

# Chagos Refugees Group

*c/o Chairman Mr. L. Olivier Bancoult O.S.K*



## **Statement by the Chagos Refugees Group on the Decision dated 11 June 2013 of the High Court in London concerning the Marine Protected Area ("MPA") around the Chagos Islands.**

Today the High Court in London has decided that the MPA which was imposed by the last Government without the approval of the UK Parliament is not legally invalid. This is disappointing to Chagossians some of whom will no longer be able to sustain themselves by continuing our traditional fishing rights which is the only link we are allowed with our homeland since the UK unlawfully expelled us from our islands.

We are examining with our lawyers the detail of this judgment, and if advised, will seek to challenge this decision on appeal.

But there have been some very important developments which the bringing of this case has achieved in this latest legal case in our long struggle to return home.

There are three very significant matters all of which the Court considered inadmissible or irrelevant to its deliberations, but which the Coalition Government will no doubt wish to take very seriously.

First, the Court decided on purely technical grounds that the US cable, in which officials informed the USA that the MPA was the most effective long term way to exclude the Chagossian people from returning, was inadmissible. Whilst the rest of the world therefore sees what went on behind closed doors, the judges refused to consider this evidence. Chagossians believe the world is not so blinkered and even Ministers will wish to reject this discriminatory policy.

Second, the FCO surprised us all by producing its long-lost file on the so-called feasibility study which was used by the last Government as a pretext for abolishing our right of return. Ignoring the obvious feasibility of Chagossians returning home (and the superb living conditions on Diego Garcia enjoyed by 1,500 servicemen and 2,000 civilian workers) this study claimed that our return would be costly and precarious. But after years of denial of its existence we have now seen the file on this report which our advisers have examined. This examination shows that the feasibility study was not based on sound science and were exaggerated and alarmist.

Third, our advisers have now commissioned an independent review of this feasibility study by an expert on small islands, Professor Kench, who has shown how resilient these islands are and how the challenge of global warming need not prevent our return home.

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Chagossians are the natural guardians of our beautiful islands. Many were in far better condition when we were forced to leave, than they are now. The military base has caused huge amounts of coral blasting, has resulted in the destruction of vegetation and the concreting over of large areas of Diego Garcia. Oils spills have seeped into the freshwater reservoirs and the coral base of the islands.

A deepwater harbour for a vast military arsenal has been created where once we used to catch fish for our sustenance.

We are in favour, as the judges recognised, of a high level of conservation in our natural paradise. Our return will not endanger the beautiful corals or remaining fish stocks in any way.

But our right to return is fundamental and will never be surrendered. It is high time that the UK made this resolution of our plight a high priority.

The outcome of this appeal does not affect our endeavours insofar as other avenues are concerned. We shall accordingly continue our legal battle and we are strongly convinced that ultimately victory will be ours!

Olivier Bancoult, OSK  
Chairman CRG