

RELEASED IN PART
1.4(B),B1,1.4(D)

ACTION EUR-00

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 HQ USPACOM HONOLULU HI PRIORITY
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10/22/28

C O N F I D E N T I A L LONDON 002667

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E.O. 12958: DECL: 10/21/2018
 TAGS: PGOV, PREL, PHUM, MARR, MOPS, IO, UK
 SUBJECT: BRITAIN'S HIGHEST COURT REJECTS CLAIM THAT CHAGOS
 ISLANDERS HAVE "RIGHT OF RETURN" TO THE BRITISH INDIAN
 OCEAN TERRITORY

Classified By: Political Counselor Rick Mills
 for reasons 1.4 b and d

1. (C) Summary. Britain's highest court, the Law Lords, ruled October 22 that Chagos Islanders have no legal right to return to the British Indian Ocean Territory, which is comprised of the Chagos Archipelago and includes the island of Diego Garcia, the location of a joint U.S.-UK military facility.

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2. (SBU) Britain's highest judicial body, the House of Lords, Law Lords, ruled October 22 that "no person has a right of abode in BIOT or the right to enter the Territory unless authorized." The ruling directly concerns some 2,000 Chagos islanders, or Chagossians, who had claimed that they had the right to return to the Chagos Archipelago. (Note: The case stems from the British Government's removal, in the late 1960s and early 1970s, of about 2,000 Chagossians from the Chagos Islands, which includes Diego Garcia, the archipelago's southernmost and largest island and the location of a joint U.S.-UK military facility. End Note.) The court, in a 3-2 verdict, overturned on appeal lower

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

courts' rulings that the UK had wrongfully deprived the islanders of their "right of abode" and the Chagossians could return to their former homes, except for Diego Garcia. The lower courts' rulings were never enforced because HMG effectively nullified their effect in 2004 by exercising the "royal prerogative" to introduce two "Orders in Council," which prevented the islanders from returning to the Chagos Archipelago. The October 22 Law Lords' decision exhausts all possible appeals in Great Britain on the Chagossians' alleged "right of return" to their ancestral homeland.

3. (U) A statement by Foreign Secretary David Miliband posted on the Foreign and Commonwealth Office (FCO) website on October 22 expressed HMG's "regret at the way the resettlement of the Chagossians was carried out in the 1960s and 1970s and at the hardship that followed for some of them.

We do not seek to justify those actions and do not seek to excuse the conduct of an earlier generation." The statement goes on to underscore, however, that British courts have ruled that the Chagossians had been paid "fair compensation" and the "UK has no legal obligation to pay any further compensation." Miliband's statement notes the importance of "issues of defense/security of the archipelago" and recites that an independent study had ruled out the feasibility of a lasting resettlement of the BIOT. The statement promises to "keep in close touch with the Chagossian communities and consider carefully future requests to visit the Territory."

(Note: The full text of Miliband's statement is available at www.fco.gov.uk . End Note.)

What's Next for the Chagossians?

4. (U) An attorney for the Chagossians said the islanders would try to reach an unspecified "settlement" either through Parliament or the FCO and might take the case to the European Court of Human Rights (ECHR). Olivier Bancoult, chairman of the Chagos Refugees Group, publicly declared after the ruling that "the Chagossian people will not give up, we will continue our struggle."

5. (C/NF)

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Comment

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