of aggression.

Which brings us up to the present Opinion by the International Court of Justice after the government of Mauritius finally took resolute action to assert sovereignty over the islands. Astonishingly, having repudiated the decision of the Arbitration Panel on the Law of the Sea, very much a British-inspired creation, Jeremy Hunt has now decided to strike at the very heart of international law itself by repudiating the International Court of Justice itself, something for which there is no precedent at all in British history. I discuss the radical implications of this here with Alex Salmond.

This is apposite as throughout the 21st Century developments listed here in this continued horror story, the Chagossians' cause was championed in the House of Commons by two pariah MPs outside the consensus of the British Establishment. The Chair of the All Party Parliamentary Group on the Chagos Islands was Jeremy Corbyn MP. His Deputy was Alex Salmond MP.

Chagos really is a touchstone issue, a key litmus test of whether people are in or out of the British Establishment. The attacks on Jeremy Corbyn, the manufactured witch-hunt on anti-semitism, all are designed to return the Labour Party to a leadership which will continue the illegal occupation of the Chagos Islands; the acid test of reliable pro-USA neo-conservative policy. The SNP, at least under Salmond, was an open challenge to British imperialism and hopefully will remain so.

Chagos is a fundamental test of decency in British public life. If you know where a politician – or judge – stands on Chagos, most other questions are answered.

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