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# Draft Report
# The Former Inhabitants of the Chagos Archipelago as an Indigenous People:

# Analyzing the Evidence

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9 July 2003

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## EXECUTIVE SUMMARY

### Overview

The former inhabitants of the Indian Ocean's Chagos Archipelago, known as Ilois or Chagossians, have been identified as an "indigenous people" by individuals inside and outside the group. To date no one has detailed systematically how and if this label fits these people who lived in Chagos until their forced removal from the archipelago between 1965 and 1973. This report reviews a large body of evidence about the Ilois, compares this evidence to contemporary understandings of the term *indigenous peoples* in international law, anthropology and related social sciences, and concludes that **the evidence strongly suggests categorization of the Ilois as an indigenous people.**

### Ilois Self-identification as an Indigenous People

Many Ilois identify themselves as an indigenous people. For numerous experts, this is evidence enough that the Ilois qualify as an indigenous people, given a growing consensus that self-identification as an indigenous people is the fundamental evidence demonstrating a group is an indigenous people. Many non-Ilois observers, most notably the British High Court (*Bancoult* 2000), have also described the Ilois as an indigenous people, lending further support to the Ilois claim.

### The Analysis

In addition to self-identification, many experts still look to other criteria to determine if a group constitutes an indigenous people. This report bases its analysis around five such major definitions and frameworks of the indigenous peoples concept: the 1994 Draft United Nations Declaration on the Rights of Indigenous Peoples, 1989's International Labour Organisation Indigenous and Tribal People's Convention No. 169, the work of UN special rapporteurs José Martinez Cobo and Erica-Irene A. Daes, and that of legal scholar Benedict Kingsbury. Each of these frameworks, as well as other major definitions, is reviewed in detail in the report.

The report analyzes five major criteria shared by the representative definitions: 1) Self-identification as an indigenous people; 2) Identification by others as an indigenous people or as a distinct collectivity; 3) Historical and temporal evidence; 4) Evidence of sociocultural distinctiveness; and 5) Evidence of societal non-dominance.

### Main Findings from the Evidence

The report presents evidence about the Ilois relevant to these five criteria, concluding:

1) <u>Self-identification as an Indigenous People</u>

   **Many Ilois individually and collectively self-identify as an indigenous people** and as a group distinct from other peoples in Mauritius and Seychelles, where most Ilois live.

2) Identification by Others as an Indigenous People or as a Distinct Collectivity

Statements and findings from the British High Court, scholars, the Mauritian and British governments, the UN, non-governmental organizations, and others demonstrate that **many non-Ilois find the Ilois are an indigenous people and, more widely, a distinct collectivity.**

3) Historical and Temporal Evidence

The Ilois have an **ongoing historical, ancestral connection with the Chagos Archipelago and its first inhabitants dating to 1783-84,** only interrupted (geographically, not ancestrally) by their expulsion from Chagos. Crucially, **no other group can claim a prior historical or ancestral relationship to Chagos** and trump the Ilois as Chagos's first inhabitants.

4) Evidence of Sociocultural Distinctiveness

An overview of Ilois society and culture, before and after the expulsion from Chagos, shows that **the Ilois are in many ways a socially and culturally distinct people,** clearly distinguishable from other peoples in the Indian Ocean and elsewhere.

5) Evidence of Societal Non-dominance

Considerable evidence demonstrates the poverty of the Ilois since their expulsion and their position at the bottom of the social, economic, and political hierarchies in Mauritius and Seychelles. As a group, **the Ilois are undoubtedly non-dominant in Mauritian and Seychellois society.**

**General Conclusion**

With few minor exceptions, the Ilois fulfill all criteria in all five of the major representative frameworks of the indigenous peoples concept. **Thus, the collected evidence about the Ilois and current understandings of the indigenous peoples concept in international law, anthropology and related social sciences strongly suggest categorization of the Ilois as an indigenous people.**

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# LE RÉSUMÉ EXÉCUTIF

## Le résumé

Les anciens habitants de l'Archipel de Chagos de l'Océan Indien, connu comme Ilois ou Chagossiens, a été appelé un <<peuple indigène>> par des personnes à l'intérieur et à l'extérieur du groupe. À ce point, personne n'a exposé systématiquement comment et si ce titre est d'accord avec ces personnes qui habitaient à Chagos jusqu'à leur déracinement de l'archipel entre 1965 et 1973. Ce rapport examine un grand corps de données sur les Ilois, compare ces données aux connaissances actuelles du terme <<peuples indigènes>>, et conclut que **les données suggèrent fortement que les Ilois sont un peuple indigène.**

## Les Ilois identifient eux-mêmes (<<self-identification>>) comme une peuple indigène

Beaucoup des Ilois identifient eux-mêmes comme un peuple indigène. Pour beaucoup des spécialistes, ce fait est assez preuve que les Ilois sont un peuple indigène à cause du consensus agrandi que <<self-identification>> est la preuve fondamentale montrant qu'une groupe est un peuple indigène. Beaucoup des autres qui ne pas être Ilois, notamment le *High Court* de la Grande Bretagne (*Bancoult* 2000), ont décrit aussi les Ilois comme un peuple indigène, donnant plus de soutien à l'affirmation Iloise.

## L'organisation de cette analyse et ce rapport

Beaucoup des spécialistes, néanmoins, cherchent encore aux autres critères plus que <<self-identification>> comme un peuple indigène. Ce rapport ainsi organise cette analyse sur cinq des définitions majeures du concept de <<peuples indigènes>>: l'avant projet de la déclaration des Nations Unies sur les droits des peuples indigènes (1994); la convention 169 de l'Organisation internationale du Travail sur les peuples indigènes et tribales (1989); le travail des rapporteurs spéciales des Nations Unies José Martinez Cobo et Erica-Irene A. Daes; et celui de la savant de la loi Benedict Kingsbury. Chacun des définitions, et aussi des autres définitions, est examiné en détail.

Ce rapport examine cinq critères majeures partagé par les définitions représentatives: 1) <<self-identification>> comme un peuple indigène; 2) l'identification par des autres comme un peuple indigène ou comme un collectivité distinct; 3) la preuve historique et ancestrale; 4) la preuve d'une société et une culture caractéristique; et 5) la preuve de ne pas dominer la société.

## Les conclusions des données

Ce rapport présente les données sur les Ilois concernant ces cinq critères, conclurant:

1) **Beaucoup des Ilois, comme individus et comme une groupe, identifient comme un peuple indigène** et comme un collectivité distinct des autres peuples en Maurice et aux Seychelles.

2) Les mots et les actions du *High Court* de Grande Bretagne, des savants, des gouvernements mauriciennes et britanniques, des Nations Unies, des organisations non-gouvernementale, et

des autres montrent que **beaucoup des gens qui ne sont pas Ilois tiennent que les Ilois sont un peuple indigène** et, même plus, un collectivité distinct.

3) Les Ilois ont **une relation historique, ancestrale, et continuant avec l'Archipel de Chagos et ses premiers habitants à partir de 1783-84.** Cette relation a été interrompue seulement par le déracinement de Chagos. C'est bien important aussi que **il n'y a pas un autre groupe qui peut faire une affirmation avoir une relation historique et ancestrale avec Chagos avant les Ilois** et ainsi être les premiers habitants en Chagos.

4) Une étude de la société et la culture des Ilois, avant et après le déracinement, montre que **les Ilois ont, en beaucoup des manières, une société et une culture unique.** Ils sont aussi vraiment différents des autres peuples dans l'Océan Indien et dans tout le monde.

5) Les données considérables montrent la pauvreté des Ilois depuis leur déracinement et qu'ils sont dans une position en bas des hiérarchies sociales, économiques, et politiques en Maurice et aux Seychelles. Comme une groupe, **les Ilois sont clairement dans une position de ne pas dominer les sociétés mauriciennes et seychelloises.**

**Une conclusion générale**

Avec peu des exceptions, les Ilois satisfont toutes les critères dans les cinq définitions représentatives du concept des << peuples indigènes>>. Ainsi, à cause de <<self-identification>> fréquente comme un peuple indigène; à cause de la recognition considérable par des autres comme un peuple indigène et un collectivité distinct; à cause des données fortes que les Ilois ont des connections historiques et ancestrales avec l'Archipel de Chagos et ses premiers habitants à partir de 1783-84; à cause des données diverses que les Ilois ont une société et une culture unique; et à cause des grandes données que les Ilois sont dans une position de ne pas dominer les sociétés mauriciennes et seychelloises, la preuve rassemblé sur les Ilois et les connaissances actuelles du concept des <<peuples indigènes>> suggèrent fortement que les Ilois sont une peuple indigène.

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**GEOGRAPHIC GLOSSARY**

*British Indian Ocean Territory (BIOT)*:

From its creation in 1965, the islands of the Chagos Archipelago (Nelson Islands was accidentally omitted initially) and the Aldabra, Desroches, and Farquhar island groups formerly part of the colony of the Seychelles; after the independence of Seychelles in 1976, only the islands of the Chagos Archipelago.

*Chagos Archipelago*:

About 56 Indian Ocean islands located around the Great Chagos Bank between approximately 4º5' and 7º5' latitude South and 70º5' and 72º5' longitude East in the following groups and individual islands (ancient names and spellings in parentheses; French and English names in continuing usage separated by forward slashes):

Diego Garcia (Chagas/Chagos Island)—includes 3 islets at the top of its lagoon
Peros Banhos—27 islands
Salomon (Salamon) Islands—11 islands
Île d'Aigle/Eagle Islands—2 islands
Six Îles/Six Islands/Egmont Islands—7 islands
Trois Frères/Three Brothers—3 islands
Danger Island
Nelson Island

The archipelago also includes the following banks and reefs in addition to the Great Chagos Bank: Blenheim Reef, Cauvin Bank, Ganges Bank, Pitt Bank, Speakers Bank, and Victory Bank.

*Dependencies*:

Generally refers to the other islands that were part of colonial Mauritius prior to the establishment of Seychelles as an independent colony in 1903. They include:

Seychelles Archipelago, including the Amirantes
Rodrigues
Lesser Dependencies of Mauritius (below).

*Lesser Dependencies*:

Also known as the "Outer Islands" of Mauritius. Generally refers to:

Oil Islands (below)
Islands of Cargados Carajos (St. Brandon)—16 islands

*Mascarenes:*

Generally refers to:

Mauritius (formerly Isle de France)
Réunion (formerly Isle Bourbon)
Rodrigues.

*Oil Islands*:

Generally refers to:
Chagos Archipelago
Agalega Islands—2 islands

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# 1. INTRODUCTION

## 1.1. The Ilois as an Indigenous People?

The former inhabitants of the Indian Ocean's Chagos Archipelago have been called an *indigenous people* by individuals inside and outside the group. To date no one has detailed systematically how and if this label fits the people who until 1973 lived in Chagos. This report reviews the collected evidence about the former inhabitants of the Chagos Archipelago, including almost two years of original research, analyzing the extent to which the group can be considered an indigenous people under contemporary understandings of the term.

The former inhabitants of Chagos and their descendants are commonly known as Chagossians or *Ilois,* in the Creole French languages of the Indian Ocean.[1] The vast majority of Ilois now live about 1,200 miles from Chagos in the western Indian Ocean nations of Mauritius and the Seychelles. The Ilois no longer live in Chagos because between 1965 and 1973 all the inhabitants of the archipelago were forcibly removed from Chagos by the governments of the United States and the United Kingdom to create a military base on the largest of Chagos's islands, Diego Garcia.

The basic facts about Chagos and the people inhabiting its islands are clear. Prior to 1783, there was no permanent human habitation in Chagos. In or around 1783, a few people of French descent from Mauritius and an enslaved majority from Madagascar and continental Africa began creating permanent settlements first on Diego Garcia and later on many other of Chagos's more than 50 islands. The settlements revolved around coconut plantations cultivating copra, the dried flesh of the coconut, to produce coconut oil.

After emancipation, indentured laborers imported from India added to the diversity of the inhabitants, who remained mostly of African and Malagasy descent. Throughout the 19th century

and into the 20th, the settlements grew into increasingly large villages and complex societies, complete with hospitals, shops, jails, schools, and churches. The people in Chagos became known as Ilois. They spoke their own Creole French language, Chagos Creole. By 1900, Chagos's population was around 1,000. The population remained around that level into the 1960s.

In 1965, the United Kingdom excised Chagos from colonial Mauritius to create the British Indian Ocean Territory (BIOT). Beginning in 1965, any Ilois leaving Chagos were prevented from returning to their homes. Some are reported to have been tricked or coerced into leaving. In 1971, the U.S. military formally began creating a base on Diego Garcia. Agents of the British and U.S. governments forced all remaining Ilois in Diego Garcia onto ships, depositing them on other islands in Chagos and in Mauritius and Seychelles. In 1973, the last Ilois in Chagos were finally removed to Mauritius and Seychelles. The islands were thus cleansed of all permanent inhabitants. Since their forced expulsion, Ilois have been barred from returning to Chagos by the laws of the BIOT. Since 1973, the only inhabitants living in Chagos have been U.S. and UK military personnel working on a temporary basis on the military base at Diego Garcia.

### 1.2. The Term *Indigenous Peoples*

Whether the former inhabitants of Chagos and their descendants born since the expulsion constitute an indigenous people is the question. Many non-Ilois observers, most notably the British High Court (*Bancoult* 2000:para. 1), have already described the Ilois as an indigenous people (see also Walker 1993). Likewise, many Ilois identify themselves as an indigenous people. For many lawyers, social scientists, and others, this is evidence enough that the Ilois

qualify as one given the growing consensus that self-identification as an indigenous people is the fundamental, if not the sole, evidence necessary to show that a group is an indigenous people.

Part of the difficulty in establishing if a group constitutes an indigenous people is the widespread confusion about the term *indigenous peoples*. In addition to its lay usage, there are several technical definitions of the term that have gained currency in the law, in the social sciences, among indigenous groups, and among United Nations bodies, governments, and non-governmental organizations. This report begins by reviewing the major discussions of the term, particularly in the law and anthropology. The review identifies several areas of agreement among the most important definitions and treatments of the term, providing an analytic framework for analyzing the extent to which the Ilois can be considered an indigenous people.

The report then presents evidence about the Ilois for comparison with the analytic framework. This evidence includes findings about Ilois habitation in Chagos, Ilois history as a group, Ilois society and culture, and the statements of Ilois and non-Ilois describing the Ilois as a distinct and indigenous people. This evidence comes from an exhaustive review of the literature about Chagos and the Ilois and from original research conducted since August 2001 in Mauritius, Seychelles, the United States, and England. The report ultimately draws conclusions about the extent to which the Ilois can be considered an indigenous people based on a comparison of the amassed evidence against the analytic framework.

A key element of the report's strategy is the decision to develop a broad analytic framework based on the areas of agreement among major definitions rather than somewhat arbitrarily selecting one definition or developing a definition of my own. Most experts agree that no single definition can satisfactorily encompass the diversity of indigenous peoples around the world. By looking at the major areas of agreement among definitions and then comparing the

Ilois to those areas of agreement, the report thus yields broader conclusions about the Ilois as an indigenous people than if a single definition had been used. Moreover, this broad analytic strategy allows for future analysis of the Ilois no matter the definition.

### 1.3. The Research

I have conducted research about the Ilois since August 2001, when lawyers in the United States approached me about studying the effects of the expulsion on the group. I have collaborated in this research with Dr. Philip Harvey, an economist and lawyer at the Rutgers University School of Law, and Dr. Wojtek Sokolowski, a sociologist at Johns Hopkins University. Much of our work has thus been focused on documenting the various injuries suffered by the Ilois as a result of their expulsion, including injuries to property, employment, physical and mental health, education, culture, and the like. In addition, the lawyers asked me, as an anthropologist, to analyze if the Ilois can be considered an indigenous people.

Drs. Harvey, Sokolowski, and I have conducted our research with and about the Ilois, including more than four months of research that I conducted in Mauritius and Seychelles, using a variety of social science methods. Our ongoing research has involved my own ethnographic participant-observation living with Ilois families and communities, in-depth qualitative interviewing (n=14), genealogical interviews (n=9), countless informal conversations, and a 91-question quantitative survey of Ilois and their descendants in Mauritius and Seychelles (n≈300). I have also conducted extensive archival and library research in Mauritius, Seychelles, London, and Washington, DC. (Each of the chapters that follow will describe in detail the secondary sources consulted for this report.)

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Drs. Harvey, Sokolowski, and I have conducted this research as independent researchers. None of us are, nor have we ever been, employed by the U.S. lawyers who initially approached us about conducting this and other research. Nor are we or have we been employed by lawyers in England or Mauritius, with whom we have subsequently agreed to share our work. The U.S. legal team has reimbursed us for most of our research expenses to this point.

### 1.4. Overview of the Findings and the Report

As described above, this report begins in Part 2 by discussing the development of the term *indigenous peoples* and its most important definitions in the law and the social sciences (particularly in anthropology). Part 2 examines five of the major definitions and frameworks of the *indigenous peoples* concept and shows how the five agree on several important types of criteria. These shared criteria are: 1) The importance of self-identification as an indigenous people; 2) Identification by others as an indigenous group or as a distinct collectivity; 3) Historical and temporal evidence suggesting an indigenous people; 4) Sociocultural evidence suggesting an indigenous people; and 5) Non-dominance in the society in which a group lives.

These five shared criteria structure the presentation of evidence about the Ilois and the parts of this report that follow. Given the importance of self-identification to most contemporary definitions, Part 3 describes how Ilois individuals and groups have self-identified as an indigenous people. Part 4 reviews the work of other scholars and observers in analyzing if the Ilois are an indigenous people and a distinct collectivity in the Indian Ocean region. Part 5 provides historical and temporal evidence suggesting the Ilois have a long historical and ancestral connection with Chagos and its original inhabitants. This analysis draws heavily on a detailed history of the inhabitants of the Chagos Archipelago presented in Appendix A.

Appendix B complements Appendix A by presenting the best available population statistics for Chagos during its habitation. The report continues with Part 6 illustrating how the Ilois exhibit sociocultural features that make them distinct from other peoples in the region and the world. Part 7 demonstrates the non-dominance of the Ilois in Mauritius and Seychelles. Finally, Part 8 reviews the collected evidence, discusses the findings, and presents final conclusions about the Ilois as an indigenous people.

**Notes**

[1] Both names are widely used by members of the group and by others in Mauritius and Seychelles. Because *Ilois* has been used far longer than *Chagossian,* in particular during habitation in Chagos under discussion here, I will use *Ilois.* I will also avoid using *Chagossian* because with its suffix *–ian,* connoting belonging, the term implies an intimate connection with Chagos that might prejudice readers.

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# 2. THE *INDIGENOUS PEOPLES* CONCEPT: REVIEWING THE LITERATURE

## 2.1. Introduction

Part 2 analyzes the *indigenous peoples*[1] concept as it is currently understood in international law, the social sciences (particularly anthropology), and by indigenous peoples themselves. For much of the past half century, there have been debates about what defines indigenous peoples and if a definition is even desirable or necessary.

Part 2 begins by reviewing some of the history surrounding the development of the term. I will then briefly examine the related terms *peoples* and *minorities*, which are important to understanding the development of *indigenous peoples* as a concept. Next, I will review the major definitions of *indigenous peoples* in international law, before detailing some of the concerns about the concept that anthropologists, governments, and indigenous peoples have raised. I will return to several more important definitions and approaches to the concept provided recently by the United Nations, legal scholars, and anthropologists. At the end of Part 2, I will show how there is a growing consensus among approaches to the *indigenous peoples* concept. I will use these approaches and several of the most significant definitions to construct a framework to analyze, in the remainder of this report, if the Ilois can be considered an indigenous people.

## 2.2. What and Who Are Indigenous Peoples?: Placing the Term in Historical Context

The term *indigenous peoples*[2] has been used to refer to an extraordinary diversity of people, societies, groups, and communities around the globe. By one estimate, indigenous peoples

number more than 600 million individuals in over 6,000 distinct groups, with traditional claims to 25-30 percent of the world's land and resources (Clay 1993:65-68).

In everyday usage, the English word *indigenous* is defined as "born or produced naturally in a land or region; native or belonging naturally to (the soil, region, etc.)" (Compact Oxford English Dictionary 1991:838). *Peoples* adds the connotation of collectivity, as in "a body of persons composing a community, tribe, race, or nation," and "the persons belonging to a place, or constituting a particular concourse, congregation, company, or class" (Compact Oxford English Dictionary 1991:1305). Given the generality of these definitions, one sees how *indigenous peoples* can be interchanged or confused—sometimes consciously for political reasons—with other terms including, *indigenous people, indigenous individual, indigenous population, indigenous ethnic community, indigenous society, aboriginal, tribe, natives, nation, first people, Fourth World people, minority, local community,* and, simply, *people.*

Among the many terms, *indigenous peoples* is generally the most widely used and accepted in the law, academia, and among indigenous peoples' organizations. Despite many attempts to define *indigenous peoples*, there is little agreement about what the term means. About the only thing that analysts agree upon is the difficulty of finding a single definition that incorporates the diversity of the communities to be described without being either overly inclusive or exclusive (see e.g., Daes 1996:9, 23; Kingsbury 1998:414; European Commission 1998).

Dating to the 19th century, Europeans used the term to distinguish between white European colonialists and non-white non-European individuals native to colonized lands. A century later, the contemporary legal-political use of the term developed largely out of post-World War II decolonization struggles (Daes 1996:5-6; Kingsbury 1998:426-27; Martinez

1995:paras. 113-114). Especially with the development of native peoples movements in North America, *indigenous peoples* became a way to refer to the non-European, original inhabitants of places colonized by Europeans and people of European descent (Smith 1999:7). Unlike its 19th century usage, however, the new conceptualization of *indigenous peoples* was largely "forged by numerous communities of indigenous peoples themselves….[as a] chapter in a centuries-long story of resistance to colonial disruptions" (Childs and Delgado-P. 1998:211).

*2.2.1. A History of Violence and Genocide*

It is important to remember that such a term was necessary because of the tragic historical relationship between Europeans and the original inhabitants of lands in the Americas, Australia, New Zealand, and elsewhere. This is a history of roughly 500 years of Europeans inflicting conquest, murder, slavery, disease, dispossession, genocide, and other incalculable suffering on peoples found in the lands in which they arrived. In an oft-quoted line, Charles Darwin observes, "Wherever the European has trod, death seems to pursue the aboriginal" (quoted in Maybury-Lewis 1997:1).

The recent history is often little better. Anthropologist David Maybury-Lewis writes that "since the [conquering] states then consider them aliens and inferiors, indigenous or tribal peoples are among the world's most underprivileged minorities, facing the constant threat of genocide or ethnocide" (1997:8). Surveying the condition of indigenous peoples worldwide, United Nations special rapporteur on indigenous peoples Rodolfo Stavenhagen finds, "not only that the living conditions of the indigenous people are generally deplorable but also that this situation is closely related to the discrimination and other human rights abuses of which indigenous peoples are the victims" (2001:para. 36).

*Indigenous peoples* has thus become a way to make a broad distinction between those belonging to groups who have suffered long histories of violent decimation and those descendant from groups responsible for these acts. In the post-World War II era, the term has become an important instrument in international law and governance, in human rights discourse, and in intra-state relations. The term has been used by members of indigenous groups as a political tool and a vocabulary from which to mobilize and lobby for specific rights and recognition as indigenous peoples. Similarly, inter-governmental entities, like the United Nations, non-governmental organizations (NGOs), and national governments have used the term to protect the rights of and provide assistance to those considered indigenous peoples. In a relatively short period, indigenous peoples and others transformed the phrase from a term connoting a subordinate relationship to European colonials "without much significance in international law and politics, into a concept with considerable power as a basis for [no less than] group mobilization, international standard setting, transnational networks, and programmatic activity of intergovernmental and nongovernmental organisations" (Kingsbury 1998:414).

### *2.2.2. What's at Stake*

It is important to state at the outset that defining *indigenous peoples* is not merely of academic interest. Significant resources and rights potentially turn on the definition. Various groups have urged the use of *indigenous peoples* as a way for deeply disadvantaged, conquered groups to negotiate with ruling powers as a formal collectivity worthy of significant group rights on the basis of their being indigenous.

The term has also been a way for these same groups to gain formal recognition at the United Nations to advocate for rights denied by governments and to call attention to human

rights violations against them. Most significantly, recognition as an indigenous people carries with it the potential right to self-determination and self-government (see below). Just as being a member of an officially recognized Native American tribe or nation in the United States entitles people to certain treaty-bound rights and benefits, gaining recognition as an indigenous people provides potential or real access to rights and benefits in certain contexts. At its farthest extension, recognition as an indigenous people carries with it the right to secede from a governing state to form an independent, autonomous nation.

### 2.3. Defining *Peoples* in International Law

*Indigenous peoples* became such a significant (and contentious) concept in the post-war period in large part because of the magnified importance of the term's second word. While the term *peoples* has remained undefined in international law (Magnarella 2002:31; Crawford 1988c:170), its significance was enshrined in the international legal-political system in the 1945 United Nations Charter establishing the "self-determination of peoples" as a foundation of the UN. Similarly, both of the UN's 1966 covenants of Civil and Political Rights and of Economic, Social and Cultural Rights assert in Article I that, "All peoples have the rights to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (quoted in Heintze 1993:318).

This right to self-determination for all peoples was also a product of the decolonization movement. In the post-war period, each people was generally assumed to be properly represented by a territorially bounded state of the people's own choosing. Conversely, the state was assumed to derive its legitimacy from and to represent the interests of a territorially bounded

people. For the most part, people and state became one—erroneously assumed to be "virtually interchangeable ideas" and entities (Falk 1988:25-6; see also Crawford 1988b:55-6).

Despite this flaw in the initial conceptualization of *peoples*, its lack of a formal definition, and its related tension with the right of states to territorial integrity, *peoples* has only gained strength as a concept in international law and politics.[3] As Ian Brownlie explains, despite the uncertainty and definitional problem, "the principle appears to have a core of reasonable certainty." Brownlie continues, "This core consists of the right of a community which has a distinct character to have this character reflected in the institutions of government under which it lives" (1988:5).[4]

Others analysts moved closer to a definition by advancing this idea of every people possessing a distinct character. In 1978, UN special rapporteur A. Cristescu found that, "The term 'people' denotes a social entity possessing a clear identity and its own characteristics. It implies a relationship with a territory, even if the people in question has been wrongfully expelled from it and artificially replaced by another population" (quoted in Brölmann and Zieck 1993:195). While relatively vague, Cristescu introduces important elements of a definition. A people must have:

1. A distinct identity;
2. Distinct characteristics;
3. A connection to a specific territory, even if that connection has been physically broken by the actions of another group. [Brölmann and Zieck 1993:195][5]

More recently, lawyer and anthropologist Paul Magnarella has more closely specified the "distinct characteristics" (No. 2 above) referred to by Cristescu. In addition to the requirement of sharing a distinct identity and a territorial connection (Nos. 1 and 3), Magnarella defines peoples as any population having:

1. Common history;
2. Common language;
3. Common religion. [2002:31][6]

No matter the level of definitional specificity, these various definitions and the stakes at hand—the right to self-determination—demonstrate the difficulty in defining the term *peoples* (let alone *indigenous peoples).* As David Makinson explains, "it would appear difficult to introduce a dividing line between 'peoples,' to whom special rights are then to be attributed, and other 'lesser' collectivities that are not accorded those rights, without being arbitrary" (1988:82). Of course most legal systems revolve around making just these sorts of distinctions, but with self-determination and other rights at stake, one can understand the intensity with which these terms are debated.

### 2.4. Defining *Minorities* in International Law

Like *peoples,* the concept of *minority* has its own developed lineage in international law and politics that is also lacking a formal, binding definition within the law (Martinez 1995:para. 63). Most scholars, though, define *minority*, unlike *peoples*, largely as a relational concept. That is, one group can only be defined as a minority *in relation* to another numerically superior group (Makinson 1988:73). Additionally, most observers hold that a minority has less political power relative to a dominant social group. As former UN Special Rapporteur on indigenous peoples Erica-Irene Daes explains of minorities, "a group must not only lack political power, but lack the numerical strength ever to gain power through democratic means, before it qualifies as a 'minority.' An oppressive group that constitutes a numerical minority of the national population would, accordingly, not qualify as a 'minority'" (1996:18).

Whether a group constitutes a group, in the first place, such that it could in relational terms be considered a "minority," is a separate qualitative question, independent of the relational determination (Makinson 1988:73). Which is to say that most analysts add to the above definition of *minority* another set of definitional criteria. UN Special Rapporteur Francesco Capotorti's definition provides a good example. In addition to the above qualifications, Capotorti asserts that a *minority* is a "group…whose members possess ethnic, religious, or linguistic characteristics" different from the rest of a society and "a sense of solidarity directed towards preserving their culture, traditions, religion, or language" (quoted in Martinez 1995:para. 68).

Given that each term has a different treatment in international law, making distinctions between indigenous peoples, minorities, and peoples is key. Many groups qualifying as indigenous peoples clearly fit definitions for minority and peoples. Most analysts, however, make a particular effort to distinguish between minorities and indigenous peoples. They generally point to three factors that characterize indigenous peoples but not minorities. They are: 1) connections with a specific ancestral territory (see e.g. Brölmann and Zieck 1993:196; Daes 1996:19; Magnarella 2001:28-29), 2) "priority in time" living in a territory (see e.g. Daes 1996:19; Magnarella 2001:28-29), and 3) the historical particularity of the injustices of colonialism and its relationship between European powers and conquered societies (see e.g., Falk 1988:21-24; Martinez 1995:paras. 116-17).

Distinguishing between the terms *peoples* and *indigenous peoples* is perhaps even more difficult. Special Rapporteur Daes has concluded that she is unpersuaded "that there is any distinction between 'indigenous' peoples, and 'peoples' generally, other than the fact that groups typically identified as 'indigenous' have been unable to exercise the right of self-determination

by participating in the construction of a contemporary nation-State" (1996:22-23). Others see a greater distinction between the two terms. "It seems to be precisely the 'territorial basis' in its full sense" of entailing a "spiritual link," explain Catherine Brölmann and Marjoleine Zieck, "possibly coupled with the element of historical continuity," that distinguishes indigenous peoples from peoples and minorities (1993:196).

## 2.5 Defining *Indigenous Peoples* in International Law

Defining *indigenous peoples* has been contentious for many of the same reasons among groups hoping for such recognition and among the states in which they reside. Unlike the term *peoples,* however, there are recognized definitions of indigenous peoples. In international law, there are three binding or potentially binding international covenants that address the definition and status of indigenous peoples. They are International Labour Organisation Conventions 107 and 169 and the Draft United Nations Declaration on the Rights of Indigenous Peoples.

### *2.5.1. ILO Convention No. 107 of 1957: The First Major International Definition*

The only currently binding interstate treaties regarding indigenous peoples are those of the International Labour Organisation (ILO). Focused on the protection of human rights since its establishment in 1919, the ILO drafted Convention No. 107 of 1957, the "Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries." This convention established the first minimum international standards for the protection of indigenous peoples (at this point defined not insignificantly as "populations") and for the promotion of their well-being. Convention No. 107

remains in effect to this day, still ratified by 18 states as of June 2003 (International Labour Organisation 2002a).

In Article 1, ILO No. 107 provides the first major definition of indigenous peoples as:

> "Members of tribal or semi-tribal populations in independent countries" who are
> 1. "regarded as indigenous" based on "their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation"; and
> 2. "live more in conformity with the social, economic and cultural institutions" of the time of conquest or colonisation "than with the institutions of the nation to which they belong." [Quoted in Magnarella 2001:430-31]

The Convention additionally defines "semi-tribal" as:

> "groups and persons… losing their tribal characteristics" but "not yet integrated into the national community." [Quoted in Magnarella 2001:430-31][7]

*2.5.2. The Cobo Definition (1983): Still the Major Point of Reference*

In the years since the ILO's groundbreaking Convention No. 107, countless international organizations, from the Asian Development Bank to the World Health Organization, have defined or outlined the concept of *indigenous peoples* in policy directives and position papers. In almost every discussion of the term among these organizations and in most discussions by scholars as well, one finds reference to the 1983 definition developed by José Martinez Cobo.

Cobo worked for more than ten years as UN Special Rapporteur for the Sub-Commission on Prevention of Discrimination and Protection of Minorities to publish his study on discrimination against indigenous populations and his soon-to-be paradigmatic definition. The definition is so widespread as a standard that it has become known to many simply as the "Cobo definition" (e.g., European Commission 1998). Others have described it as the "most widely acclaimed definition" (Weissner 1999:110), the definition "most generally referred to"

(Brölmann and Zieck 1993:191), and, as early as 1986, "already…authoritative" (Barsh 1986:371).

Ironically, Cobo intended his formulation only to be a "working definition," and in that, "a point of departure…. to stimulate reflection and analysis leading to the formulation of more formal proposals for definitions" (quoted in Martinez 1995:para. 91). Despite Cobo's qualifications, given its level of worldwide influence, Cobo's definition of *indigenous populations* is worthy of special attention:

> Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present nondominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. [Quoted in Williams 1990:n. 4]

Cobo's definition established several key conceptual points that have had continued influence in a variety of later definitions. These elements defining indigenous peoples can be summarized as:

1. Historical continuity with pre-invasion societies;
2. Self-perception as a distinct group;
3. Non-dominance in society;
4. A fundamental interest, related to group preservation, in preserving and transmitting to future generations ancestral territories and identity;
5. Existence of a distinct culture and social and legal institutions.

Cobo further defines "historical continuity" as the presence of one or more of the following "factors" (I underline the primary element of each):

1. <u>Occupation of ancestral lands</u>, or at least part of them;
2. Common <u>ancestry</u> with the original occupants of these lands;
3. <u>Culture</u> in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, life-style, etc.);

4. Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);
5. Residence in certain parts of the country, or in certain regions of the world;
6. Other relevant factors. [Quoted in Williams 1990:n. 4]

These kinds of definitions detailed by Cobo are generally described as "objective" definitions based around lists of relatively observable group features (though not all of the factors are so objective). Cobo's definition also pioneered the introduction of what has been called a "subjective" element. For the first time in a major international setting, key elements of what it means to be indigenous included self-identification and the right of groups to determine their own group membership. Cobo's definition states:

> On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group).
>
> This preserves for these communities the sovereign right and power to decide who belongs to them, without external influence. [Quoted in Williams 1990:n. 4]

While Cobo did not make self-definition part of the definition of indigenous people as a whole, introducing the importance of self-definition at the individual level and control over group membership paved the way for an even greater stress on self-definition.

*2.5.3. ILO Convention No. 169 of 1989: Advancing "Peoples" and Self-identification*

In response to criticisms from indigenous peoples and others about Convention No. 107, the ILO revised the 1957 treaty with Convention No. 169, the "Convention concerning Indigenous and Tribal Peoples in Independent Countries." Most significantly, No. 169 replaced the word *populations* with the word *peoples* in the title and throughout the new convention. As discussed

earlier, the term *peoples* has special significance in international law and politics in connoting the right to self-determination. By contrast, in international law a population has almost no legal significance (Heintze 1993:317).[8]

Under pressure from states concerned about the legal and territorial implications of this significant terminological change, Convention No. 169 offers the following crucial caveat to its use of the word *peoples*:

> The use of the term "peoples" in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law. [International Labour Organisation 1991:Art. 1]

In a sentence, No. 169 almost entirely retracts the significance of using the word *peoples* by removing from it any rights to self-determination. As an intensely debated political document, like the other international definitions, No. 169 strikes a political compromise: it uses the word *peoples* but simultaneously denies the full legal and political meaning of the term.

Despite the important, if limited, terminological change noted above, No. 169 offers few alterations to Convention No. 107's basic definition of indigenous peoples. References to "tribal" or "semi-tribal" peoples are removed and treated as separate entities. Indigenous peoples are thus defined as (minor substantive changes from No. 107 are noted with my italics):

> *"Peoples in independent countries"* who are
> 1. "regarded as indigenous" based on "their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization *or the establishment of present state boundaries";* and
> 2. "*retain some or all of their own* social, economic, cultural *and political* institutions." [International Labour Organisation 1991:Art. 1][9]

In addition to these relatively minor changes, one major definitional shift surfaces in Convention No. 169. Article 1 of No. 169 gives the power of definition to indigenous peoples

themselves. For the first time in an interstate treaty, self-identification becomes a fundamental part of the definition of *indigenous peoples*:

> Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply. [International Labour Organisation 1991:Art. 1]

No. 169 thus moves beyond Cobo's definition to make self-identification fundamental to defining indigenous peoples. As of June 2003, 17 states had ratified No. 169 (International Labour Organisation 2002b), meaning both No. 169 and No. 107 remain in effect.

*2.5.4. Draft United Nations Declaration on the Rights of Indigenous Peoples (1994): Self-identification over Other Definitions*

That self-identification is fundamental to the definition of indigenous peoples is further enshrined in the 1994 Draft UN Declaration on the Rights of Indigenous Peoples. The Draft Declaration was the product of more than ten years of work by the UN's Working Group on Indigenous Populations, composed of representatives of indigenous peoples, governments, NGOs, and UN agencies. Although the Declaration has not yet been adopted by the full UN General Assembly and thus remains a Draft while working its way through layers of UN committees, it has already become a point of reference for many scholars, indigenous peoples, and other observers.

The Draft Declaration is significant in that it abandons the use of so-called objective definitions for indigenous peoples, found in both ILO Conventions. Instead, the Draft asserts without any qualifications or caveats the equality of indigenous peoples with all other peoples, and their attendant right as peoples to self-determination (1994:Arts. 2-3). The draft extends the emphasis placed on self-identification in Cobo and especially in ILO Convention No. 169:

Defining indigenous peoples becomes the right of indigenous peoples themselves to identify as indigenous and to have that identification honored by others.

> Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including *the right to identify themselves as indigenous and to be recognized as such.* [Draft United Nations Declaration on the Rights of Indigenous Peoples 1994:Art. 8; emphasis added]

The Draft Declaration moves closer than its predecessors toward a definition based solely on self-identification. Still, one must note that this does not provide a complete definition. That is, Article 8 of the Draft does not assert the right of indigenous peoples to identify and to be recognized as "indigenous peoples," only as "indigenous"—a small but potentially important distinction in legal and political worlds where the smallest grammatical alterations can be of profound significance.

**2.6. Anthropological Concerns about the Definitions**

Other than in the UN Draft Declaration, which focuses on self-identification alone, the other three major international definitions depend on an idea of indigenous peoples that is troubling to many contemporary anthropologists. Indeed one finds this same idea of indigenous peoples in most analyses and discussions of the *indigenous peoples* concept. To greater and lesser degrees, one can observe the tendency in most definitions to understand indigenous peoples as homogenous, unchanging, and archaic groups distinct from other peoples seen as fully modern.

This tendency comes directly from anthropology's own understandings of culture and cultures during much of the first half of the twentieth century and from nineteenth century cultural nationalist thought stressing the intrinsic connection between a people or *volk*, its territory, and its timeless, unchanging culture. Both traditions understood culture as being akin

to the unchanging essence or soul of a people, "as a bounded universe of shared ideas and customs" (Keesing 1994:307, 301). In the same line of thinking that after World War II conflated people and state, early anthropology and cultural nationalism conflated people, culture, and territory into a single bounded entity, intrinsically separate, as one billiard ball to another, from every other people-culture-territory.

Several anthropologists have critiqued most definitions and treatments of the indigenous peoples concept on these grounds of employing an outdated notion of culture. Pointing to the reductionist tendencies of the law, which often allow for little definitional flexibility and ambiguity, some anthropologists argue that the definitions assume the existence of fixed, authentic cultures, unaffected by historical change (e.g., Sieder and Witchell 2001:202, 218; Sylvain 2002:1075-1079). The definitions are rigid in assuming that indigenous peoples will and should maintain some or all of the same culture patterns and traditions that they have exhibited from "time immemorial." Anthropologists argue that these definitions actually force indigenous groups into a kind of "tactical essentializing," to present themselves and their cultures as the unchanging, homogenous, and distinctly different cultural entities demanded by the definitions (Sieder and Witchell 2001:202, 218; Dombrowski 2002:1068).

Today most anthropologists understand cultures and peoples as forever changing, fluid, and under the constant influence of other cultures and peoples. Cultures and peoples are not thought to be the natural, even mystical entities assumed in the definitions of indigenous peoples, but are understood as social groupings that develop and change over time under the influence of myriad social forces both inside and outside the socially defined group (e.g., Keesing 1994; Abu-Lughod 1991; Clifford 1986).

Unfortunately, most *indigenous peoples* definitions, including those reviewed above (other than the UN Draft Declaration), cling to the older understanding of cultures and peoples. This gives groups a narrow range within which to present themselves to gain recognition as indigenous peoples. It forces each group to offer a picture of itself as conforming to a stereotypical, Eurocentric vision of an archaic, so-called native or aboriginal people that, as the definitions would have it, has a mystical connection to the land and an unchanging (primitive) culture distinct from modern society. Definitions incorporating a contemporary anthropological understanding of culture would be more nuanced. They would expect all groups necessarily to undergo continual cultural and social change and to have contact with and be influenced by other peoples. These phenomena would be seen as the norm rather than as challenges to a group's indigeneity.

## 2.7. States' and Indigenous Peoples' Concerns

Underlining the point once again, the terminology and definitions surrounding the *indigenous peoples* concept are of deep significance to indigenous peoples and states. Discussions and negotiations to define *indigenous peoples* and to outline the rights due such groups can have real material effects on the lives of millions of individuals and real financial and territorial effects on states, and are thus highly politicized undertakings.

### *2.7.1. States' Concerns*

The U.S. Government frequently develops arguments around legal-linguistic distinctions between terms. The differences are crucial in the United States where recognition of Native American groups as official tribes under U.S. law is essential for groups hoping to receive

benefits from the Federal Government and the ability to negotiate with the Government as sovereign entities (Ragsdale 2000:318).

Once again, the right to self-determination is central. At the UN and other fora, the U.S. Government has sought both to distinguish between tribes and indigenous peoples. The United States has argued that indigenous peoples are not equal to all peoples, given the more deeply established right to self-determination due peoples (Suagee 1997:379-80). The U.S. Government has thus tried to remove all references to indigenous peoples and peoples generally in a variety of international documents. It has argued for replacing the words with terms like *indigenous societies, indigenous communities,* and *indigenous individuals* and for providing an alternative definition of *indigenous* (Suagee 1997:385-86).

These strategies are similar to those of many Asian countries concerned about the implications of the indigenous peoples concept on the territorial integrity of their states. Most analysts agree that the concept developed envisioning the history of European colonialism and the conquest of peoples primarily in the Americas, Australia, and New Zealand. This has led many in Asia and elsewhere to question how appropriately the term applies in the context of Asia and Africa, in particular (see e.g., Bose 1996:6-7; Kingsbury 1998:416-18, 447).

Some argue that, "in the countries of Asia and Africa where migration has continued for thousands of years, it is impossible to identify any group as indigenous on a chronological basis" (Bose 1996:7). Although there is a diversity of opinion throughout Asia, countries like China, India, Bangladesh, and Malaysia have consistently opposed the concept altogether or lobbied for strict definitions of the term. In the words of the government of the People's Republic of China,

> The Chinese Government believes that the question of indigenous peoples is the product of European countries' recent pursuit of colonial policies in other parts of the world…. As in the majority of Asian countries, the various nationalities in China have all lived for aeons on Chinese territory…. There is no indigenous

> peoples' question in China….For this reason, the [UN] draft declaration must clearly define what indigenous peoples are, in order to guarantee that the special rights it establishes are accurately targeted at genuine communities of indigenous people and are not distorted, arbitrarily extended or muddled. [Quoted in Kingsbury 1998:417-18]

While there is some substance to this and other analytical arguments against the applicability of the indigenous peoples concept in much of Asia and other parts of the world (see Kingsbury 1998:433-36), these arguments are also clearly political ones aimed at maintaining the sovereignty of states over groups of peoples interested in self-determination (Bose 1996:8).

*2.7.2. A Key Indigenous Perspective: Stressing Self-identification*

In opposition to some government positions, many indigenous peoples groups have stressed both the concept of *indigenous peoples* itself and the privileging of self-identification over other definitions for the term. "During the sessions of the United Nations Working Group on Indigenous Populations, indigenous representatives argued that an official definition of 'indigenous people' is both unnecessary and unwise," explains Paul Magnarella. "The Group worried that such a definition would be limiting and might exclude some peoples who consider themselves to be indigenous. Instead, the Group stressed the importance of self-identification" (Magnarella 2001:428; see also Daes 1996:4).

Such positions have indeed helped to secure the importance of self-identification as a bedrock definitional principle in the Draft UN Declaration and in other international documents, following the developments in Cobo's definition and in ILO No. 169. In the Working Group and elsewhere, "the view has prevailed that definition is the concern of Indigenous peoples and not States" or other outsiders, especially given long histories in which the opposite held true (Pritchard 1998:43; see also Williams 1990:n. 4; Brölmann and Zieck 1993:192).

*2.7.3. Synthesizing Indigenous Peoples' and States' Perspectives: Erica-Irene A. Daes*

Erica-Irene A. Daes provides the most up-to-date synthesis of the thinking of indigenous peoples and governments from her position as Chairperson-Rapporteur for the UN's Working Group on Indigenous Populations (see also more recently Stavenhagen 2001:para. 99). She, like others, challenges the necessity of having a detailed definition at all and ultimately reinforces the primacy of self-identification by indigenous peoples (Daes 1996:4, 21). As a check on improper claims of indigenous peoples status, Daes explains, indigenous peoples organizations have been and are responsible for screening groups making legally challengeable claims.

Daes says that, "the concept of 'indigenous' is not capable of a precise, inclusive definition which can be applied in the same manner to all regions of the world" (1996:5). She and the Working Group ultimately stress a "flexible approach" that allows "for the reasonable evolution and regional specificity of the concept of 'indigenous' in practice" (1996:21-23). While still emphasizing self-identification, she offers a set of four "factors" as "general guidance" for understanding the concept of *indigenous.* The factors are (I underline the primary emphasis of each):

> 1. <u>Priority in time</u>, with respect to the occupation and use of a specific territory;
> 2. The voluntary <u>perpetuation of cultural distinctiveness</u>, which may include aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions;
> 3. <u>Self-identification</u>, as well as <u>recognition by other groups</u>, or by State authorities, as a distinct collectivity; and
> 4. An <u>experience of subjugation, marginalization, dispossession, exclusion or discrimination</u>, whether or not these conditions persist. [Daes 1996:22]

Still, Daes stresses that these factors "do not, and cannot, constitute an inclusive or comprehensive definition" (1996:22). Instead, she offers the factors as "general guidance to

reasonable decision-making in practice," as each factor may be present in differing degrees depending on the regional, national, and local context.

In conclusion Daes emphasizes how most of the confusion about the concept has been the result of interference by governments concerned about the political and territorial implications of an indigenous peoples definition. "Any inconsistency or imprecision in previous efforts to clarify the concept of 'indigenous' was not a result of a lack of adequate scientific or legal analysis," she writes, "but due to the efforts of some Governments to limit its globality, and of other Governments to build a high conceptual wall between Indigenous and 'peoples' and/or 'Non-Self-Governing Territories" (1996:23).

## 2.8. Scholarship on the Concept

### *2.8.1. Legal Perspectives*

Many scholars, including indigenous lawyers and legal experts, have also supported the right of indigenous peoples themselves to maintain the final power of self-identification. Robert Williams, a professor of law and member of the Lumbee Indian Tribe of North Carolina, provides a simple working definition in deference to indigenous peoples' insistence on self-identification. "Indigenous peoples," he writes, are "groups colonized by Western and other settler states…who have lost their sovereignty while maintaining a distinct cultural identity," usually sustained "in intimate relation with their traditionally-occupied territories." Williams continues that, "the best evidence of this distinct cultural identity results from indigenous peoples identifying themselves as such" (Williams 1990:n. 4).

In light of this growing insistence by indigenous peoples and others (Brölmann and Zieck 1993:192) for indigenous peoples' right to self-identification, as opposed to the use of formal

definitions, many scholars have moved away from developing strict definitions. Given the continued insistence by governments and other observers about the need for definitions and the general reliance on definitions in the western legal tradition, however, one can see the continuing development of what are variously termed "factors," "indicia," "criteria," "indicators," and "characteristics" for guidance. As Brölmann and Zieck explain, "Although definitions should be handled with care, as they invariably entail loss of substance by imposing rigid boundaries on fluid realities, their value in law is undeniable" (1993:190-191). The development of factors, criteria, and indicators—that is, definitions by another name—that are specifically *not* termed "definitions" is significant then, indicating both the impracticality of agreeing upon a single definition (for both political and philosophical reasons (see Daes 1996:23)) and the power of indigenous peoples' arguments to maintain the primacy of self-identification.

*2.8.2. An Important Scholarly Framework: Benedict Kingsbury*

Benedict Kingsbury begins his discussion of the *indigenous peoples* concept in international law by arguing "that it is impossible at present to formulate a single globally viable definition that is workable and not grossly under- or overinclusive" (1998:414). Particularly concerned with the difficulty of applying the *indigenous peoples* concept in Asia (discussed above), he proposes a "constructivist" approach (1998:414-16, 449-50). Like Daes and the Working Group, Kingsbury argues for the flexible application of the *indigenous peoples* concept to the realities of specific group cases. "The international concept of 'indigenous peoples' may be understood as an abstraction from a vast set of complex particular realities," he writes. "The abstract concept is worked out and made particular in a specific context" (1998:449-50).

Kingsbury suggests making the concept particular in specific contexts through the flexible interpretation of general "requirements" and "relevant indicia" in each case. He offers one possible list of requirements and indicia:

Essential Requirements
- "Self-identification as a distinct ethnic group";
- Past experience of, or vulnerability to, dislocation or exploitation;
- "Long connection with the region";
- Desire to retain distinct identity.

Strong Relevant Indicia
- Non-dominance in a society;
- Cultural connection with a territory or land;
- "Historical continuity (especially by descent) with previous occupants of land in the region."

Other Relevant Indicia
- "Socioeconomic and sociocultural differences" from a society;
- "Distinct objective characteristics" like language, race, and culture;
- Treated by others in a society as indigenous. [Kingsbury 1998:455]

Applying a flexible interpretive approach rather than a rigid reading of such a list would stress measured analysis, the weighing and balancing of relevant data, and negotiation among interested parties. With this flexible take on definition, Kingsbury argues that one could above all else "promote the fundamental values underlying the concept of 'indigenous peoples'" (1998:457, 455).

*2.8.3. Anthropological Insights*

Anthropologists have generally avoided definitions of their own. Long-time scholar of indigenous issues David Maybury-Lewis is probably the best-known anthropologist to offer one. It is a definition that differs little different from those in the legal and international communities described above. Maybury-Lewis suggests five familiar "criteria":

1. First occupancy, since "time immemorial";
2. Conquered by peoples who differ racially, ethnically, or culturally;

3. Subordinated or incorporated into states and treated as inferior, outsiders, or marginalized and soon to be subordinated;
4. Maintaining one's own language and culture, which differ from the mainstream;
5. Conscious of a separate identity and working to maintain it. [1997:8]

Other anthropologists have been more concerned with tracing the evolution of the term and understanding how groups have used it in practice. *American Anthropologist,* the journal of the American Anthropological Association, recently dedicated an entire section of its December 2002 volume to these issues (see especially Hodgson 2002; Dombrowski 2002; Sylvain 2002).

One of the most sophisticated and concise anthropological discussions of the *indigenous peoples* concept comes from an unlikely source. *The Encyclopedia of Cultural Anthropology* has an entry for the term (Greaves 1996:635-638) and, like Daes, Kingsbury, and others, takes a flexible approach in its definition. For the *Encyclopedia,* indigenous peoples are groups that,

> have relatively small populations, and ancestral cultures of their own—even if much has since been displaced through acculturation—and typically occupy the status of minority group within a nation-state controlled by others. [Greaves 1996:635]

Stressing the importance of flexibility, the entry adds, "There are many groups who can comfortably be called 'indigenous' who do not quite fit the above set of criteria" (Greaves 1996:635). Inevitably, the *Encyclopedia* argues, there will be exceptions and outliers to any definition or set of criteria. "We need not be too concerned about the exceptions," for as the *Encyclopedia* writes,

> Human societies are not like animal species that fall into clearly bounded sets, commonly without gradations in between…. Thus, while it is tempting to argue endlessly about definitions and criteria and the exceptions to those definitions, the category *indigenous peoples* is useful and usable. We need it in order to talk about these societies, to identify the needs indigenous societies have in common, and to act on those needs…. As long as we recognize that there are many societies for which our generalizations will be suspect, and that applying policies and

> programs to indigenous societies will therefore be 'messy,' the term can be used honestly and usefully. (635.)

While this approach may be unsatisfactory to many in the law interested in hard, objective qualifications, the *Encyclopedia* seems to take a pragmatic middle ground with the term, acknowledging its imprecision but stressing its ultimate utility.

**2.9. A Growing Consensus**

Among legal scholars, social scientists, indigenous peoples, UN bodies, non-governmental organizations, and others, there appears to be a growing consensus about the definition of *indigenous peoples.* Firstly and above all else, the primacy of self-identification over other definitions enjoys widespread agreement.

Secondly, there has been a growing awareness of the major limitations of static, checklist-like, supposedly objective definitions. Analysts have shown how these kinds of definitions are overly rigid and cannot possibly accommodate the diversity of peoples around the world who can reasonably identify and are considered by others as indigenous. Even more, these rigid (usually legalistic) conceptions of indigenous peoples serve to reinforce stereotypes about indigenous peoples—e.g. that they have timeless, unchanging cultures rooted in harmonious traditions and distinct from the ways of modernity. These conceptions force indigenous groups to project stereotypical images of themselves to gain group rights, in what has been called a "strategic" or "tactical" essentializing that allows little room for normal cultural change (Sieder and Witchell 2001:201-202; Sylvain 2002:1075, 1079, 1082; Auckerman 2000:1039-1040).

Thirdly, in reaction to the problems of rigid definitions, most observers now promote various kinds of "flexible," "dynamic," and "constructivist" approaches, while still emphasizing

the importance of self-identification. These approaches are generally based around sets of loose "indicia" or "factors" rather than fixed requirements. They are also concerned with understanding each group in its local, regional, and historical contexts, rather than trying to fit every group to the same template. As Miriam Auckerman explains, "instead of looking to simplified labels, we apply standards and justifications in context," in what she calls a "context-specific scheme" (2000:1047-1049). And just as importantly, analysis within such flexible, context-specific approaches "should not be left to states alone," but should be the work of various outsider and insider communities (Auckerman 2000:1049; see also Daes 1996:21-22).

**2.10. Conclusion: A Framework for Analysis**

In understanding the extent to which the Ilois or any other group can be considered an indigenous people, the most appropriate approach appears to be this kind of flexible, constructivist analysis while still emphasizing the fundamental importance of self-identification. I will not attempt to create a definition of my own. The definitional debates are long-standing and, even if I wanted to, I could not resolve them. Instead I will seek to present evidence about the Ilois and compare that evidence to what are currently the most widely accepted definitions and approaches to the *indigenous peoples* concept.

The five representative definitions and frameworks I will use are: 1) the definition of José Martinez Cobo, 2) ILO Convention No. 169, 3) Erica-Irene Daes's four-factor guideline, 4) Benedict Kingsbury's flexible, constructivist list of requirements and indicia, and 5) the UN Draft Declaration on the Rights of Indigenous Peoples. I will use Cobo's definition because it is the most widely cited and accepted definition among legal scholars, academics, and indigenous peoples. ILO Convention No. 169 (largely encompassing Convention No. 107) is important as

the most recent binding intergovernmental treaty that defines indigenous peoples. I include Daes's approach as the most recent synthesis of the perspectives of indigenous peoples and states at the United Nations. Kingsbury's framework is a key scholarly approach that is gaining adherents. Finally, I will briefly use the UN Draft Declaration at the outset of my analysis as it represents recent (potentially ratified) international consensus on indigenous peoples and the importance of self-identification.

**Notes**

[1] Except in the title to this chapter, I will italicize *indigenous peoples* and similar terms when I use them as a term or as a concept.

[2] The inclusion of the *s* in *indigenous peoples* is significant and has been argued for passionately by representatives of indigenous peoples groups. The *s* signifies the treatment of indigenous groups as *peoples* with all the rights the term entails, including the right to self-determination. "Indigenous people," by contrast, implies only recognition as individuals rather than any collective rights as *peoples* (see Barsh 1994:49-53).

[3] The conflation of people and state has led to another central tension in international law between the right of peoples to self-determination and the right of states to maintain territorial integrity. UN General Assembly Resolution 1514 repeats the right of peoples to self-determination, only to assert that, "Any attempt at the partial or total disruption of the national unity and the territorial integrity of the country is incompatible with the purposes and principles of the Charter of the United Nations." As Richard Falk explains, "This is an affirmation of the rights of peoples, but as qualified by the fiction that a people and a state are virtually interchangeable ideas. Furthermore, the notion of self-determination itself is subordinated to an overriding conception of the unity and integrity of the State" (1988:26).

[4] For Brownlie, this "distinct character" depends on several criteria including "race (or nationality)," which is only "expressed scientifically" through "specific features, in which matters of culture, language, religion, and group psychology predominate" (1988:5). Unfortunately, Brownlie's race or nationality-based criteria for defining "distinct character" only adds to the definitional problems by confusing nationality with an unspecified notion of race (Is it biological? Social?), which are both in some again unspecified way connected to "features" somehow distinguished by even more unspecified categories. This is entirely unhelpful in defining *peoples*.

[5] For clarity and without consideration of length, I will double indent all definitions and criteria surrounding *peoples*, *indigenous peoples*, and other relevant terms under international law.

[6] In an earlier article, Magnarella added the vague and (from a contemporary anthropological perspective on the concept of culture) oxymoronic requirement of "cultural homogeneity" (2001:426).

[7] The full text of Article 1 of ILO Convention No. 107 reads:

"1. This Convention applies to -

a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in

conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.
2. For the purposes of this Convention, the term semi-tribal includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community" (quoted in Magnarella 2001:430-31).

[8] Heintze adds this caveat to the general juridical insignificance of the term *population*: "In general it is a group of individuals which may be of relevance for the domestic law of a state. An exception may be a population which consists of ethnic or religious groups of at least several thousand individuals, established over a long period of time in a particular area and which is affected by expulsion and transfer" (1993:317).

[9] The full text of Article 1 of ILO Convention No. 169 reads:
"Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions" (International Labour Organisation 1991:Art. 1).

# 3. SELF-IDENTIFICATION AS AN INDIGENOUS PEOPLE AMONG THE ILOIS

## 3.1. Introduction: The Primacy of Self-Identification

Determining to what extent the Ilois can be considered an indigenous people within contemporary understandings of the term requires the flexible weighing of evidence about the Ilois against the definitional universe outlined in the previous chapter. Given the widespread acceptance of self-identification (as an indigenous people or as an otherwise distinct group) as an essential, if not the fundamental, criteria for defining indigenous peoples, this report's analysis will begin by examining self-identification among the Ilois.

The five major representative definitions of the indigenous peoples concept under consideration all stress self-identification. The UN Draft Declaration represents the clearest statement of this principle in rejecting other definitions in favor of self-identification alone. The Declaration says, "Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including *the right to identify themselves as indigenous and to be recognized as such*" (Draft United Nations Declaration 1994:Art. 8; emphasis added). International Labour Organisation Convention No. 169 is also clear that, "Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups," to be considered indigenous peoples (International Labour Organisation 1991:Art. 1). In slightly less specific wording, José Martinez Cobo's 1983 definition holds that indigenous peoples are those that, "consider themselves distinct from other sectors of the societies now prevailing," in indigenous peoples' original territories, or in parts of them (quoted in Williams 1990:n. 4). In Erica-Irene Daes's four-factor treatment, factor three is, "Self-identification…as a distinct collectivity" (1996:22). And for Benedict Kingsbury, one of his four proposed "essential requirements" is "Self-identification as a distinct ethnic group" (1998:455).

## 3.2. Self-identification among the Ilois

### *3.2.1. Self-identification in Official Statements of Ilois Organizations*

Statements self-identifying as a distinct group or as an indigenous people generally occur when groups make such assertions in political or legal contexts. Since the final expulsion of the Ilois from Chagos in 1973, various Ilois have clearly and repeatedly proclaimed their indigenous status and their position as a distinct people with intimate ancestral ties to Chagos. Even before the expulsion, there is evidence that Ilois remarked on their indigenous relationship to Chagos to the visiting colonial governor of Mauritius, Sir Robert Scott. Of his 1955 visit to Chagos, Scott writes, "I was surprised to find that…a relatively high proportion of residents regard the islands as their permanent home and they have their characteristic way of life, unlike that of those Creoles of Mauritius who most resemble them physically…. I was told that some 80% of the population…were 'natives'" (1956:3).

After the expulsion, Ilois identified themselves as indigenous to Chagos and as distinct from other peoples and communities in Mauritius and (later) in Seychelles. In 1975, a group of Ilois delivered a petition to representatives of the British Government in Mauritius. The petition begins,

> We, the inhabitants of Chagos Islands—Diego Garcia, Peros Banhos, Salomon, have been uprooted from those islands because the Mauritian Government sold the islands to the British Government to build a base. Our ancestors were slaves on those islands, but we know that we are the heirs of those islands. Although we were poor there, we were not dying of hunger. We were living free. [Saminaden, et al. n.d.:1]

While the petition does not use the word *indigenous,* the petition clearly represents the Ilois as the native, indigenous inhabitants of Chagos with ancestral ties to the archipelago and its earliest enslaved peoples.

This petition was part of the beginning of a vigorous movement among the Ilois to protest their forced expulsion from Chagos. A basic position throughout this movement has been that the Ilois are the indigenous people of the Chagos Archipelago with rightful claim to habitation on the islands. The movement has involved several formal organizations of Ilois (as well as support groups of non-Ilois), including Comité Ilois Organisation Fraternelle, Comité Social des Chagossiens/Chagos Social Committee, Grup Refugiés Chagos/Chagos Refugees Group, Chagos Social Committee (Seychelles), Grup Zenfants Ilois**CK**, Chagos Women's Committee**CK**, and Diego Garcia Island Council. The existence of these popular groups, with the connection of their names to Chagos or the word *Ilois*, is in and of itself evidence of widespread Ilois self-identification as a distinct indigenous people.

During the mid-1990s, the Chagos Social Committee (CSC) was especially active and, at the time, counted most Ilois in Mauritius as its members. The CSC formally pronounced to the international community the status of the Ilois as an indigenous people through its participation in United Nations conferences for indigenous peoples. In 1996, a lawyer representing the CSC, Herve Lassemillante, spoke before the UN's Working Group on Autochthonous Populations in Geneva, Switzerland. Lassemillante spoke on behalf of the CSC and in support of the native people of Chagos who were, as he said, "exiled from their natal lands" (1996:1).[1] That same year, the CSC sent an open letter to former British Prime Minister Margaret Thatcher. In the letter, CSC President Fernand Mandarin wrote, "the Chagossians are not foreign laborers but true indigenes, with their ancestral roots in the Chagos Archipelago" (*Seychelles Weekend Nation* 1997:13).[2]

In 1997, the CSC produced a leaflet featuring a picture of its president at the 1997 UN conference on autochthonous peoples, in Geneva. The leaflet proclaimed, "To live in our land of

origin: A sacred right, whatever our origin may be!"[3]**CK** (Comité Social des Chagossiens 1997). Attendance at this 1997 meeting was particularly significant because the CSC was admitted to the conference by the Coordinating Committee of Indigenous Peoples of Africa. CSC's participation thus marked acceptance by other indigenous peoples that the Ilois are to be considered an indigenous people (*Seychelles Weekend Nation* 1997:13).

It is important to note CSC's use of the relatively new term *Chagossian* (French, Mauritian Creole, Chagos Creole: *Chagossien/ne*), rather than *Ilois,* to refer to the people of Chagos. Attaching the suffix *–ian,* meaning "of or belonging to" (*Compact Oxford English Dictionary* 1991:807), to the name *Chagos, Chagossian* is thus an assertion and emphasis of the belonging of the people to the archipelago. Many others now prefer *Chagossian* and the two terms both have wide usage.

Since 2000, the Chagos Refugees Group (CRG) has replaced the CSC as the organization in which most Ilois are members. CRG, later joined by the independent Chagos Social Committee (Seychelles), has brought lawsuits against the UK and U.S. governments in courts in London and Washington, D.C., demanding the right to return to Chagos and compensation for the expulsion. A fundamental element of these suits has been the assertion by CRG that the Ilois were and are the indigenous people of the Chagos Archipelago and that they were unlawfully removed from Chagos.

In its initial filing before the United States District Court for the District of Columbia, CRG and the Chagos Social Committee (Seychelles) make this claim. In the opening sentence their motion explains, "This action seeks relief for the indigenous people of the Chagos Archipelago and their direct descendents, who lived and worked on the Chagos Archipelago for

centuries until they were forcibly removed by the United States and exported against their will to another land" (Civil Action No. 01-CV-02629 (RMU) 2001**CK**:para. 1).

The official sworn statement of CRG's president, Louis Olivier Bancoult, for the UK and U.S. lawsuits further declares the Ilois to be the indigenous, distinct people of the Chagos Archipelago. Bancoult states that, "Over a period of at least five generations, the Ilois led contented and useful lives on the Chagos Archipelago, developing an identity and a culture quite distinct from that of neighboring countries" (Bancoult 1999:para. 59).

In explaining how CRG was named, Bancoult elaborates on the connection between the Ilois and Chagos. "In 1984 I formed the Chagos Refugees Group. We called ourselves refugees because we felt that we had been forced off our homeland to make way for a military base, and this was, in some respects, similar to losing our homes through war, as refugees do" (Bancoult 1999:para. 50). Bancoult further explains the distinctiveness of the Ilois in describing the difference between Ilois and the people known as Creoles in Mauritius, who like the Ilois are of primarily African descent. The Creoles, he says, "are regarded as the lowest social group and we, as Creoles des Iles (or Ilois) are considered lower than Creoles in Mauritius. Over generations our culture has become quite distinct" (Bancoult 1999:para. 23).

*3.2.2. Other Means of Self-identification by Ilois Organizations*

Other evidence from Ilois in Mauritius and Seychelles also demonstrates their frequent identification as a distinct indigenous group intimately tied to the Chagos islands. For decades, CSC, CRG, and the Chagos Social Committee (Seychelles), as well as the other Ilois organizations listed above, have organized numerous events highlighting the Ilois as a distinct

people, including protests, hunger strikes, dance performances, and entire cultural events featuring Ilois dance, cuisine, and clothing.

A shirt created by the CRG and worn by many of its members displays an Ilois emblem depicting the basket and tools used in harvesting coconuts in Chagos. The front of the shirt reads, "Proud to be Chagossian," while the back displays a color photograph of a coconut-palm-lined beach from the Salomon Islands and the words, "Our Unforgotten Island/Chagos Archipelagos." With the assistance of supporters in Switzerland, Ilois have created their own flag, featuring three horizontal stripes of orange (representing the fiery sunrises and sunsets in Chagos), black (representing the exile and the pain of being exiled), and aquamarine (representing the waters in the archipelago, the protection of its environment, and hope for the future).

**[Add quotes from people on Chagos as their ancestral home]**

### 3.3. Conclusion: Fulfilling the Criteria of Self-identification

The evidence above provides significant evidence that many Ilois self-identify as a distinct indigenous group in one way or another. Each of the representative indigenous peoples frameworks states this criteria differently. The definition in ILO No. 169 would have a group self-identify "as indigenous or tribal." Daes prefers self-identification "as a distinct collectivity," while Kingsbury's wording says, "as a distinct ethnic group." Cobo adds a geographic proviso in saying a group should be "distinct from other sectors of the societies now prevailing" in a group's original territories or in parts of them. No matter the precise wording, the evidence presented above shows that many Ilois self-identify as a group that is indigenous and distinct in

significant ways from other groups in Mauritius, Seychelles, and (as Cobo would have it) from the military base staff currently inhabiting their original territory in Chagos.

**Notes**

[1] Translation mine: Chagossiens exiles de leur terre natale.
[2] Translation mine: Les Chagossiens ne sont pas de la main d'oeuvre étrangère mais de veritables indigenes ayant leur racine ancestrale dans l'archipel des Chagos.
[3] Translation mine: Vivre sur notre terre d'origine:/ un droit sacré,/ quelle que soit notre origine!

# 4. RECOGNITION AS AN INDIGENOUS PEOPLE AND AS A DISTINCT COLLECTIVITY

## 4.1. Introduction

Being identified by outside non-Ilois observers as an indigenous people or as a distinct group is another important, if less critical, criteria than self-identification. The Ilois are indeed not the only ones to consider themselves the indigenous people of the Chagos Archipelago. Non-Ilois in the law, in UN bodies, in governments, in academia, and among non-governmental organizations have come to the same conclusion. There is also wide agreement among non-Ilois in Mauritius and Seychelles, where the vast majority of Ilois now live, that the Ilois are a distinct social group. These findings provide strong support for Ilois self-identification as a distinct and indigenous people and for the conclusion in this report that the Ilois constitute an indigenous people.

That a group must be widely recognized as indigenous or at least as a distinct collectivity is another important but less universal criterion for defining indigenous peoples. Of the four frameworks under consideration, only Daes and Kingsbury include recognition by others as an indigenous or distinct group as criteria in their frameworks. And only in Kingsbury's flexible definition does the criterion suggest that a group be recognized not just as distinct but also as indigenous. Moreover, Kingsbury places relatively little emphasis on this kind of recognition. Only below his weightier "essential requirements" and "strong indicia," does Kingsbury include the "other relevant indicia" that a group be "regarded as indigenous by the ambient population or treated as such in legal and administrative arrangements" (1998:455).

The criterion in Daes is a lower standard still, pointing only to recognition by others that a group is distinct (not indigenous). Referring to this recognition in the context of self-

identification, the third of Daes's four factors is, "Self-identification, *as well as recognition by other groups, or by State authorities, as a distinct collectivity*" (Daes 1996:22; emphasis added).

### 4.2. Legal and UN Recognition

Scholars and others examining the case of the Ilois have concurred that the Ilois represent an indigenous people. The November 2000, UK High Court ruling for the Ilois is to date the most authoritative and public assertion by non-Ilois that the Ilois are an indigenous people. The court found that,

> On at least some of the islands there lived in the 1960s a people called the Ilois. They were an indigenous people: they were born there, as were one or both of their parents, in many cases one or more of their grandparents, in some cases (it is said) one or more of their great-grandparents. Some may perhaps have traced an earlier indigenous ancestry. [*Bancoult* 2000:para. 1]

The acceptance of Ilois representatives at official United Nations meetings and conferences of indigenous peoples also represents significant recognition from other groups that the Ilois are an indigenous people (see e.g., *Seychelles Weekend Nation* 1997:13). Ilois representatives have attended and generally made official presentations at such events, including the appearances by Chagos Social Committee representatives in 1996 and 1997 (see above) and, most recently, in July 2002, when Olivier Bancoult, president of the CRG, gave a speech in Geneva at the UN XXX**TK.**

### 4.3. Scholarly Recognition

Scholars studying the Ilois have concurred with the High Court and UN bodies that the Ilois are an indigenous people. In addition to being governor of colonial Mauritius, Sir Robert Scott wrote the most comprehensive history of Chagos and its habitation (1976[1961]). Scott

describes in detail the society found in Chagos and the other Lesser Dependencies of Mauritius (most notably, other than Chagos, the island of Agalega). Scott concludes that in Chagos and the other Lesser Dependencies, there "is a system [of life] peculiar to the Lesser Dependencies and *it may fairly be described as indigenous* and spontaneous in its emergence…. It would probably be completely unsuited to any other part of the world; and it is equally improbable that a system better fitted to the whole character of the Lesser Dependencies could replace it there" (1976:181; emphasis added).

Anthropologist Iain Walker has also written about the Ilois as an indigenous people. Given the depth of his M.A. thesis study of Ilois in Mauritius (University of Edinburgh, 1986) and his qualifications as an anthropologist, Walker's account is the most authoritative among scholarly works on the Ilois. In the thesis, "Zaffer Pe Sanze: Ethnic Identity and Social Change among the Ilois in Mauritius," Walker concludes that the Ilois constituted a distinct ethnic group before the expulsion and have remained distinct in Mauritius (1986:9-12; 30-31). He writes, "The pre-diaspora Ilois were sufficiently distinct from their compatriots in Mauritius to be identified as a separate group, and to be treated as such" (1986:12).

In Mauritius after the expulsion, Walker says of the Ilois, "Distinct ethnic markers are being retained and developed, and a considerable degree of group cohesion is being maintained…. A continuing pride that many Ilois continue to feel in their own identity suggests that assimilation may be avoided, and that the Ilois will take their place as another thread in the rich tapestry that is Mauritian society" (1986:31). Later in his *Complete Guide to the Southwest Indian Ocean* (1993), Walker concludes decisively, "It is clear that *from an anthropological point of view the Ilois constituted an indigenous population with a unique culture*" (1993:566; emphasis added).

More recently, C. Anyangwe completed a report for the Southern African Human Rights NGO Network (SAHRINGON) on "Questions of the Chagos Archipelago" (Anyangwe 2001). Though he does not explicitly say that the Ilois constitute an indigenous people, Anyangwe concludes that, "Weighty and significant evidence exist to suggest, very strongly, that Chagossians are native to the Chagos and are a people" (2001:62). Drawing on Anyangwe's report, SAHRINGON recommended in early 2002 that the Ilois be recognized as "a people in full right," with the "right to self-determination" and all other rights due a "people" (quoted in Panafrican News Agency 2002).

**4.4. Governmental and International Non-Governmental Organization Recognition**

The recognition of the Ilois as indigenous extends beyond the High Court, scholars, and the UN to several governments and international non-governmental organizations (NGOs). The Government of the United Kingdom, despite its longstanding opposition to Ilois legal and political efforts to return to Chagos, has long recognized the distinct status of many Ilois. The UK Government has for many years made many Ilois eligible for, initially, British Overseas Territory passports and, recently, full British citizenship and British passports. These privileges have been awarded in recognition of Ilois connection to a British overseas territory, the British Indian Ocean Territory (BIOT), which has encompassed Chagos since 1965 (British Overseas Territories Act 2002). [1]

The Mauritian Government also recognizes the Ilois as a distinct group. Among other forms of official recognition, the Government administers the Ilois Welfare Fund to assist Ilois in Mauritius and recently opened two Ilois community centers around the capital city of Port Louis. Elsewhere around the world, the Ilois are also recognized as a distinct group. The Ilois Support

Trust in Great Britain is one of several such charitable organizations internationally that have supported the Ilois since the expulsion. Other support organizations have included the National Support Front for the Ilois in Mauritius, Diego Garcia Islanders Support Committees**CK** in the UK and France, the 1966 Society for Diego Garcians in Exile in the UK, and Comité Suisse de Soutien aux Chagossiens in Switzerland. A website, www.chagos.org, run by the support group in Switzerland, describes itself as the official website for Ilois in exile.

**4.5. Widespread Societal Recognition as a Distinct Group in Mauritius and Seychelles**

The Ilois are also overwhelmingly recognized as a distinct group by others in Mauritius and Seychelles, even in the absence of distinguishing phenotypic characteristics. In Mauritius, anthropologist Thomas Hylland Eriksen has described the system of internal categorization among the social group known as "Creoles." Eriksen indicates that the Ilois form one distinct branch of the larger categorization of "Black" Creoles (1986:60). In Seychelles, anthropologist Jean-Claude Mahoune describes the Ilois as a "Creole culture that is unique," and, "in many ways different to that found in Seychelles or Mauritius" (quoted in Kerr 2000:7).

Frequent articles in local media (often at a rate of more than one feature a day in Mauritius) report news and developments among the Ilois and their political, legal, and social activities. Iain Walker describes how Ilois children are "recognised as being Ilois" by teachers and students in schools (1986:21), a finding supported in my research over the past two years. Often, unfortunately, non-Ilois in Mauritius and Seychelles understand the distinction between the Ilois and others through negative stereotypes about the Ilois (e.g., Powe 1996:639).

In both Mauritius and Seychelles, Ilois raised in Chagos explained to me that they have often been identified as Ilois by differences in vocabulary and accent between their Chagos

Creole and the Mauritian and Seychellois Creoles. Frequently facing discrimination after being identified in this way, many have tried to hide their Ilois identity by changing their accent and adapting to the Creole used around them.

### 4.6. Conclusion: Widespread Recognition as an Indigenous People and as a Distinct Collectivity

The British High Court ruling, the official recognition by UN bodies and SAHRINGON, and the findings of scholars Walker, Scott, and Anyangwe present a significant group of findings over more than forty years that the Ilois constitute an indigenous people. These findings and the evidence outlined above demonstrate widespread recognition of the Ilois as an indigenous people and, at least, as a distinct group. (The extent to which outsiders consider the Ilois to be a distinct group will be further demonstrated in Part 5, Sociocultural Evidence.) In this way, there is little doubt that the Ilois fulfill the criteria proposed by Kingsbury and Daes that a group be recognized by others as indigenous or distinct. Even before entering into the bulk of my examination of Ilois characteristics as an indigenous people, these findings by outsiders, together with widespread Ilois self-identification, provide a weighty body of evidence to suggest strongly that the Ilois should be considered an indigenous people.

**Notes**

[1] Mauritius disputes British sovereignty over Chagos.

# 5. HISTORICAL AND TEMPORAL EVIDENCE

## 5.1. Introduction

Historical and temporal evidence has generally been the most consistent component of attempts to define the indigenous peoples concept. The first major definition, ILO Convention No. 107, is built around the notion that the indigenous are those who preceded European colonizers in a given region. As explained in Part 2's review of the term, the indigenous peoples concept arose in the context of decolonization. Early definitions made the colonial encounter a central definitional feature, envisioning groups like Aboriginal Australians and native peoples of the Americas. This approach also aligns with lay and general scholarly usage of the term to describe not just the first occupants of a territory but those who have been in a territory since "time immemorial" (e.g., Maybury-Lewis 1997:8).

The two earliest treatments of the term that are key to my overall analysis fall into this tradition. Cobo's definition begins by stating that indigenous peoples are those with:

> A historical continuity with pre-invasion and pre-colonial societies that developed on their territories. [Quoted in Williams 1990:n. 4][1]

Cobo refines his phrase "historical continuity" as including the presence of one or more of six factors. The first two are of a historical or temporal nature: "occupation of ancestral lands, or at least part of them," and "common ancestry with the original occupants of these lands" (quoted in Williams 1990:n. 4).

The definition in ILO Convention No. 169 of 1989 is nearly identical to the definition in Convention No. 107 of more than thirty years earlier. Under ILO No. 169, Indigenous peoples are to be:

> Regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries. [International Labour Organisation 1991:Art. 1]

Both Cobo and ILO No. 169 thus turn on the requirement of "historical continuity" with the occupants of pre-colonial societies in a given region.

By contrast, more recent definitions have moved the emphasis on historical continuity away from the colonial conquest experience. For Irene Daes, the first and fourth factors of her four-factor treatment are:

> 1. Priority in time, with respect to the occupation and use of a specific territory;
>
> 5. An experience of subjugation, marginalization, dispossession, exclusion or discrimination, whether or not these conditions persist. [Daes 1996:22]

Likewise, Kingsbury's flexible, interpretive approach includes the following factors:

> Essential requirement: Long connection with the region;
>
> Strong relevant indicia: Historical continuity (especially by descent) with prior occupants of land in the region. [1998:455]

Both Daes and Kingsbury thus retain a place for experiences like the colonial conquest but do not mention it explicitly in their treatments. They delink the colonial conquest from their general emphasis on priority in time and long connection with a region. In this way, the four treatments converge around a common emphasis on indigenous peoples possessing a long-term historical, ancestral connection with the past occupants of a region or territory.

### 5.2. Human Occupation in the Chagos Archipelago

The Ilois clearly do not fit into the model of Aboriginal Australians and other groups whose experience has been defined by the colonial conquest envisioned in the definitions of Cobo and

ILO No. 169. Indeed, few if any other peoples have such a documented history of original and continuing residence in a region over tens of thousands of years as the Aborigines. However historical evidence demonstrates that the Ilois have a historical and ancestral connection with the Chagos Archipelago and its first inhabitants dating to 1783-84. (In the following analysis, I will refer to my detailed history of habitation in Chagos in Appendix A: A History of the Inhabitants of the Chagos Archipelago, and to specific sections of that history for guidance. See Appendix A for more detail and complete documentation of this history.)

The first permanent human habitation of the Chagos Archipelago, began in 1783-84 and was a product of colonialism itself rather than a society that preceded the colonial encounter. Settlement in Chagos was part of European colonization of the southwest Indian Ocean. The settlement was based on the forced movement and enslavement of peoples from Africa and, later, on the indentured servitude of peoples from India and was organized by people of French descent from colonial Mauritius. Out of this movement of diverse peoples, a new society was born in Chagos.

There is no evidence and there are no claims suggesting the existence of human habitation in Chagos prior to 1783-84. Several sources mention the possibility of sightings and visits to Chagos by sailors prior to the first documented Portuguese sighting in 1512 (Scott 1976:34; Bopearachchi 1994:72-73; Ly-Tio-Fane and Rajabalee 1986:90; Anyangwe 2001:15). No historical sources however suggest permanent settlement of the islands prior to the late eighteenth century.

After 1512 sailors generally avoided the islands, using them only occasionally in the seventeenth and eighteenth centuries as safe ocean harbors to rest and take on naturally available provisions (see A.3.). Ongoing human habitation began in 1783 or 1784 with the establishment

of a coconut plantation on Chagos's largest island, Diego Garcia. The plantation was founded by a Mauritian of French decent and twenty-two enslaved people who were most likely of Malagasy, southeast African, and Mauritian descent. More plantation settlements followed soon thereafter in Diego Garcia and the other island groups in the archipelago through the end of the eighteenth century and the first decades of the nineteenth century (see A.4.). Indentured laborers from India became part of the permanent population in Chagos after their importation following the end of slavery in Mauritius and its Dependencies in 1835 (some Indian laborers may have settled in Chagos prior to emancipation) (see A.5., A.5.4.).

That permanent human settlement began in Chagos in 1783-84 and did not exist before that date is significant because it establishes that no other group can claim prior habitation and indigenous status in the archipelago. And no other group has made such a claim.

**5.3. The Ilois Connection with the Territory**

The history of settlement in Chagos shows that people from diverse geographical backgrounds settled on coconut plantations in the archipelago and gradually established complex, evolving societies that endured until the forced removal of all archipelago inhabitants between 1965 and 1973. The vast majority of the early inhabitants in Chagos were enslaved peoples. Some were born in Madagascar, some in the area of the southeastern coast of Africa known as *Mozambique* (larger than the boundaries of the contemporary nation), and some in other parts of Africa. Some of the enslaved peoples may have been born in Mauritius or Seychelles as the children of enslaved peoples born in Madagascar or continental Africa (see A.5.).

Small numbers of men of French or mixed French and African descent (known in Mauritius as *Creoles* or *Coloureds*) were also among the early settlers as the owners, managers,

and supervisory staff on the islands. Census records indicate that some brought their female partners and children. Although most of these elites generally lived in Chagos on a temporary basis (Scott 1976:22-23), it is almost certain that members of this mostly male group partnered with, married, and had children with some of the enslaved laborers and their emancipated descendants. Small numbers of labourers born in India may have been among the first settlers in Chagos, though there is no record of their early presence. Significant numbers of people from India arrived in Chagos only after emancipation and the widespread expansion of the indenture system in Mauritius and its Dependencies (Scott 1976:134; Walker 1993:566).

As I detail in Appendix A, a wide variety of primary and secondary sources document the settlement of these different peoples in Chagos, their continued and permanent residence in the islands, and the births and deaths of what became five or more generations of Ilois in Chagos. These sources include transportation records for the movement of enslaved people, Mauritian census records (see Appendix B: Chagos Population Change), letters from Chagos, and other colonial government documents.

At times some have claimed that Chagos had no indigenous or even permanent population and that the Ilois were transient laborers who never considered Chagos their permanent home. The historical evidence does not support this claim. The use of migrant labor was certainly a part of life and the plantation economy in Chagos throughout its settlement. Migrant, transient workers, however, were generally only a small proportion of Chagos's inhabitants and one can clearly distinguish between transient laborers and permanent inhabitants.

As I explain in Appendix A (A.8.1.), Scott provides the most authoritative account of the distinction between transient and permanent inhabitants. Scott explains that, "the term 'permanent residents' is, in fact, intended to designate the true islanders," who were well

established in the islands and considered Chagos their home. He says that at times between one-quarter and one-half of the total population may have been transient workers, but that even with this transient population, there was a well-established permanent population rooted in Chagos by the mid- to late-19th century (Scott 1976:22-24).

In the 1930s, Reverend Roger Dussercle put the permanent population, or the *enfants des îles* (children of the islands), at sixty percent (1934:9-10). By the 1950s, the permanent population was probably well over eighty percent (Scott 1976:23). In 1956, as part of an account of his visit to Mauritius's Lesser Dependencies, Scott explains, "I was surprised to find that (except at St. Brandon [not part of Chagos]) a relatively high proportion of residents regard the islands as their permanent home and they have their characteristic way of life, unlike that of those Creoles of Mauritius who most resemble them physically" (1956:3).

Given the scarcity of birth certificates and other historical documentation for Chagos prior to the twentieth century, it is nearly impossible to document with absolute certainty any one person or family's ancestry in Chagos, let alone the ancestry of all of today's Ilois. Nonetheless, there is widespread evidence and agreement among scholars, journalists, and other observers that the ancestry of the Ilois dates to the original 18th century settlers in Chagos. Multiple sources report that many Ilois had three to five or more generations of ancestors living in Chagos (Todd 1969:19; Ottoway 1975; *Sunday Times* 1975; U.S. Congress 1975:79-80; Scott 1976:23; Walker 1986:9; Powe 1996:640; Winchester 1985:39). Others agree overwhelmingly that the Ilois were born, raised, and died on the islands, and that they are the descendants of the enslaved people and indentured laborers brought to Chagos in the 18th and 19th centuries (Kirk 1939; Lavoipierre 1951:5; Ommaney 1952:233; Blood 1957:516; *Peaks* n.d.; Scott 1976:2; Walker 1986:2, 9-10; Walker 1993:562-566; Dedaur 1999:27, 29; Anyangwe 2001:17).

It is significant that this consensus includes people from a range of political and national perspectives, including representatives of the U.S. and UK governments—governments that, at times, have argued Chagos had no permanent inhabitants. Again to quote one of the most definitive findings on the Ilois's ancestral connection to Chagos, the British High Court ruled in November 2000, "On at least some of the [Chagos] islands there lived in the 1960s a people called the Ilois. They were an indigenous people: they were born there, as were one or both of their parents, in many cases one or more of their grandparents, in some cases (it is said) one or more of their great-grandparents. Some may perhaps have traced an earlier indigenous ancestry" (*Bancoult* 2000:para. 1).

My own ethnographic and genealogical research with the Ilois supports this broad consensus. One family genealogy provides a good example of the generations of Ilois born in Chagos. Alexina Cherry,[*] a woman in her sixties living in Seychelles, was born in Chagos's Peros Banhos group. Her father was born in the Three Brothers/Trois Frères group and her mother was born in the Salomon Islands group. Mrs. Cherry's paternal grandparents were born in Madagascar and the Comoros Islands and were brought to work as slaves in Chagos. Her maternal grandparents were born, like her mother, in Salomon. Mrs. Cherry's mother's maternal grandparents were born in Madagascar and worked and died in Salomon. Mrs. Cherry gave birth to five of her twelve children in Salomon, four in Mauritius (during vacations before the expulsion and after leaving Chagos), two in Seychelles (one each before and after leaving Chagos), and two in Agalega (where her family sought work after leaving Chagos). In sum, Mrs. Cherry's family is an example of at least four consecutive generations born in Chagos and five consecutive generations living in the islands.

[*] A pseudonym.

**5.4. Conclusion: A Significant Historical and Ancestral Connection with the Territory**

The history of the Ilois in Chagos does not perfectly match the definitions provided by Cobo and ILO No. 169 because these definitions focus on peoples whose settlement preceded colonial conquest. The more recent frameworks of the indigenous peoples concept in Daes and Kingsbury move the focus away from the colonial context to emphasize priority in time and long historical continuity above all else. The Ilois meet the requirements for priority in time and long historical continuity of the more recent frameworks. They also possess the feature that unifies all four treatments emphasizing long-term historical, ancestral connection with the prior occupants of a region or territory.

As the first permanent inhabitants of Chagos and with no other group able to claim or claiming prior habitation, the Ilois meet Daes's factor of "Priority in time, with respect to the occupation and use of a specific territory" (1996:22). The Ilois also meet Daes's factor of having "an experience of subjugation, marginalization, dispossession, exclusion or discrimination, whether or not these conditions persist" (1996:22), in both their expulsion from Chagos and their subsequent lives in Mauritius and Seychelles (as described in 3.5.). For Kingsbury's framework, although the Ilois did not live in Chagos for thousands of years, they had nearly 200 years of continual residence over five or more generations of ancestry. In this way the Ilois also meet Kingsbury's "essential requirement" of "long connection with the region" (1998:455).

The Ilois likewise meet Cobo's underlying emphasis on "historical continuity" in having occupied the lands of their ancestors going back to the late 18th century and in having "common ancestry with the original occupants of these lands." They meet ILO No. 169's emphasis on "descent from the populations" originally in a territory. The Ilois actually reach the requirements of ILO No. 169 in a very literal sense under a strict reading of the convention: Given that the

current state boundaries of Chagos were created in 1965 with the establishment of the BIOT, the Ilois are the descendants of the "populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization *or the establishment of present state boundaries"* (International Labour Organisation 1991:Art. 1; emphasis added). Though the Ilois do not have the same depth of historical connection with a region or territory as Aboriginal Australians or the original peoples of the Americas, historical evidence shows that before their expulsion, the Ilois had a strong, ongoing, and lengthy ancestral connection with the Chagos Archipelago and its original inhabitants. With no other group of people able to claim prior habitation or historical connection with the islands, the evidence strongly suggests that the Ilois meet the general requirement of having a historical and temporal connection with Chagos and its ancestral inhabitants.

**Notes**

[1] I use block quotations unconventionally to lay out the applicable definitions for this analysis as clearly as possible.

# 6. EVIDENCE OF SOCIOCULTURAL DISTINCTIVENESS

## 6.1. Introduction: Sociocultural Distinctiveness

A second major point of convergence among definitions of the indigenous peoples concept has been a population's *sociocultural distinctiveness*. While definitions diverge to some extent around how each describes this distinctiveness, most stress indicators like distinct cultural systems, languages, and specific forms of social and economic organization.

### *6.1.1. Sociocultural Distinctiveness in the Definitions*

Cobo's definition says that indigenous peoples are those

> determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, *in accordance with their own cultural patterns, social institutions and legal systems.* [Quoted in Williams 1990:n. 4; emphasis added]

The emphasis here is on the desire to preserve ancestral territories and ethnic identity, but Cobo also asserts that this is done in line with a group's particular cultural, social, and legal traditions. Cobo further stresses sociocultural traits in defining the "historical continuity" indigenous peoples have with ancestral societies, one of the other hinges of his definition. Of the five factors that can indicate a group possesses historical continuity, two are of a sociocultural nature:

1. Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, life-style, etc.); and

2. Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language). [Quoted in Williams 1990:n. 4]

Thus for Cobo, the continued existence of a culture, specific cultural elements, or use of a language are all potential indicators of the historical continuity with an ancestral society necessary to qualify as an indigenous people under his definition.

ILO No. 169, in line with ILO No. 107, includes a similar reference to the maintenance of sociocultural elements. Of the two essential parts to the definition in No. 169, the second says that indigenous peoples are those that

> retain some or all of their own social, economic, cultural and political institutions. [International Labour Organisation 1991:Art. 1]

The focus is again on a group maintaining some forms of sociocultural distinctiveness in any of the social, cultural, or political realms.

The second factor of Irene Daes's four-factor framework of the *indigenous peoples* concept is similarly focused. Daes describes this factor as,

> The voluntary *perpetuation of cultural distinctiveness,* which may include aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions. [Daes 1996:22; emphasis added]

Once more the emphasis is on the continuation of a widely defined cultural distinctiveness, inclusive of many of the social, cultural, economic, and politics indicators identified in the other definitions.

Finally, Kingsbury makes a point of de-emphasizing the relative importance of sociocultural distinctiveness in his framework. Of the four "essential requirements" to his proposed flexible treatment of the concept, none include indicators of sociocultural distinctiveness. When introducing sociocultural elements as one of three "strong indicia," Kingsbury calls attention to this de-emphasis in a parenthetical phrase comparing his framework to others. One strong indicia is thus:

> Close cultural affinity with a particular area of land or territories (ordinarily required). [1998:455]

Further down his list, among his "other relevant indicia," Kingsbury includes,

> - Socioeconomic and sociocultural differences from the ambient population;
> - Distinct objective characteristics such as language, race, and material or spiritual culture. [1998:455]

While explicitly placing less emphasis on sociocultural factors than prior definitions, Kingsbury still retains a relatively significant place for various indicators of sociocultural distinctiveness in his flexible, context-specific framework of the concept. Kingsbury's framework is also the only one of the four to make explicit *from whom* a group must be socioculturally distinct to be considered an indigenous people. The *from whom* in Kingsbury is the "ambient population" surrounding a group. The *from whom* in the other frameworks is left ambiguous and unstated, with an inherent assumption that every group is a bounded whole, intrinsically distinct from all other groups.

*6.1.2. Points of Convergence among the Definitions*

Just as there is disagreement in the social sciences and in the world generally about what is meant by concepts like culture and society, each treatment here refers differently to these types of social and cultural indicators of an indigenous people. Nonetheless, there is still significant coherence among the definitions. Each reserves a place, with greater or lesser emphasis, for what I refer to as *sociocultural distinctiveness*, indicated by among other elements, a distinct society, social institutions, or social organization; culture, cultural institutions, or cultural

patterns; legal systems or laws; language; political institutions; religion, spiritual beliefs, or spiritual values; and other differences of lifestyle, dress, and the like.

Importantly given the breadth of all these terms, each definition remains open-ended and inclusive in understanding the terms, leaving room for other indicators than those each lists. Thus Cobo's has a list of "specific manifestations" of culture that ends with "etc." Likewise Daes refines "cultural distinctiveness" openly, writing that it "*may include* aspects of language, social organization…" (my emphasis), rather than providing a definitive list of elements defining cultural distinctiveness. It is also important to stress that, in different ways, each definition emphasizes that all these indicators of sociocultural distinctiveness need not be present. Only some need be retained and visible to indicate the existence of an indigenous people.

### 6.2. Problems with *Sociocultural Distinctiveness*

While the four frameworks generally provide relatively flexible and inclusive notions of culture, there remains in them—and in most other treatments and discussions of the indigenous peoples concept—a notion of culture that would be troubling to most contemporary anthropologists. To greater and lesser degrees, each definition requires a group to exhibit sociocultural traditions in the present that mirror the sociocultural traditions of its ancestors. ILO No. 169 provides a good example. No. 169 is quite flexible in requiring a group only to present "some or all" of its "own social, economic, cultural and political institutions" (International Labour Organisation 1991:Art. 1). In other words, a group need not retain all its institutions intact from time immemorial to the present. At the same time, however, this requirement envisions groups maintaining some core set of institutions that are unchanging, that have remained the same since time immemorial.

In this example, one can observe the tendency in all the definitions to understand culture and sociocultural patterns as unchanging "things," discrete entities that a group possesses and must hold onto to be considered indigenous. This tendency actually comes directly from anthropology's understandings of culture during much of the first half of the 20th century and from 19th century cultural nationalist thought stressing the intrinsic connection between a people or *volk*, its territory, and its timeless, unchanging culture. Both early anthropology and cultural nationalism understood culture as being akin to the unchanging essence or soul of a people, "as a bounded universe of shared ideas and customs" (Keesing 1994:307, 301).

Several anthropologists have critiqued most definitions and treatments of the indigenous peoples concept on these grounds of employing an outdated notion of culture. Pointing to the reductionist tendencies of the law, which often allow for little definitional flexibility and ambiguity, some anthropologists argue that the definitions assume the existence of fixed, authentic cultures, unaffected by historical change (Sieder and Witchell 2001:202, 218; Sylvain 2002:1075-1079). They argue that these definitions actually force indigenous groups into a kind of "tactical essentializing," to present themselves and their cultures as the unchanging, homogenous, and distinctly different cultural entities demanded by the definitions (Sieder and Witchell 2001:202, 218; Dombrowski 2002:1068).

### 6.3. A Contemporary Anthropological Understanding of Culture

This is not to say that culture is meaningless or that one must discard it and a broader notion of sociocultural distinctiveness as a way to distinguish indigenous peoples. One can understand their limitations and their pitfalls and still retain the idea that indigenous peoples are likely to exhibit some sociocultural differences from other groups. Incorporating a contemporary

anthropological understanding of culture into the concept of sociocultural distinctiveness and into this analysis of the Ilois is a key first step, however.

Beginning around the 1950s, anthropology began to see culture not as a "typological given" but as dynamic and processual (see Wolf 1994:5). Whereas anthropologists previously viewed cultures as having discrete boundaries that kept one culture hermeneutically separate from all others, most anthropologists now see cultures as forever changing, fluid, and under the constant influence of other cultures. Most anthropologists no longer view culture as a homogenous, undifferentiated whole. Culture is instead thoroughly heterogeneous, differentiated, and influenced by issues of power, ideology, gender, class, hierarchy, stratification systems, and the like (e.g., Keesing 1994; Abu-Lughod 1991; Clifford 1986). Culture is not an object nor a unified "corpus of symbols and meanings," Clifford writes, but a phenomenon that is always "contested, temporal, and emergent" (1986:19).

Many anthropologists and other scholars have extended this critique of the culture concept to show how anthropologists have through their own ethnographic portraits of different cultures helped to create not just this general notion of culture but the particular ways in which individual cultures are understood. Anthropologists and others have shown how anthropologists and the ethnographic texts they produce, create, by and in their writing, cultures as entities that appear much more fixed and homogenous than is appropriate (e.g., Barth 1969; Clifford 1986; Clifford and Marcus 1986; Marcus and Fischer 1986; Hall 1992; Bhabha 1994; Solomos and Back 1996). Anthropologists are, both in the fact of their writing about cultures and given the inherent subjectivity of any piece of writing, always involved in the construction of what cultures are rather than in providing any direct, mirror-like presentation of cultures. As James Clifford

explains, anthropologists' own writing and their particular rhetorical practices "affect the ways cultural phenomena are registered" and understood (1986:4).

**6.4. A Distinctive Ilois Culture Has Been Recognized By Outsiders**

I proceed in my analysis of the Ilois's sociocultural distinctiveness with these concerns about the misuse of the culture concept and with a current anthropological understanding of culture as dynamic, heterogeneous, and heavily influenced by issues of power, social hierarchies, and ideology. Others before me have examined Ilois culture and society. Repeatedly, observers have found the Ilois to possess a culture distinct from that of other peoples in Mauritius, Seychelles, and elsewhere in the Indian Ocean.

Two scholars in Mauritius, H. Ly-Tio-Fane and S. Rajabalee, write of what Mauritians commonly refer to in speaking of the Ilois, as the Ilois *culture des îles*, or culture of the islands (1986:105). A student at the University of Mauritius Mauritian Faryahd Dedaur finds that over time the Ilois "gradually developed their own culture and their own identity" (1999:29).[1] In Seychelles, Jean-Claude Mahoune, an anthropologist at the National Heritage museum, says that the Ilois culture is an example of a distinct Creole heritage in the Indian Ocean. Mahoune explains that, "The Creole heritage of the Chagos islands is, in many ways different to that found in Seychelles or Mauritius…. This is a Creole culture that is unique" (quoted in Kerr 2000:7).[2]

Several other scholars have studied the Ilois and their culture and society in significant depth. Former governor of colonial Mauritius Sir Robert Scott has produced the most detailed history of the Chagos Archipelago and the "island societies" that developed there (1976[1961]). Writing in 1961 before the removals from the islands, Scott explained that "roots have been struck" in Chagos, and "a society peculiarly suited to the islands has been developed" (1976:27).

At the conclusion of his *Limuria,* Scott writes about Ilois distinctiveness when he makes what today reads as a paternalistic and quasi-racist "plea for full understanding of the islanders' unique condition, in order to ensure that all that is wholesome and expansive in the island societies is preserved." Scott warns that "ignorance of the way of life of the islanders might open the way to attempts to jerk them too rapidly into more highly organized forms of society, before they are ready" (1976:293). Despite his racially-toned and imprecise characterization of Ilois society as less highly organized than others, Scott demonstrates how, shortly before the start of the expulsion process, one highly experienced observer found the Ilois to have a society clearly distinct from others.

Twenty years later, Francoise Botte, a Mauritian government social worker placed with the Ilois, produced a B.A. thesis on the Ilois community and Ilois women (University of Mauritius, 1980). Despite significant limitations,[3] Botte's work is a useful document of various Ilois sociocultural traditions and what she refers to as Ilois "culture." Botte concludes that although the Ilois share some cultural characteristics with some Mauritians, "their culture differ[s] from the general 'Mauritian culture'" (1980:32).

Edward Powe's *Lore and Lure of the British Indian Ocean Territory* provides a relatively more scholarly and detailed overview of Ilois sociocultural traditions, including accounts of kinship relations, rituals, song, dance, narratives, politics, and cuisine. Writing about society in Chagos, Powe explains that, "over the course of time, the islanders developed a system of customs, traditions, and plantation economy unique to the archipelago" (1996:638). Importantly, Powe's work is explicitly comparative in surveying peoples of African descent across the Indian Ocean region. With the Ilois, he finds that, "despite its 30 years of co-habitation with other

Mauritians, [the Ilois community] continues to maintain a separate identity and certain cultural traits which distinguish it from other Mauritians" (1996:648).

From the perspective of most academics, the most authoritative work on Ilois society and culture comes from anthropologist Iain Walker's M.A. thesis, *Zaffer Pe Sanze: Ethnic Identity and Social Change among the Ilois in Mauritius* (University of Edinburgh, 1986). Drawing on Scott and other historical records, Walker finds that the Ilois possessed a distinct society in Chagos prior to the expulsion. Walker describes various "characteristics of Ilois society" and explains that the characteristics "differ from those found amongst" others in Mauritius. "The pre-diaspora Ilois were sufficiently distinct from their compatriots in Mauritius to be identified as a separate group, and to be treated as such" Walker concludes (1986:10-12). His examination of the Ilois community more than ten years after the last removals finds that in Mauritius this distinction remains, although over time the Ilois have experienced some degree of assimilation into Mauritian society (see especially, 1986:25-28). Several years later Walker wrote a travel guide to the southwest Indian Ocean where he reiterates that from an anthropological perspective, the Ilois constitute an indigenous people with a "unique culture" (1993:566).

### 6.5. New Cultures and Societies Arising from Colonial Contact

That the Ilois would be a socioculturally distinct group is not surprising. The same can be said of numerous groups around the world who developed as peoples out of similar historical trajectories rooted in slavery-dependent colonialism. Such peoples include African Americans, peoples of the Caribbean and other parts of the Americas, and peoples living in Mauritius, Seychelles, Réunion, and other islands of the southwest Indian Ocean. What these geographically diverse peoples have in common is a shared history of living in societies that

developed under colonialism and thus under similar political, social, and economic arrangements.

*6.5.1. New Cultures in the Plantation Complex*

For historian Philip Curtin, these peoples and the societies they lived in were all part of the same "plantation complex." Focused in the Americas, the plantation complex stretched from Southern Brazil to the Mason-Dixon line in the United States, and included outliers in Natal and Zanzibar, Queensland and Fiji, Hawaii and islands of the southwest Indian Ocean (Curtin 1990:ix-x). Each society shared the main characteristics of the plantation complex, including a mostly enslaved labor force, agriculture-based economies organized around "large-scale capitalist plantations" and supplying specialized products to distant markets, political control emanating from distant European nations, a population that was generally not self-sustaining and required frequent replenishment (usually by enslaved peoples and later indentured laborers), and elements of feudal labor control (Curtin 1990:11-13). Sharing such economic, political, and social characteristics, Curtin and others explain, these societies developed similar social structures (Curtin 1990; Mintz 1974).

Because the plantation complex or "system" (Mintz 1974) depended so heavily on slave labor, these societies were the sites of encounter between geographically diverse peoples, primarily between an enslaved laboring majority of diverse African origins and a plantation-owning-class minority of European origins. The result was the development of what some have called "creole societies" in which peoples with diverse cultures found themselves in the same place and, over time, came to create new cultures sharing elements of the cultures each brought with them (Mintz and Price 1992). Although the concept of creole societies to some extent

implies a mixing of previously homogenous and bounded cultures (i.e., employing the early 20th-century anthropological notion of culture), the basic idea of new cultures being formed out of the mixing of cultures formerly distant from one another is useful.

In the case of the development of a new African-American culture, Sidney Mintz and Richard Price explain that African peoples brought to the United States were not a single group of people (i.e. they did not come from one "tribe," as some have assumed). Nor did they transplant to the United States a single shared culture common to peoples of West Africa. Rather, enslaved African peoples came from different parts of Africa and numerous ethnic groups, each with unique cultural backgrounds (Mintz and Price 1992:7-9, 14). Enslaved peoples found themselves forcibly transplanted from their homelands, under the control of European slave owners, and amidst diverse other enslaved peoples, who spoke different languages and possessed different sociocultural traditions.

The enslaved peoples "were confronted with the need to create new institutions to serve their everyday purposes," Mintz and Price explain (1992:23-24). Only through cooperative efforts and the development of new social ties over time, did these diverse African peoples begin to create "new cultural systems" and communities by reshaping and cobbling together old institutions and practices (Mintz and Price 1992:42-44). This was, to be sure, what Mintz and Price call a "radical cultural reorientation" (1992:47), with the integration of numerous cultural practices from Europeans who, given their monopoly on power, ultimately influenced what sorts of cultural continuities were maintained from Africa (1992:39). But through complicated processes of cultural creation, or what historian Herbert Gutman has called the "adaptive capacity" of enslaved peoples (1976:31), peoples of African descent "remade themselves" and

created new cultures within the confines of plantation systems (Mintz and Price 1992:82, 84). Mintz and Price provide a concise overview of this process:

> It has been our contention that the so-called creole cultures of the plantation colonies began to be forged during the earliest interaction of Europeans and Africans, and of Africans of different origins with each other, under conditions in which the outer parameters of variation were set by the environmental and ecological circumstances typical of subtropical colonies, by the overarching objectives of the plantation system, and by the monopoly power vested in the European master classes. [1992:34]

In this way, one can see how African Americans in the United States and other enslaved peoples throughout the plantation complex created their own new cultures within constraints imposed on them by Europeans (Mintz and Price 1992; Gutman 1976). David Buisseret and others use the concept of "creolization" to propose a formal extension of this theory beyond the African American experience (Buisseret and Reinhardt 2000).[4] For Buisseret, the interaction of incoming groups, indigenous peoples (where they were not all killed off), environmental factors, and, after some time, the influence of people born in the colonies, produced new cultural forms of creolization and creole societies (Buisseret 2000:5).

*6.5.2. The Plantation Complex and Similar Processes of Cultural Formation in Chagos*

The settlement and development of life in Chagos from the 1780s onward closely paralleled the development of other colonial societies in the Americas, the West Indies, and around the world. Though it was more isolated and on a smaller scale than most colonial settlements, Chagos exhibited most of the characteristics Curtin outlines for the plantation complex. Life in Chagos was organized around a mostly enslaved labor force and later indentured labor; an agricultural economy based around large capitalist plantations supplying a specialized product—copra—to distant markets in Mauritius, Europe, and elsewhere; political control emanating from England;

and elements of feudal labor control (see A.5.-A.6.; Curtin 1990:11-13).[5] Given these structural similarities and the way in which similar plantation societies developed unique cultures, one would fully expect a culture specific to Chagos to have developed as well.

Like other plantation societies, moreover, Chagos was a place where diverse peoples from different parts of Africa, Madagascar, Mauritius, Seychelles, Europe, and later India were brought together under the plantation system. These diverse peoples would have needed to create new social institutions and cultural systems to fulfill the needs of their everyday lives (Mintz and Price 1992:23, 43-44). Just as Mintz and Price, and Gutman demonstrate for the development of African-American culture, I postulate that the new inhabitants of Chagos would have developed their own distinctive society and culture. If there are similarities between this society and culture and that of people in Mauritius and Seychelles, this also should be no surprise as the people of Chagos were never completely isolated from the other islands; indeed, most of the islands of the southwest Indian Ocean are better thought of as a interrelated "social field" (see e.g., Byron and Condon 1996:101) across which migration and the sharing of various sociocultural elements was relatively common.

In the following section, I will outline some of the main areas of Ilois sociocultural distinctiveness, drawing on available literature and my own research. This is not meant to be an exhaustive catalogue of Ilois sociocultural distinctiveness, nor anything approaching a complete ethnographic portrayal. Instead, the section will provide evidence of some of the more important ways in which the Ilois are socioculturally distinct to evaluate the extent to which they meet the sociocultural elements of the definitions of indigenous peoples outlined at the beginning of Part 5.

## 6.6. Elements of Ilois Sociocultural Distinctiveness

### *6.6.1. Language: Chagos Creole*

Language is one of the most cited elements of sociocultural distinctiveness in definitions of indigenous peoples. Relatively little research has been conducted on the language of the Ilois. The small body of linguistic research shows, however, among the Ilois, the existence of a linguistically identifiable Creole French, known as Chagos Creole, related to but distinct from Mauritian and Seychellois Creole.

There are several Creole French languages in the Indian Ocean, including Mauritian Creole, Réunion Creole, and the Creoles of Mauritius's current or former dependencies, Seychellois (also Seychelles or Seselwa) Creole, Rodrigues Creole, Agalega Creole, and Chagos Creole. The creoles can be grouped into two separate and distinct language groups: Réunion Creole forms one group that developed earlier than the rest and is not mutually intelligible with the others.[6] The other creoles form the second group, collectively known as Isle de France Creole (Baker and Corne 1982:4-5). The contemporary versions of each of these Creoles have been shown to have evolved from the same 18th century Mauritian Creole and have a high degree of mutual intelligibility (Bake and Corne 1982:8; see also Papen 1978:82).

Robert Papen has produced the most detailed study of Chagos Creole as part of his 1978 Ph.D. dissertation surveying the Creole French languages of the Indian Ocean (University of California, San Diego).[7] Discussions of and references to Chagos Creole, and to the Creole spoken in Chagos also appear in the work of linguists Baker and Corne (1982:31), Vintilă-Rădulescu (1975:141), Holm (1989: 396, 403-404), and Corne (1995:150), as well as in Walker (1986:11), Dedaur (1999:29-30), and Botte (1980:16-17).

In his discussion of Chagos Creole, Papen writes:

> From conversations with Diego Garcia and Peros Banhos informants, it seems evident that the near totality of these islanders were monolingual Creole speakers. Some of the younger children may have had a smattering of English from what little schooling was available and a few older islanders may have at least understood French, but all practical communication on the islands was effected in Creole. [1978:81]

Papen demonstrates some of the features distinguishing Chagos Creole from the others, including (de-)nasalization (1978:171-173) and pallatization/affrication (1978:192-193). He suggests that there may have been some variation among speakers within the archipelago and says that, "In general, the speech of the islanders closely resembles that of the more conservative Rodrigan speakers, at least phonologically and grammatically, however a number of lexical items typical of Seychellois Creole were also noted" (1978:82).

Writing in 1978, Papen concludes that following the final removals from Chagos, the distinctions between Mauritian Creole and Chagos Creole are breaking down, especially among the young, and predicts that they would soon disappear altogether (he does not address the case of Ilois in Seychelles) (1978:82). In the years that followed, both Botte (1980:15-16) and Walker (1986:11; 1993:567) still identified a distinct Chagos Creole. My research suggests that although the distinctions between Chagos Creole and Mauritian and Seychelles Creoles are relatively slight at this point, there remain differences, at least of accent and vocabulary particular to Chagos and perhaps of a more significant nature. **Insert research quotes here.**

*6.6.2. Social Organization, Kinship, and the Role of Women*

Although many have referred to Ilois society and family structure as "matriarchal," they are better understood —at least prior to the expulsion—as "matrilocal," in that opposite gender couples would move to the home of the woman's mother (Walker 1986:11; Powe 1996:639).

The Ilois have been characterized as matriarchal in part because of the significant power and authority exercised by women in Chagos (and in Mauritius; see below) (Walker 1986:11-12; Botte 22-23; Powe 1996:638-639). Walker provides a good summary of women's role in Chagos society: "Even prior to the [forced] evacuation of the islands, women were recognized as at least the equals of men. They were reputed to be comparable to men in physical strength and stamina, and equally competent in the fields of fishing and drinking, in which activities they often joined company with the men. The woman was usually the head of the household" (1986:11).

As I explain in Appendix A: History of Habitation in the Chagos Archipelago, women and men worked on the coconut plantations from an early age and performed comparable tasks, although different stages of the copra making process were generally sex-segregated. Though most Ilois were formally Catholics by at least 1930, formal marriages were rare (Department of Agriculture 1931:lxii; see also Walker 1986:11; Botte 1980:12-13; Powe 1996:638). The high status of women seems to have been reinforced then by the relative ease with which the popular and relatively informal coupling arrangements of "free union" and *concubinage* (still popular among many non-Ilois Seychellois) were broken and by the historical imbalance between the population of women and men in Chagos (Walker 1986:12; Botte 1980:22). Walker writes that, "Particularly in the early days of settlement, the male:female ratio was very high, and it would be reasonable to conclude that women achieved the status of high value commodities due to their scarcity, which gave them greater freedom, and hence greater power, and, although with time the disparity in numbers decreased, the women retained their position of high status" (1986:12).

Walker suggests that in the more overtly patriarchal society of Mauritius, Ilois men have moved to assume relatively more power and authority, following their Mauritian male

counterparts (1986:25-26). My research has shown that women still exercise significant power and authority, as heads of many households, as primary income earners, and often in assuming important leadership positions in Ilois organizations like the Chagos Refugees Group, the Diego Garcia Islanders Council, Grup Zenfans Ilois**CK,** and the Ilois Women's Group**CK** (Walker actually shows some of the same two decades earlier (1986:27)).

That these societal characteristics distinguish the Ilois from Mauritians is underlined by Walker (1986:12) and Powe (1996:639). Writing as a Mauritian woman, Botte demonstrates this difference in her surprised description of Ilois women's roles, reversing many gender stereotypes assumed by many non-Ilois in Mauritius:

> Ilois women were so used to independence that they spent their leisure time (Saturday afternoon and Sunday afternoon) drinking among females or both males and females together. Ilois women also sometimes [had] violent quarrels after they were drunk. Another leisure activity, which they used to do [like] their male partners, is fishing…. Contrary to the Mauritian women, there is something that seems natural to the Ilois women that is authority. (Authority inside and outside her home)…. Ilois women are so strong that in the Isles, they worked till the last day of their pregnancy. They resumed work after 2 weeks of maternity leave. [1980:22-23]

*6.6.3. Religious and Spiritual Beliefs*

The realm of religion and spirituality in Chagos appears to have been, as in other societies in which diverse people with diverse traditions found themselves together, particularly heterogeneous. Botte identifies three religious traditions: Roman Catholicism, which seems to have been introduced sometime between 1880 when a visiting Mauritian magistrate found "no religion" (that he could identify at least) in the islands (Ackroyd 1880:11) and the 1930's visits of Father Roger Dussercle; and religious-spiritual beliefs of Tamil origin and African and Malagasy origins (1980:12; also Walker 1986:10). Although the vast majority of Ilois were

officially Roman Catholic (Walker 1986:10), the absence of any formal religious presence other than occasional visiting Catholic priests seems to have created an environment particularly conducive to the intermingling of different religious and spiritual traditions. During their infrequent visits, priests conducted mass baptisms and first communion ceremonies as well as a handful of *raccommodage*, or patched marriage, ceremonies. In their absence, administrators, teachers, and other staff led Catholic prayers on Sundays (Botte 1980:12; Walker 1986:10).

Several sources indicate that Indian laborers were converted to Catholicism and given Christian names (Darlow 1953:10; Dedaur 1999:12), but it is likely that they retained elements of religious practices from India. Botte points to a practice of Tamil mothers in Chagos observing a 40-day "lent" followed by rituals after the birth of a child (1980:12).

Other non-Catholic religious practices probably of mixed African and Malagasy origin were and are present as well. A Mauritian magistrate noted in 1935 in the Salomon Islands, the "belief in witchcraft" as a reason for the relative disuse of the infirmary there (Dalais 1935:14). Botte provides a detailed description of practices surrounding death that demonstrates well the mixture of religious-spiritual traditions. These practices include organized mourning on the first and eighth night after death, the use of professional mourners (*commères*), the singing of "often incomprehensible" songs said to be of African or Malagasy origin to push a person's spirit from the place of mourning, Catholic prayers and displayed pictures of saints, consumption of alcoholic beverages (*bacca* and *calou*), and the ritual disposal of refuse from the home on the ninth day to "put out the spirit from the place" (Botte 1980:13-14). Botte explains that some administrators on the islands, on the advice of Catholic priests, actually forbade two particular practices, of a "spirit seeker" who helped to push the spirit away and a storyteller who pretended to be an insect pestering those accompanying a body (1980:13).

There is also a strong belief among many Ilois in the connection between the living and the dead, between current generations and one's ancestors (Powe 1996:659). Since the expulsion, in asking the British Government for the right to make official visits to Chagos, Ilois representatives have repeatedly stressed the importance of cleaning the graves in their cemeteries and paying respect to their ancestors in Chagos. **Insert selection from funeral here.**

*6.6.4. Coconuts and Cuisine*

The coconut influenced many parts of life in Chagos with so much of society organized around the coconut plantations and the production of copra. Although Scott underestimated other skills and creative parts of life among the Ilois, he captures an element of the importance of the coconut in writing, "Their sole skills and the rhythm of the islanders' lives are dictated and limited by the extraction of copra" (1976:293). Parts of the coconut palm were important to the production of elements of material culture, including brooms, musical instruments, rope, cooking utensils, and other tools (still produced by some Ilois) and in house construction (Walker 1986:11; Centre Culturel Africain 1991:97). There is also in Chagos Creole an "extensive vocabulary pertaining to the coconut palm and the copra industry, reflecting the importance of the coconut to the islanders in daily life" (Walker 1986:11).

The importance of the coconut plays heavily in Ilois cuisine, where coconut milk and flesh are featured prominently (Walker 1986:11; Powe 1996:650; Centre Culturel Africain 1991:97). A 1991 Mauritian cookbook by the Centre Culturel Africain (African Cultural Center) describing the recipes and traditions of several Creole communities in Mauritius includes a chapter on the cuisine of Chagos (1991:93-114). Though the cookbook explains that Chagos's cuisine is similar to that of Agalega, where climatic conditions and the importance of the coconut

are similar, the cuisine of Chagos is recognized as a distinct culinary tradition (see also Kerr 2000:7).

*6.6.5. Music and Dance*

The Ilois also have a distinct tradition of music and dance related to forms found in Mauritius, Seychelles, and other islands. *Séga* refers to the popular dance and musical style (and the occasion of performance itself) of African or Malagasy origin found throughout the southwest Indian Ocean. Seychellois anthropologist Mahoune explains of the Ilois that, "their music is neither *moutia*, nor [Seychellois] *séga*, but quite different" (quoted in Kerr 2000:7).

Séga in Chagos formed and, to this day, forms an important oral narrative tradition in which singers communicate stories and parables, often using metaphors to refer to romantic and sexual relations (Walker 1986:11; Powe 1996:654-659). Many ségas authored since the expulsion are now of a political nature, singing about the removals and the injustice of the Ilois's plight. While some of these and older séga songs from Chagos are well-known, there is also an important improvisational tradition in which a singer will improvise lyrics in the midst of a night's séga, usually counterposed by the rhythm of the *ravanne* (a large-faced, shallow animal-skin-covered drum) and the voices of dancers and others supporting the lead as a chorus.

Botte identifies several kinds of séga performed in Chagos including, *séga cordéon* (with accordion), *séga tambour* (with drums), *séga mizik laguèle* (with harmonica), and *séga zenfants* (to amuse children) (1980:15-16). *Dansés français* (French and European dances) were also popular, including the waltz, polka, and others. Botte also identifies call-and-response style rowing songs (*sante zavirons*) and the *sante bomb*, a type of song using a one-stringed instrument (*bomb* or *bobre*) played with a bow made from the hard center spine of the coconut

palm leaf (Botte 1980:15). **Insert research data on types of dances and differences from Seychelles and Mauritius.**

### 6.7. Conclusion: The Ilois as Socioculturally Distinct

The previous descriptions of various elements of Ilois culture and society are just some examples of ways in which the Ilois are socioculturally distinct from other peoples in the southwest Indian Ocean. It is important to reiterate that, like all cultural and social elements, institutions, and practices, these were and are changing and transforming continually. Moreover, there would have been and still are important differences among the Ilois in each of these elements. In describing and writing about culture and society, anthropologists have realized that one automatically reifies cultural and social elements, making them seem much more unified, homogenous, and universal within a group than the messy, diverse reality that always exists.

It is also important to restate that the preceding sections do not form any kind of list defining a legitimate or somehow authentic member of the Ilois community, and that any person not living in accordance with such sociocultural elements is not an Ilois. Descriptions of culture and society are always to some extent generalizations in identifying patterns among most but not all members of a group. Thus the preceding discussion identified important cultural and social elements among most Ilois that make them distinctive as a group but are in no way universal among all Ilois.

In many areas of Ilois culture and society, there are certainly similarities with other (particularly Creole) groups in the southwest Indian Ocean. This is not surprising given the historical commonalities shared among the islands. This overview of Ilois culture and society

shows, however, that in many ways the Ilois are a culturally and socially distinct people, clearly distinguishable from other peoples in the Indian Ocean and elsewhere.

In this overall distinctiveness and in the individual elements of Ilois culture and society, the Ilois meet all of the necessary conditions for sociocultural distinctiveness established by the four frameworks. In reiterating how the Ilois meet the conditions of each framework, I indicate in parentheses (referencing sections of this chapter) how the Ilois meet almost all of the elements of each definition. I also indicate in brackets the few ways in which they do not seem to meet some of the peripheral elements of the definitions.

For ILO No. 169, the Ilois "retain some or all of their own social, economic, cultural and political institutions" (see 5.6.1.-5.6.5. above). For Kingsbury, the Ilois meet the strong indicia of "close cultural affinity with a particular area of land or territories" (5.6.3.-5.6.5.), and the other relevant indicia of "socioeconomic and sociocultural differences from the ambient population [in Mauritius and Seychelles]" (5.6.1.-5.6.5.). The Ilois also feature "distinct objective characteristics such as language, race,[8] and material or spiritual culture" (5.6.1., 5.6.3.-5.6.4.).

Cobo introduces sociocultural distinctiveness in defining what constitutes "historical continuity." The Ilois meet the two factors of a sociocultural nature: "culture in general, or in specific manifestations (such as religion, living under a tribal system [never part of Ilois distinctiveness], membership of an indigenous community, dress [see Walker 1986:27], means of livelihood [less so], life-style, etc.)," (5.6.2.-5.6.5.) and "language" (5.6.1.).

Cobo's and Daes's treatments add an additional caveat to sociocultural distinctiveness. In addition to having elements of sociocultural distinctiveness, to be considered indigenous peoples, groups must also demonstrate a desire to perpetuate their distinctiveness. For Daes, the Ilois must demonstrate *"the voluntary perpetuation of cultural distinctiveness,"* including,

"aspects of language, social organization, religious and spiritual values, modes of production [less so], laws [never, as far as I know, part of Ilois distinctiveness], and institutions" (emphasis added). For Cobo, the Ilois must be *"determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity,* as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems [never a part of Ilois distinctiveness]" (emphasis added).

The Ilois clearly meet the second (non-italicized) half of the feature in Daes (5.6.1.-5.6.3., and to some extent, 5.6.4.), and in Cobo (5.6.1.-5.6.5.). They meet the first italicized halves in that for three decades since the expulsion many Ilois have also demonstrated a desire to effect "the voluntary perpetuation of cultural distinctiveness" (Daes) and "to preserve, develop, and transmit to future generations" their island territories and their ethnic identity (Cobo). This desire indeed has been at the center of much of the Ilois political struggle that has aimed at preserving important elements of Ilois group identity and at winning the right to return to live in Chagos with future generations of Ilois in accordance with Ilois identity (Walker 1986:27-28; see also Ly-Tio-Fane and Rajabalee 1986:105). **Insert research data on desire to return here.**

**Notes**

[1] Translation mine: Les Chagossiens ont développé graduellement leur propre culture et leur propre identité.
[2] Because of his knowledge and expertise with the Ilois, Mahoune was a valuable collaborator and paid coworker in my July 2002, research in Seychelles.
[3] Botte's work has limitations in writing, grammar and syntax, and scholarship (e.g., Botte literally uses a 19th century definition of culture (1980:12)). The work is hard to read at times for a speaker of U.S. English, but there is still much that can be taken from the thesis. I assume that like almost all Mauritians, English is not Botte's first or second language.
[4] Buisseret defines creolization as a process extending across the New World. Although he does not mention areas outside the Americas, the *New World* can be taken to include previously unoccupied places outside the Americas, like the islands of the southwest Indian Ocean, including Chagos.

[5] The records and history are unclear if Chagos exhibited Curtin's last defining characteristic of having a population that was not self-sustaining and required frequent replenishment.
[6] Some linguists disagree with the two groupings and argue that Réunion Creole is the source of Mauritian Creole (see Chaudenson 2001). This debate is not significant here. All the major linguists of Indian Ocean Creole French agree that Réunion Creole and the Isle de France Creoles are mutually unintelligible and that the Creole French languages of Mauritius's former and current dependencies (including Chagos) evolved from early Mauritian Creole.
[7] Though the existence of a distinct Chagos Creole is not in doubt, Papen notes, "It is not possible to give a precise account of the socio-linguistic situation which existed on the Chagos Archipelago prior to the [forced] evacuation of its entire population in 1972-1973, since I was unable to visit these islands in time" (1978:81**CK**).
[8] The biological concept of race is disputed and rejected by many entirely. If the emphasis in ILO Convention No. 169 is on phenotypic differences, the Ilois include people of different geographic ancestries and are phenotypically indistinguishable as a group and as individuals from many others in Mauritius and Seychelles

# 7. EVIDENCE OF NON-DOMINANCE IN SOCIETY

## 7.1. Introduction

As this analysis draws to a close, one can also see how the Ilois easily, if sadly, meet one additional criterion often identified in frameworks of the *indigenous peoples* concept. This is the criterion of non-dominance in the society in which a group resides. Cobo, Daes, and Kingsbury each include this characteristic as a factor in their frameworks. Cobo requires that indigenous peoples "form at present nondominant sectors of society" (quoted in Williams 1990:n. 4). Kingsbury includes the "strong indicia" that a group be, "Nondominant in the national (or regional) society" (1998:455). The wording in Daes is more specific. Her fourth of four factors is, "An experience of subjugation, marginalization, dispossession, exclusion or discrimination, whether or not these conditions persist" (Daes 1996:22).

## 7.2. Ilois Impoverishment as an Indicator of Non-Dominance

There is widespread agreement among scholars, journalists, and other observers that the Ilois as a group have been deeply impoverished since their forced expulsion from Chagos. This experience of mass dispossession and subjugation in which the Ilois were forcibly removed from their lands, their homes, and most of their property in Chagos without consultation, right of refusal, and with little or no compensation clearly meets Daes's fourth factor.

This experience of mass dispossession and subjugation has also led to the other conditions of marginalization, exclusion, and discrimination described by Daes. From my research, I have found that as a group the Ilois in both Mauritius and Seychelles face very high rates of poverty and unemployment. Many live in homes cobbled together out of scraps of corrugated iron and wood or under otherwise degraded housing conditions with poor or

nonexistent water and sanitation services. Many suffer from poor health and low levels of education. Many have been the victims of ethnic discrimination from Mauritians and Seychellois, and many have suffered through other forms of daily harm and humiliation that accompany life at the absolute bottoms of Mauritian and Seychellois society.[1]

Scholars, journalists, and other observers have come to the same conclusion about the condition of the Ilois (e.g., Ottoway 1975; Botte 1980; Walker 1986; Anyangwe 2001; Winchester 2001). Anyangwe describes the immediate and long-term effects of the Ilois expulsion from Chagos:

> The physical and psychological violence during the eviction operation and the perpetual insecurity ever since, reveal the personal and collective trauma inflicted on those poor and vulnerable people. Their houses, livelihood, community and, in some cases, families were destroyed. Grave and disastrous harm was done to their basic civil, political, economic, social and cultural rights, individually and as a group. The forcible mass eviction…. led to landlessness, joblessness, homelessness, marginalization, food insecurity, morbidity and social dislocation. [Anyangwe 2001:43]

**7.3. Low Social Position as an Indicator of Non-Dominance**

In Mauritius, the Ilois are generally identified as part of the larger category of *Creoles,* or people of African, Malagasy, and mixed ancestry involving one or both of these and other ancestries. Creoles constitute slightly less than thirty percent of the population in Mauritius, while people of Indian descent represent about sixty-eight percent of the population (Bowman 1991:45). Indo-Mauritians, and especially Hindus, in Mauritius tend to control the political and, to a lesser extent, economic life on the island, generally along with Mauritians of French and Chinese ancestry.

More to the point, the Creoles, with whom the Ilois are broadly identified, are "overwhelmingly working class" and generally remain at the bottom of the Mauritian socioeconomic hierarchy (Bowman 1991:46). Historian Larry Bowman explains, "In most, but not all, cases, higher income and social status are closely associated with lighter skin color" (1991:46).

Among Creoles, most Ilois are categorized within an even smaller subset of Creoles in the most marginal and lowest-paying occupations. These Creoles are known as the *ti-kreol* (literally, little Creole). Eriksen explains in stark and commonly held racist terms the place in the national hierarchy of the ti-kreol:

> What follows is to concern the perhaps most stigmatized category of people in Mauritius; that is, the segments of Creoles best known as "ti-kreol", comprising fishermen, dockers, unskilled workers and artisans…. As an ethnic category, the "ti-kreol" are known by outsiders as lazy, backward and stupid people, as being too close to nature and resembling Africans in a not particularly flattering fashion. [1986:59]

With the ti-kreol located at the bottom of Mauritian society, the Ilois are widely considered to be at the bottom of the ti-kreol. To quote Chagos Refugees Group president Olivier Bancoult again, the Creoles "are regarded as the lowest social group and we, as Creoles des Iles (or Ilois) are considered lower than Creoles in Mauritius" (Bancoult 1999:para. 23). The hierarchy in Seychelles is similarly organized around skin-color (though without a large population of Indian descent). There too, the Ilois form a stigmatized minority within a majority Creole society generally dominated mostly by the wealthiest and lightest-skinned people of some or all European descent.

Joseph Philemon,[*] a Creole Mauritian man married to an Ilois woman, explained to me that ti-kreol like the members of his family and other Ilois have problems in Mauritius. Leaving a (rare) free tutoring session at one of the Ilois community centers, M. Philemon said that Hindus have all the advantage in Mauritius, guarding positions and jobs for themselves. Ti-kreol children are *"defavorisé"*—disfavored—he said. *"Il faut apprendre,"* he continued. One must learn. *"Il faut apprendre,"* to try to overcome the deep disadvantages. One must learn.

### 7.4. Conclusion: Overwhelming Evidence of Non-Dominance in Society

A considerable body of evidence details the impoverishment of the Ilois since their forced expulsion. Even more evidence shows that Indo-, Franco-, and Sino-Mauritians and mostly white Euro-Seychellois are dominant in Mauritian and Seychellois societies respectively. By contrast, the Ilois have remained at the bottom of the social, economic, and political hierarchies of the two nations. There is no doubt that as a group the Ilois are in non-dominant positions in Mauritius and Seychelles and thus meet the criteria of non-dominance as defined by Cobo, Kingsbury, and Daes.

### Notes

[1] These characterizations of the Ilois are at the group level. As with any impoverished group, some Ilois are not living in poverty. I will fully detail the conditions of life for the Ilois since their expulsion in a subsequent report.

[*] A pseudonym.

# 8. DISCUSSION AND CONCLUSION: STRONG SUPPORT FOR THE ILOIS AS AN INDIGENOUS PEOPLE

## 8.1. Framing the Discussion

Before summarizing the evidentiary findings of this report and discussing conclusions to be drawn from the evidence, it is important to remember the basis for analysis developed in Part 2. As many scholars, lawyers, indigenous peoples, governments, and others have found, there can be no one definition of indigenous peoples that adequately describes all such groups around the world. A single definition will almost necessarily be over- or under-inclusive.

Groups of humans are not, as anthropologists have pointed out, "like animal species that fall into clearly bounded sets, commonly without gradations in between" (Greaves 1996:635). Given the complexity of human societies, there can be no checklist of criteria determining if a group qualifies as an indigenous people. Human groups are simply too complicated, too specific to the particular context in which they live, and too subject to constant dynamic change in interaction with other dynamic peoples to create hard categorizations separating some groups from others.

The closest one comes to a clear-cut test of indigenous peoples status is self-identification. This solution, leaving the question of definition to indigenous groups themselves, has developed considerable support around the world, most notably in the 1994 Draft United Nations Declaration on the Rights of Indigenous Peoples. But even self-identification is not so straightforward, for it too requires indigenous peoples to monitor and analyze groups self-identifying as indigenous to prevent the abuse of self-identification.

Despite the growing support for self-identification as the only necessary definition, other criteria-based definitions and frameworks are still important to many experts in the field. Many

observers agree, though, that the best one can expect from a given framework is a set of general guidelines for analyzing the specific circumstances of groups (e.g., Daes 1996:22; Kingsbury 1998:455, 457). With such guidelines, experts now stress "flexible" analyses that weigh specific evidence about groups in their local contexts against general criteria.

Rather than selecting any one, necessarily inadequate, definition to analyze the Ilois, this report has based its analysis around five of the major definitions and frameworks. The report then selected five major criteria generally common to the five definitions (and to other definitions) and presented evidence about the Ilois relevant to those criteria. Presenting evidence in this manner allows drawing far broader general conclusions about the Ilois as an indigenous people than if this report had employed only one definition. Furthermore, by presenting a wider range of evidence than would have been necessary with one definition, the report also provides the basis for future analysis of the Ilois using other definitions and analytic techniques.

**8.2. Summary of Findings**

The five representative definitions and frameworks used in this report were the Draft UN Declaration, José Martinez Cobo's definition, International Labour Organisation Convention No. 169, Erica-Irene A. Daes's list of factors, and Benedict Kingsbury's indicia. The UN Draft Declaration was included as a way to emphasize the growing support for self-identification as the most important definitional criteria. The other four definitions share five major criteria or points of agreement in determining what groups should be considered indigenous peoples. The points of agreement are: 1) self-identification; 2) identification by others as indigenous or distinct; 3) historical and temporal evidence; 4) evidence of sociocultural distinctiveness; and 5) evidence of

societal non-dominance. The findings about the Ilois in each of these areas are summarized below.

1) Evidence about the Ilois shows that many Ilois individually and collectively self-identify as an indigenous people and as a group distinct from other peoples in Mauritius and Seychelles, where the vast majority of Ilois live. In their many examples of self-identification, the Ilois thus meet this crucial requirement found in the Draft UN Declaration, as well as in Cobo's definition, ILO No. 169, Daes's factors, and Kingsbury's indicia.

2) Statements and findings from, among others, the British High Court, scholars, the Mauritian and British governments, non-governmental organizations, and UN bodies demonstrate that many non-Ilois also find the Ilois to be an indigenous people and, even more widely, a distinct collectivity. Of the four main representative frameworks, Daes and Kingsbury use this criteria, which the Ilois clearly fulfill. This finding is also significant in that it provides several important precedents for the conclusions drawn in this report.

3) The Ilois fit the historical and temporal criteria in the more recent of the four main frameworks (Daes and Kingsbury) but do not precisely match the historical and temporal criteria of the earlier definitions (Cobo and, to a lesser extent, ILO No. 169). In Cobo and ILO No. 169, unlike in the more recent frameworks, the colonial experience is a crucial element for determining indigenous peoples. The Ilois

developed into a people as a product of colonialism rather than as a people who preceded the colonial encounter. Still, if the Ilois do not have many hundreds or thousands of years of history as a people, they demonstrate an ongoing historical, ancestral connection with the Chagos Archipelago and its first inhabitants dating to 1783-84, only interrupted (geographically, not ancestrally) by their forced expulsion from Chagos between 1965 and 1973. Also, crucially, there is no other group who can claim a prior historical or ancestral relationship to Chagos that would trump the Ilois position as Chagos's first inhabitants. This historical and ancestral relationship fulfills the criteria in Daes and Kingsbury, largely matches the criteria in ILO No. 169, and meets the underlying principles of historical continuity and ancestral descent found in Cobo.

4) An overview of Ilois society and culture, both before and after the expulsion from Chagos, shows that the Ilois are in many ways a socially and culturally distinct people, clearly distinguishable from other peoples in the Indian Ocean and elsewhere. Though each framework defines sociocultural evidence differently, the Ilois meet all of the necessary conditions for sociocultural distinctiveness established by the four main frameworks.

5) Finally, considerable evidence demonstrates the ongoing impoverishment of the Ilois since their expulsion and their position at the bottom of the social, economic, and political hierarchies in Mauritius and Seychelles. There is no doubt that as a group the

Ilois are non-dominant in Mauritius and Seychelles and thus meet the non-dominance criteria established in Cobo, Daes, and Kingsbury.

**8.3. Discussion and Conclusion**

Given the growing consensus around self-identification as the most appropriate definition of indigenous peoples, the findings outlined in Part 3 and summarized in #1 above are of deep significance. For many this would be evidence enough that the Ilois constitute an indigenous people. With so many scholars, UN entities, indigenous peoples, and others stressing the importance of self-identification—whether alone or in conjunction with other criteria—the considerable evidence that many Ilois self-identify as an indigenous people and as a distinct group provides immediate strong support for the conclusion that the Ilois are an indigenous people. That many non-Ilois, including other indigenous peoples groups at the UN, agree that the Ilois constitute an indigenous people (Part 4 and #2 above) strengthens this initial conclusion further.

Without judging the appropriateness of self-identification as a conclusive definition, considering other criteria and additional evidence about the Ilois is clearly informative, as many still support definitions beyond self-identification alone. As described earlier in Part 8, this requires the flexible weighing of evidence and criteria within the specific context of Ilois experience.

After self-identification, historical and temporal evidence is generally the next-most-important factor in determining a group's status as an indigenous people. This is the only area where the extent to which the Ilois experience corresponds to the criteria of various frameworks is not entirely clear. Lay understandings of indigenous peoples connote groups with ancient

origins and thousands of years of history. Most early frameworks were likewise organized theoretically around the colonial encounter between indigenous groups and Europeans, assuming that indigenous peoples always predated colonialism. For some then it may seem odd to label a group with roots in the late 18th century an indigenous people.

More recent frameworks, however, have understood the limitations that these assumptions imposed on definitions. These new frameworks expanded historical and temporal criteria to focus on long historical continuity and temporal priority in territories. In this way, the Ilois clearly fulfill Daes's emphasis on priority in time in a territory and Kingsbury's emphasis on a group having a long historical connection with a territory and its previous inhabitants.

Even ILO No. 169 expanded the temporal criteria in the definition of its predecessor, ILO No. 107, beyond the colonial encounter. ILO No. 169's temporal criteria does not just include groups that predate colonialism but also includes those descended from populations living in a territory before "the establishment of present state boundaries" (International Labour Organisation 1991:Art. 1). Such is the case for the Ilois who are the descendants of people born in Chagos before the establishment in 1965 of the boundaries of the present state, the British Indian Ocean Territory.

Thus only in Cobo's definition is there a criterion that the Ilois clearly fail to meet: They are not a group that has historical continuity with a pre-invasion and pre-colonial society in Chagos because, of course, there was no pre-colonial society in Chagos. It is important to note, however, that when Cobo further defines "historical continuity," the Ilois fulfill all of his criteria for historical continuity. Indeed the Ilois meet every element of Cobo's definition except in lacking continuity with a pre-colonial society.[1] Moreover, given that Cobo's definition is the

only one to retain its attachment to the colonial encounter, the failure to meet this one criterion is relatively insignificant.

The evidence that the Ilois are socioculturally distinct and non-dominant in Mauritius and Seychelles is, by contrast, almost entirely unambiguous in meeting the criteria of all the applicable representative frameworks. Thus, with the one exception in Cobo and with only a few very minor exceptions in the realm of sociocultural distinctiveness (noted in Part 7), the Ilois fulfill every criteria, factor, indicia, and definitional element in all five of the representative frameworks.

Given widespread Ilois self-identification as an indigenous people; given significant recognition by others that the Ilois are an indigenous people and a distinct collectivity; given strong evidence that the Ilois have historical and ancestral connections with the Chagos Archipelago and its original inhabitants dating to 1783-84; given diverse evidence that the Ilois are socioculturally distinct from other peoples; and given overwhelming evidence of Ilois non-dominance in Mauritius and Seychelles, the evidence about the Ilois and current understandings of the *indigenous peoples* concept strongly suggest categorization of the Ilois as an indigenous people.

**Notes**

[1] If one understands "invasion" in Chagos as the events surrounding the creation of the military base at Diego Garcia and the expulsion of the Ilois, it can be argued that the Ilois have historical continuity with a pre-invasion society.

# APPENDIX A: A HISTORY OF THE INHABITANTS OF THE CHAGOS ARCHIPELAGO

## A.1. Introduction

Beginning in 1783, the Chagos Archipelago was inhabited by a permanent and continuous settlement of diverse peoples from continental Africa, Madagascar, Mauritius, Seychelles, Europe, and later India. Prior to 1783, the Chagos Archipelago was uninhabited by humans. Today, the only people living on the islands are transient soldiers and staff working for the U.S. and British armed forces at the military base on the largest of the Chagos islands, Diego Garcia. Base employees are all that remain because between 1965 and 1973, the permanent inhabitants in Chagos were forcibly expelled from their island homes as part of the base construction.

Located near the geographic center of the Indian Ocean, the Chagos Archipelago forms one corner of an almost 1,200-mile-per-side equilateral triangle with the islands that most shaped its history, Mauritius and Seychelles. Closer geographically to the Maldive Islands, south of India, Chagos was instead tied politically, economically, and culturally to the scattering of islands of the western Indian Ocean from Reunion Island and Mauritius, east of Madagascar, to the Seychelles archipelago, due north and just above the equator. Chagos was originally one of the Dependencies of Mauritius, which also included Seychelles (before it became an independent colony in 1903). Along with Mauritius's other dependencies Agalega and Rodrigues, Chagos was known as one of the Oil Islands. They were so named for cultivating the dried flesh of the coconut, called copra, to make coconut oil, which would come to define the settlement and life of the islands.

Maps here

**A.2. Historical Sources**

In writing a history of the habitation of Chagos, there were relatively few historical sources upon which I could draw. The islands gain mention now mostly for the recent history surrounding the creation of the military base on Diego Garcia. The earlier history of the archipelago has remained relatively unknown and has often been confused by arguments about the expulsion of Chagos's people. The best, and only full-scale, history of Chagos is *Limuria: The Lesser Dependencies of Mauritius* (1976), written by the former governor of colonial Mauritius Sir Robert Scott in 1961. A missionary Catholic priest Father Roger Dussercle, who visited the islands periodically, wrote four volumes about life in Chagos during the 1930s, which provide valuable historical information.[1] A recent article by H. Ly-Tio-Fane and S. Rajabalee (1986) adds some useful background on the early settlement of the islands, as do broader surveys by anthropologist Ian Walker (1986; 1993), D. R. Stoddart (1971), and Thomas V. Bulpin (1958). Histories of Mauritius and Seychelles generally mention Chagos in passing. Works about the exiled people of the archipelago also cover the history of the island but tend to rely on Scott and other secondary sources.

The most important primary sources are those found in the Mauritius Archives, the library of the University of Mauritius, and the Public Records Office at Kew, England. Each holds colonial documents including letters, government reports, slavery records, statistics, and maps. The most helpful documents proved to be a series of reports from magistrates and other officials of colonial Mauritius who visited Chagos from the late 19th century through the 1950s, providing a regular and varied account of daily life on the islands. During some years, these visits occurred as frequently as once every six months. Because few officials made more than a handful of visits, the reports come from a variety of individuals over many decades, with

different perspectives on housing and health conditions, diet and nutrition, work and wages, social life and authority, and notable island events.[2]

People born in Chagos and their descendants are also an important source of historical information. I have conducted more than four months of research with these communities in Mauritius and Seychelles. My ongoing research has involved ethnographic participant-observation, in-depth qualitative interviewing (n=14), countless informal conversations, genealogical interviews (n=9), and a 91-question quantitative survey of life of people born in Chagos and their descendants (n≈300). The genealogical interviews and the conversations and interviews about life on the islands proved particularly relevant to this history.[3]

**A.3. Sightings and Competition in the Indian Ocean**

The debate over who first laid eyes and feet on Chagos and the other small islands of the western Indian Ocean may never be resolved. Debates over who first landed on Mauritius have been particularly lively, with scholars proposing a wide variety of seagoing peoples including, Phoenicians, Palestinians, Greeks, Persians, Egyptians, Indians, Chinese, Arabs, Malays, and Swahilis (Selvon 2001:7; Bowman 1991:8). Indeed, all of these groups had traditions of sea travel reaching at least East Africa. Scott writes that Malays and Arabs, "were certainly aware" of what became known as the Mascarene Islands (Mauritius, Réunion, and Rodrigues), "and gave them names" (1976:28). Likewise, there is clear archaeological evidence of at least Chinese, Arab, and South Indian voyagers reaching Sri Lanka by the 7th century C.E., and of the Chinese in Zanzibar, Mozambique, and the Middle East after 1000 C.E. (Bopearachchi 1994:72-73). Ly-Tio-Fane and Rajabalee claim that, "Arab and Indian sailors traveling across the Indian

Ocean probably used to pause in the spacious bay of Diego Garcia," but provide no evidence to support this claim (1986:90; see also Anyangwe 2001:15).

While any of these peoples may have been first to visit or sight what became known as the Chagos Archipelago, there is no conclusive evidence to prove such an event prior to the arrival of 16th century Portuguese visitors, who provided the name Chagos (originally, *Chagas* or "the wounds of Christ" (A. Toussaint 1966:110)). Scott concludes that most of the islands of Chagos were probably first sighted and recorded on maps in 1512 by Pedro Mascarenhas (for whom the Mascarenes were named) (1976:34). By the end of the century, the Portuguese had mapped all of the islands of Chagos and the rest of what would become known as the Lesser Dependencies of Mauritius (that is, the islands which formed part of Mauritius other than those of the Seychelles archipelago). On the whole, though, the Portuguese remained "indifferent" to the islands, according to Scott, using them only as markers on their trade routes to the Indies (1976:35), as the waters around Chagos developed a bad reputation among sailors (Walker 1993:562).

Settlement came first to the Mascarene Islands of Mauritius, Réunion (originally Île Bourbon), and Rodrigues, as even more important tools in the European trade with the East Indies. After about 70 years of an original Dutch settlement in Mauritius was abandoned in 1707, France and England competed for the islands of the western Indian Ocean throughout the 18th century as strategic bases to control shipping routes in the ocean (Scott 1976:42-3, 48-50; Teelock 2001:16-17). Ultimately the French settled Mauritius (under the name Isle de France) permanently in 1721 and the Seychelles by 1742 (Scarr 1999:5).

Using enslaved labor, French settlers built societies on the islands, which particularly in Mauritius were built around the cultivation of sugar cane. Under the direction of the French

Company of the Indies, French settlers imported large numbers of enslaved peoples from Madagascar and the area of Africa known then as Mozambique (a larger stretch of the southeast African coast than the current nation) with the help of an Indian Ocean slave trade dominated by the French (Teelock 2001:104-105).

Because the history of Mauritius in particular is so important to the history of Chagos, it is helpful to understand something about the nature of the society that developed in Mauritius. Indian Ocean historian Larry Bowman summarizes the period of French settlement as producing, "a sharply differentiated society with extremes of wealth and poverty and an elite deeply committed to and dependent upon slavery" (1991:13).

For most of the 17th and 18th centuries, the Chagos islands remained uninhabited, serving only as a safe haven and provisioning stop for voyagers (Orian 1958:129; Scott 1976:76). As the 18th century progressed however, European competition between the French and English increased in Europe, spilling over into a fight for naval and thus economic control of the Indian Ocean. The strategic value of having economic and military outposts in Chagos and the Mascarenes became obvious for the French and the English.

English and French vessels started visiting and surveying Chagos with increasing frequency, with the French first claiming Chagos's Peros Banhos island group in 1744 (Walker 1993:562). A year later, the English surveyed Diego Garcia, followed by numerous French and English voyages to inspect other island groups within the archipelago, including Trois Frères/Three Brothers, Egmont Atoll, and the Salomon Islands (Scott 1976:63, 69; Grant 1995:359). In 1769, a French mission surveyed Diego Garcia's bay and began to see the full strategic significance of Diego Garcia in particular. Lieutenant La Fontaine reported that "a great number of vessels might anchor there in safety" (Scott 1976:68), foreshadowing the aircraft

carrier task forces, nuclear submarines, and huge pre-positioned ships that have harbored in the bay since the creation of the U.S. military base.

**A.4. Settlement in Chagos**

Permanent settlement in Chagos finally began around 1783 and 1784. The historical record is somewhat unclear on the sequence of events, but most documents and historians agree that in 1784, the English attempted to create a provisioning plantation on Diego Garcia. France's Governor of Mauritius Vicomte de Souillac feared that the islands were falling into the hands of the British and quickly sent the frigate *Minerve* to reclaim the entire archipelago for France (Scott 1976:75; Walker 1993:562). The *Minerve* arrived in Diego only to find the British settlement abandoned. Apparently the British quit the island after rain washed their grain and vegetable seeds into the sand despite having hauled six shiploads of soil with them from Bombay ("Diégo Garcia"; Scott 1976:20).

Historians also agree that around the same time an influential plantation owner from Mauritius, Pierre Marie Le Normand, petitioned for and was granted a concession to found a settlement on Diego Garcia. Documents in the Mauritian Archives reveal that this concession sheet from the French colonial government in Mauritius was signed 17 February 1783 (Couve 1783). According to Ly-Tio-Fane and Rajabalee, Le Normand received his "favourable reply in February 1783 and immediately prepared his voyage to Diego Garcia" (1986:92).

No records indicate if Le Normand settled on Diego before the arrival of the aborted British settlement and later the *Minerve*, but scholars agree that his settlement of twenty-two enslaved peoples represented the beginning of continuous, permanent settlement in Chagos (Ly-Tio-Fane and Rajabalee 1986:91-92; Walker 1993:563; Scott 1976:20; d'Unienville n.d.). Ly-Tio-Fane

and Rajabalee explain that Le Normand won his concession to create a coconut plantation from Vicomte de Souillac in exchange for taxes paid on the plantation's coconut oil production (1986:91-91).

A Monsieur Danquet[4] soon established a fishing settlement on Diego Garcia ("Diégo Garcia"; Walker 1993:563). Four more coconut plantations followed, established by Mauritian entrepreneurs Lapotaire, Didier, and the brothers Cayeux (Ly-Tio-Fane and Rajabalee 1986:92; d'Unienville n.d.).

These plantations and estates depended entirely on enslaved labor. Like the societies in Mauritius and Seychelles, as well as in other island colonies, life in Chagos revolved around the use of enslaved people to exploit a natural resource—in this case, primarily coconuts. Walker writes that by 1808 there were 100 enslaved people working under Lapotaire alone (Lapotaire had proved the most successful of the owners, building a copra processing plant for oil extraction in 1793) (1993:563). By 1813, there were a similar number of slaves in Peros Banhos, shortly after the Mauritian colonial government granted an 1813 *jouissance*, or concession, in the same year to create a plantation there (Walker 1993:563). Other coconut plantations were similarly established under other owners at Six Iles/Six Islands in 1808 and at Trois Frères/Three Brothers, Île d'Aigle/Eagle Islands, and Salomon Islands in 1813.

*A.4.1. A Climate for Coconuts and a Growing Society: Environmental Conditions in Chagos*

The islands in Chagos were not merely well matched for the establishment of coconut plantations, they have, in the words of a 20th century agriculturalist, "a climate ideally suited to the cultivation of coconuts," (Lucie-Smith 1959:6). Vegetation is particularly dense on Diego Garcia as a result of high rainfall and almost unvaryingly high temperatures, conditions also

found in the other island groups. And unlike the cyclones (hurricanes) that frequently tear across Mauritius and can damage so much of its sugar cane crop, Chagos is in the part of the Indian Ocean where cyclones form and is thus free from their dangers (only one cyclone is known to have hit Chagos, in 1891 (Ashe 1903:2)). Another agricultural observer Alfred J. E. Orian explains that, "These conditions are responsible for the absence of a distinct flowering season and the gigantic size of many native and cultivated trees" (1958:129). Meaning, most significantly for Chagos, that coconut palms produce nuts year round for potential harvest.

All of Chagos's islands are coral, rather than volcanic rock, atolls and are extremely low-lying: the highest elevation is 15 meters above sea level at Diego Garcia (Walker 1993:561; Scott 1976:16). Fishing opportunities are abundant in the archipelago, which is still fished commercially under special agreements with the BIOT. Describing the conditions on Diego Garcia that many call idyllic, Orian writes, "The atoll is covered with luxuriant vegetation of bright green colour and is fringed by pure white sandy beaches. In places the tree-line is 125 feet high" (1958:129). Writing in the 19th century, Baron d'Unienville reported on the generally bountiful conditions in Chagos: "The island produces many coconuts, it does not lack wood, including tatamaka, *bois blanc* good for pirogues [small sailing vessels], wood to burn; it abounds in fish, turtles, sea birds, wild chickens; but it does not have a water source" (n.d.).[5]

*A.4.2. Lepers at Diego Garcia: A Climate for Rest and Recovery*

Other than in the cultivation of coconuts, the natural environment played another important role in the development of Chagos. In establishing his plantation on Diego Garcia, Le Normand realized that the climate and abundance of turtles on the island made Diego a suitable place for recovering lepers from Mauritius (Ly-Tio-Fane and Rajabalee 1986:92). (In addition to the

ability to quarantine people in Diego Garcia, turtle meat was thought to be a cure for leprosy.) By 1792 lepers were arriving on the island and in 1809 the French administration in Mauritius started requiring plantation owners to accept and assume responsibility for lepers sent from Mauritius in exchange for each plantation's concession rights (Scott 1976:256, 99).

Mauritius Archives records from the period 1783-1828 list the names of families of lepers, categorized as *blancs* (whites) or *mulâtres* (mulattos), living in Diego—Philippe, Isidor, Thomas—and report that most were accompanied by unnamed *noirs* (black men) and *negresses* (black women) making oil on the island ("Etat des Lepreux" n.d.). As late as 1827, other records record the transport of 13 enslaved lepers to Diego Garcia (Lecamus 1827). Scott found that contrary to the predictions of some observers that this would produce a sickly population, "there has, however, been no such genetic quirk…. Physically, the people of Diego Garcia are not different from the inhabitants of the other Dependencies" (1976: 256-257). The transport of lepers to Diego seems to have stopped in the 1830s.

*A.4.3. The Transfer to British Rule*

French power in the Indian Ocean crumbled at the turn of the 19th century. The British first seized control of Seychelles in 1794 and Mauritius in 1810. France formally ceded Mauritius, including Chagos and the other Dependencies (as well as most of its other island possessions) to Great Britain in 1814.

Unlike most other instances of British colonial rule however, Mauritius under the British retained its French laws, language, customs (including enslaving Africans), and religion. "Mauritius became formally British but remained very French," explains Larry Bowman (1991:17-18). British oversight in Mauritius and even more so in the isolated Dependencies like

Chagos was weak at best. The British sent the first government agent to investigate conditions in Chagos between 1824 and 1829 (Scott 1976:128) but otherwise simply encouraged the production of oil in Chagos to supply the Mauritian market (Ly-Tio-Fane and Rajabalee 1986:92-93).

**A.5. Life in Chagos from Slavery to Indenture**

Slavery was the defining feature of life in Chagos from Le Normand's initial settlement of twenty-two enslaved people to the abolition of slavery in Mauritius and its Dependencies in 1835. Enslaved labor built the archipelago's infrastructure, produced its wealth (mostly in coconut oil), and formed the overwhelming majority of inhabitants. After the concessionaires initially transported large numbers of slaves to Chagos to establish their plantations, transportation records indicate that slave owners made frequent voyages between Mauritius and the Chagos islands with relatively small numbers of slaves ("Return" 1821-1826).[6]

While most enslaved people in Chagos arrived from Mauritius, some may have arrived from Seychelles (Scott 1976:112, 119) and perhaps even on slave ships direct from Madagascar and the Mozambique coast of Africa (Peerthum and Peerthum 2002). Some enslaved people would have been born in Mauritius and perhaps Seychelles, but most—like most of the enslaved people in Mauritius—were probably born in Madagascar, the area referred to as Mozambique, and other parts of Africa (Scott 1976:2).

A letter from 1828 granting permission to transport slaves to, from, and within Chagos reveals the slave names[7] and origins of some of the early inhabitants of Chagos. Some of the surnames are significant in that, while common, they are the same as those of families born most recently in Chagos (cf. Gutman 1976:185-201, on naming practices during slavery reflecting the

maintenance of kinship ties among African Americans). The letter lists: Pierre Louis, Creole of Mauritius; Prosper Jean, Malagasy; Marie Jeannie, Mozambican; Michel Levillain, Mozambican and his wife, Prudence Levillain, Malagasy; Theophile Le Leger, Creole of Mauritius (Permits 1828).

Colonial Parliamentary papers from 1826 provide a good picture of the population in Chagos, including the nature of the islands as absolute slave plantation societies:

**Diego Garcia, 1826**

| | Men | Women | Boys | Girls |
|---|---|---|---|---|
| **Blancs*** | 5 | 1 | - | - |
| **Libres** | 1 | 4 | 6 | 3 |
| **Enslaved People** | 168 | 37 | 3 | 10 |
| **Lepers†** | 30 | 5 | - | 2 |
| **TOTALS** | **204** | **47** | **9** | **15** |

**Grand Total: 275**

**Peros Banhos, 1826**

| | Men | Women | Boys | Girls |
|---|---|---|---|---|
| **Blancs** | 1 | - | - | - |
| **Libres** | 3 | 1 | 1 | 1 |
| **Enslaved People** | 58 | 33 | 12 | 10 |
| **Lepers** | - | - | - | - |
| **TOTALS** | **62** | **34** | **13** | **11** |

**Grand Total: 120**

**Trois Frères/Three Brothers, 1826**

| | Men | Women | Boys | Girls |
|---|---|---|---|---|
| **Blancs** | 1 | - | - | - |

* *Blancs* = whites; *Libres* = free people of African descent and people of mixed descent. Records for Six Iles/Six Islands indicate a Mr. Duperrel of Mauritius established on the islands without being granted a title and accompanied by some enslaved people ("avec quelques noirs").
† Most likely includes people of all of the other categorizations.

| | | | | |
|---|---|---|---|---|
| **Libres** | 2 | - | - | - |
| **Enslaved People** | 19 | 12 | 3 | 1 |
| **Lepers** | 5 | - | - | - |
| **TOTALS** | **27** | **12** | **3** | **1** |

**Grand Total: 43**

**<u>Salomon Islands, 1826</u>**

| | **Men** | **Women** | **Boys** | **Girls** |
|---|---|---|---|---|
| **Blancs** | 1 | - | - | - |
| **Libres** | - | - | - | - |
| **Enslaved People** | 4 | 5 | - | - |
| **Lepers** | - | - | - | - |
| **TOTALS** | **5** | **5** | **-** | **-** |

**Grand Total: 10**

**CHAGOS TOTAL, 1826: 448**

[Source: Parliament Papers of 1826 in Labouchere 1857b]

Statistics from 1832 show that there were 89 enslaved people in Peros Banhos, 29 in Trois Frères, 15 in Six Iles, 2 in Salomon, and 170 among 9 owners in Diego Garcia. It is unclear if these small decreases reflect census-taking inaccuracies, the movement of enslaved people off the islands prior to emancipation in 1835, or some other factor. It is significant that of the 305 total enslaved people in 1832, there were almost twice as many enslaved males on the islands as enslaved females (203 male; 103 female) (Commissioners of Compensation 1835). Some of the claims for compensation filed by owners of enslaved people at emancipation again reveal more of the names and origins of these early, enslaved inhabitants of Chagos. They include Auguste Augustine, a 22 year old, and Marie Jeune, a 25 year old, both listed as from Mozambique (Claims n.d.).

*A.5.1. Birth, Death, and Daily Life*

Other colonial records prove that people were born and dying on the islands. Given the isolation of Chagos and the infrequency of regular ship travel to the islands, births and deaths are likely to have occurred from the earliest days of settlement in 1783-84. Scott reports that a grave in the Salomon group is marked 1811 (Scott 1976:276). Likewise, a letter written by plantation owners in the Lesser Dependencies in 1828 mentions women regularly giving birth on the islands (Lapotaire, et al. 1828).

The same 1828 letter reveals some of the daily life of enslaved people, even if the letter is a self-serving attempt by the owners to gain exemption from an 1828 order prohibiting the transfer of enslaved people from the Dependencies to Mauritius. In arguing for an exemption, the owners (who included concessionaires on Rodrigues, Agalega, and Coëtivy) certainly had incentive to portray their treatment of their slaves as generous and humane: they write that they treat their enslaved labor with "the greatest gentleness" (*douceur*), provide them with "healthy and abundant" food, that the slaves have work of "little difficulty," and are all "happy and content" (Lapotaire, et al. 1828:13). While these characterizations should be doubted, the letter's description of some features of the enslaved people's lives can be taken much more seriously (especially as they are not unusual for 19th century French slavery).

The owners explain that they employ overseers to control the enslaved labor, who worked "from sunrise to sunset for six days a week" (see also Scott 1976:99, 104-105, 149). Outside their regular workdays, each enslaved person had the ability to make a small savings of money and to have a "*petite plantation,*" a small garden, to raise animals and add to one's well being (Lapotaire et al. 1828: 13). Scott confirms that by law, slave owners were required to provide basic food rations, clothing, housing, and medical care, and that "slaves were usually supplied

with various vegetables…[and] encouraged to rear small livestock…either by way of incentives to good work or to place on the slaves themselves as much as possible of the onus of providing a balanced diet" (1976:105).

*A.5.2. Evolving Societies*

Each of Chagos's island groups, like most societies in the colonial "plantation system" (cf. Mintz 1974; Curtin 1990), was run essentially as a patriarchal private estate. In exchange for a *jouissance,* or concession, owners accepted responsibility for the general welfare of their land and its inhabitants—*en bon père de famille*—much as a father was broadly expected at the time to care for his family. "Responsibility for the administration of the settlements, before and after emancipation, was vested in the proprietors," explains Scott. "For all practical purposes, however, it was normally delegated to the manager on the spot, the *administrateur* [administrator]" (Scott 1976:136). The owners rarely exercised their power directly.

Administrators in turn controlled the islands with the assistance of *commandeurs,* or supervisors, of generally African descent who were paid higher wages and given more privileges, in a system that continued until the islands' closing. Scott adds that societal order was also maintained by an "informal council" of elders and the guidance of older men and women, a system that may have had ancestral roots in Africa and Madagascar (1976:153; cf. Mintz and Price 1992:54-60, on the possibility of such "continuities" from Africa).

At the top of the everyday hierarchy, each administrator had significant power to shape not just work conditions but also much of daily life on the islands. With administrators changing relatively frequently through 1835 (Scott says there were six in twenty-five years in Agalega and that "there had been similar changes in the islands of the Chagos Archipelago"), conditions

under each manager varied (1976:140). "As a result," writes Scott, among the island groups, "the various settlements, while still broadly conforming to the same general pattern, had acquired by 1835 characters of their own" (1976:140).

*A.5.3. Emancipation and the Transition to Free Labor*

Slavery was abolished in Mauritius and its Dependencies in 1835. Even though the slave trade had previously been outlawed, it continued illegally in the Indian Ocean until emancipation (Scott 1976:115, 117). After emancipation, a period of apprenticeship ended in 1839. According to Scott, the daily routine of plantation life again changed according to the dictates of each island's administrator. On some islands, like Diego Garcia, life and the conditions from slavery changed little. On others, daily work tasks were reduced in accordance with the stipulations of the government's Assistant Protector of Slaves in Mauritius (Scott 1976:140-141).

Overall, the general nature of labor relations probably changed little after emancipation even if the quantity and demands of work lessened over time in favor of the laborers. In 1949, a visiting representative of the Mauritian Labour Office commented on the generally "patriarchal" labor relations between manager and labor in Chagos, "dating back to what I imagine would be the slave days, by this I do not imply any oppression but rather a system of benevolent rule with privileges and no rights" (Meyer 1949:1).

After the end of slavery, some people previously enslaved in Mauritius appear to have immigrated to Diego Garcia and other Dependencies to work on the plantations[8] (Captain Lloyd quoted in Carter and d'Unienville n.d.:57). A letter from 1842 from the concessionaire of Six Iles to the Mauritian government reports that he found everything on his estate in a "perfect state of tranquility" (Duperrel 1842:3). While his assessment is probably, at best, a generous

exaggeration,[9] the letter also provides an important glimpse of the labor supply on a small Chagos island shortly after emancipation. The letter shows that Six Iles had one manager, Félix Ceuninck, and a *connelier***CK**, Philogène Desgolles. Just below Ceuninck's and Desgolles's names is a list of eighteen coconut laborers identified by their last names only, leaving uncertain if the list includes women and children. The names are again for the most part ones found among people born most recently in Chagos. The list reads: Joseph, Fongear, Vincent, Latulipe, Figaro, Henriette, Salmine, Martial, Figaro malgache, Philèmon, Sans-Souci, Jacques, Aurore, Marianne, Martia, Victor, Prosper, and Jean (Duperrel 1842:3).

*A.5.4. Indenture and the Introduction of Indian Labor*

After the end of slavery, plantation owners began importing indentured laborers from India to work in Chagos, just as Indians were imported on a much larger scale for the sugar cane fields of Mauritius. The extent and rate at which Indian labor was introduced in Chagos is unclear. Citing Francoise Botte (1980), anthropologist Iain Walker writes that after emancipation, "the majority of labourers arriving in the islands were of Indian origin and in the late [nineteen] sixties the population was estimated to be around a 60/40 mix of African/Indian origin…. The Indians were largely Tamil" (1993:566). By contrast, a visiting magistrate's report in 1880 concludes that there were only 50 Indians in Agalega (not part of Chagos) and 10 more in all the rest of the Lesser Dependencies (which include several islands in addition to Chagos). "Except the Managers and Sub-Managers, who are Europeans, and their families, the population consists of Africans, Creoles, and Malagashes [Malagasies]" (Ackroyd 1880:11).

These two sources may be consistent in that most Indians may have arrived after 1880. From my research in Mauritius and Seychelles however, the 60:40 ratio claimed by Walker (1986) and Botte (1980) seems to overestimate the population of Indian ancestry. Regardless of the numbers, it is clear that Indians began living and working in Chagos on a permanent basis after emancipation. A census document from 1861, for example, records one household of two that included a domestic servant born in Madras working for a woman born in France (Büehmüller and Büehmüller 1861).

There is evidence that some, including Mauritian Governor Higginson, believed labor was being introduced illegally into Chagos and the other Dependencies from India (Labouchere 1857a). An incident involving the murder of the administrator of Six Iles, Mr. Hugon, supports this belief. Four Indians were eventually captured and tried for Hugon's murder. In their trial, the four charged that they were kidnapped from Cochin and made to work on Six Iles against their will. Though a Mauritian visiting police magistrate doubted this story in 1880 (Ackroyd 1880:8), historian Thomas Bulpin supports it, saying that labor was recruited to Six Iles by Captain Alexander Gerard and Captain Romain Rodriguez, "who kidnapped them by the simple means of employing casual labourers to load their ship in the East [Indies], and on the last day simply sailing away with these unfortunates still on board" (195-?:314).

An 1859 commission investigating the islands after the murder found that "most of the island estates were well run according to the standards of the day" (Bulpin 195-?:314). On Six Iles however, "the labourers were set to drudgery with no reply to any complaints except the liberal use of the lash" (Bulpin 195-?:314). Manager Hugon was "particularly hated" (Bulpin 195-?:314). He was known to use what was either reported as his belt (Bulpin 195-?:314) or a

four-foot-long, one-and-a-half-inch-wide length of rope (Labouchere 1857b) to inflict "treatment" on his laborers (Bulpin 195-?:314).

Apparently when Hugon went to inspect workers on Six Îles's Lubine Island in August 1856, he struck his "headsman…and was immediately attacked and killed by the labourers" (Labouchere 1857b). A knife-wielding laborer apparently cut Hugon's throat with such force that he almost completely severed his own hand (Bulpin 195-?:314). In the aftermath, the workers seized control of a ship, only to be captured and tried for the murder (Labouchere 1957b). Two were convicted but received only "eighteen months for manslaughter, a caustic judgment on the management of the Atoll" (Scott 1976:263).

### A.6. Life in the Second Half of the 19th Century

The murder of Hugon and the working conditions leading to his death seem to have been an exception rather than the norm for life in Chagos after emancipation. By the middle of the 19th century, Bulpin says, Diego Garcia and Peros Banhos "were prosperous estates" (195-?:28). In 1865, the colonial government in Mauritius ended the *jouissance* (concession) system and most plantation owners purchased their land outright from the government. Wages for laborers around 1860 were the equivalent of 10 shillings a month, a dollop of rum, and a "twist of tobacco if times were good." Rations, which were treated as part of wages, totaled 11-14 pounds a week of what was usually rice (Bulpin 195-?:314).

Laws issued for the Lesser Dependencies in 1877 established regulations for working conditions on the islands and the provision of basic services. To provide laborers with protection from any continuation of slavery-like conditions, the laws required laborers to work under three-year renewable contracts. Oral contracts seem to have always been more the norm, however, for

people born on the islands. Scott says that, "in the later years of the 19th century, the number of labourers in the islands under oral contracts (which were not applicable to imported labour) came to exceed the number under written contracts (which applied to resident as well as imported labour)" (1976:23-24).

Under the laws of 1877, work on Sundays "was strictly limited" and management was required to provide housing of minimum set dimensions, adequate provisions in a company store, a hospital, and a prison for short incarcerations (Scott 1976:160-161). These regulations were strengthened by Ordinance No. 4 of 1904 of the Government of Mauritius and its Dependencies.

In 1880, the visiting police magistrate reported that, "as a general rule the men enjoy good health, and seem contented and happy, and work cheerfully" (Ackroyd 1880:11). The Magistrate found that people lived in "good huts" made of a wood frame and coconut palm leaves. Fish was "abundant on nearly all the Islands, and on most of them also pumpkins, bananas, and a fruit called the 'papaye,' grow pretty freely." At the time, the plantations provided workers with no formal education or religion (Ackroyd 1880:11). By 1880, the population of Chagos as a whole had risen to approximately 760. The Salomon group experienced the largest population increase, becoming one of the three primary settlements in Chagos. As during slavery, the disproportion of men to women was, for the time being, still significant (Ackroyd 1880:11).

**Chagos Archipelago "Approximate Population," 1880**

| | **Men** | **Women** | **Children** | **Total** |
|---|---|---|---|---|
| **Diego Garcia** | 227 | 86 | 87 | 400 |
| **Peros Banhos** | 80 | 25 | 45 | 150 |
| **Salomon** | 56 | 20 | 24 | 100 |
| **Eagle** | 40 | 10 | 10 | 60 |

| | | | | |
|---|---|---|---|---|
| **Islands** | | | | |
| **Six Iles** | 26 | 12 | 12 | 50 |

**CHAGOS TOTAL, 1880: 760**

[Source: Ackroyd 1880:12]

*A.6.1. Life on Diego Garcia: A Mirror on the Archipelago*

Scott provides a detailed view of Diego Garcia in the 1880s that, he says, strongly mirrored life on the other islands in Chagos and the other Lesser Dependencies. In the post-emancipation period, life in Diego Garcia was focused around three separately owned estates—Marianne Point, Mini-Mini, and East Point—although there were also several small settlements of houses around the island. In 1883, the three estates were amalgamated into one entity by the *Société Huilière de Diégo et Péros* (Oil Company of Diego and Peros).

The wage structure on Diego Garcia shows the increasingly detailed hierarchy of labor organization in what were becoming increasingly complicated island societies. Wages were 16 shillings a month for ordinary male coconut laborers and 12 a month for women. Some women working in domestic or supervisory jobs received more than this bottom-of-the-hierarchy wage. "Millmen were paid eighteen and twenty shillings a month and were on a slightly higher level than rat-catchers, stablemen, gardeners, maize planters, toddy-makers and pig- and fowl-keepers," explains Scott. "The next grade comprised the blacksmiths, carpenters and assistant carpenters, coopers, and junior overseers, who drew between twenty and thirty-two shillings monthly" (Scott 1976:162).

Management also provided rations of at least 10½ and up to 14 pounds of rice per week for adults and half that for children. Ripe coconuts were freely available upon request. Anyone could use boats and nets for fishing. Many laborers still kept gardens and generally management

encouraged chicken and pig raising. Management often paid bonuses in the form of tobacco, rum, toddy (fermented coconut milk), and, for some, coconut oil. Housing was free, and at East Point the manager "introduced the system of allowing labourers to build their own houses, if they so opted, the management providing all the materials." The system proved a success—creating "'quite superior dwellings' and a sense of proprietorship" (Scott 1976:162-165)—and continued, according to people who were born or lived in Chagos, through the twentieth century.

As during slavery, work was still conducted on a task basis. Work started early in the morning around sunrise and continued until a worker finished a task, sometimes as early as 11 a.m., although most worked until 2 p.m., and some later. Men generally picked and husked 500-550 coconuts a day, leaving the small nut within the coconut. Women generally broke these nuts and removed the coconut flesh from 1,200-1,500 a day. Others worked cutting grass, collecting palm fronds, and running the oil mill, with similar daily tasks to meet (Scott 1976:163-164).

*A.6.2. Coconut Oil Production*

Turning coconuts into oil began once the nuts had been collected, husked, and their flesh removed. The flesh of the coconut was dried in the sun, producing what is known as copra. Workers next crushed the copra in an oil mill, generally at the center of each plantation. Donkeys turned a large crank to crush the copra, yielding oil and leftover solids known as *poonac*, which became livestock feed for export and local use (Ackroyd 1880:11; Scott 1976:163-164). (For a concise description of copra processing, see Walker 1993: 563. This process remained largely unchanged until the closing of the plantations. Drying was later accomplished with oven-heated, enclosed drying sheds, while most of the copra was transported

to modern factories in Mauritius for more efficient oil processing. The donkey-powered island mills remained to produce small quantities of oil for local use.)

*A.6.3. Other Industries*

Although the exploitation and export of the coconut—in the form of copra, oil, poonac, whole coconuts, and even husks—dominated life in Chagos until the creation of the U.S. military base, several other economic activities were important to the islands. Honey (Warner n.d.), guano, timber, ship building, pigs, salt fish, maize and some vegetable crops, wooden toys, model boats, and brooms and brushes made from coconut palms were all products developed for export and local use. Guano in particular became an increasingly important export for the Mauritian sugar cane fields in the twentieth century, reaching one-third of Diego's exports by 1957 (Scott 1976:253).

The most significant departure from coconut exploitation came in 1882 when two companies established coaling stations at Diego Garcia for steamer lines crossing the Indian Ocean. The companies leased two of the three islets at the entrance to Diego Garcia's lagoon for the stations. Forty Somali workers came on one-year contracts but were soon returned to Somalia in favor of recruited Mauritian labor. Eighteen English, Greek, and Italian tradesworkers and artisans arrived to set up the operations.

For the most part passengers were not allowed to disembark while ships took on coal to prevent the introduction of disease and other problems, like the "promiscuous plundering of coconuts" that occurred with some visiting ships (Scott 1976:174). The imported labor for the stations, though, proved to be a bigger problem, leading to the creation of a police post at Mini-Mini in 1885. In 1888, the coaling stations closed, as financial failures (see Scott 1976:169-178;

Dupont 1883:2-5). Diego Garcia was "reverting to its one stable industry, the production of coconut oil" (Scott 1976:178). Though the police station closed in the same year, Mauritius's Lesser Dependencies Ordinance of 1904 sent investigating magistrates to the islands once every twelve months to monitor the islands (Government of Mauritius 1904:24).

**A.7. The Twentieth Century**

If by 1835 each island group had developed its own society, as Scott says, by the turn of the twentieth century, these societies were only more deeply entrenched. As an archipelago, Chagos was still relatively removed from regular contact with Mauritius, other islands in the Indian Ocean, and the rest of the world. Sailing ships from Mauritius stopped in Chagos about two or three times a year, transporting copra and other exports, provisions, and passengers to and from the islands (Ashe 1903:1, 7).

Again, conditions varied to some extent from island to island and from administrator to administrator within each island group. At the same time, general similarities among the islands were the rule for the archipelago as a whole. Chagos Creole, a Creole French language related to varieties in Mauritius and Seychelles, emerged among islanders (Papen 1978; Holm 1989:403-404). People born in Chagos became collectively known by the Creole name *Ilois* or *Ilwa*—generally translated as "islander" (Holm 1989:403).

It is unclear when this name first developed, but the Catholic priest Roger Dussercle used the term as early as his report from a 1933-1934 mission (1934:9). John Madeley says that the term "has been used since the nineteenth century" (1985:n. 5). Although he provides no evidence to support this claim, it is highly likely that Madeley is correct and that the term was in use well before Dussercle's arrival, probably dating to the 19th century.

Dussercle writes that of the laborers, sixty percent were *"enfants des îles,"* or children of the islands (see below for other calculations of the ratio of people born in Chagos to those born elsewhere). "These 'Ilois' are in general good and great children, simple ordinarily, manageable, helpful, workers," Dussercle explains, "but, it is regrettable that the 40 percent of the workers born in Mauritius do not always settle down with the tranquil habits and good order that reigns, despite it all, ordinarily in the Islands" (1934:9-10).[10]

*A.7.1. Diego Garcia in the 20th Century*

Throughout habitation in Chagos, Diego Garcia remained the largest and main island in the archipelago and the most significant of the Oil Islands along with Agalega. As in the 19th century, Pointe de l'Est/East Point served as the main settlement or capital of Diego. By 1903, Diego's administrator, Philippe de Caila, had been there about twenty years. He was assisted by four white assistants and had about 400 laborers working under him (Ashe 1903:1).

*The Mauritius Almanac for 1915* describes Diego as the most important of the Oil Islands, with 1913 coconut oil exports totaling 344,197 litres and 46,205 Mauritian Rupees at the time. Total island exports reached 60,257 Rupees. Diego's population in 1911 was 517 people (315 males and 202 females). There were six villages and several more isolated houses as well as two hospitals. Diego was also home to 81 asses, 3 horses, 3 bullocks, and 1 mule (Walter 1914: A52). Three decades later, conditions were still roughly the same, with 6 main villages, 2 hospitals, and a population of 455 (Bax 1934:A7).

Robert Scott provides a more colorful description of Diego Garcia, albeit from his time as Governor of Mauritius after World War II:

> From the seaward end of the pier, East Point has a closer look of a French coastal village miraculously transferred whole to this shore (and perhaps idealized in the

> process) than the headquarters of any of the other islands. The architecture, the touches of old-fashioned ostentation in the *château* and its relation to the church; the disposition of trees and flowering shrubs across the ample green; the neighbourly way in which white-washed stores, factories and workshops, shingled and thatched cottages, cluster round the green; the lamp standards along the roads and the parked motor-lorries: all contribute towards giving the village this quality…. The copra-processing facilities are unusually large—in a good year Diego Garcia exports as much copra as the rest of the Oil Islands together—but they strike no discordant note. Their severely utilitarian lines and lime-washed walls might belong to the appurtenances of an old farm. The association of East Point with a synthesis of small French villages, visited or seen on canvas, was strengthened by the warm welcome of the islanders, since their clothes and merry bearing, and particularly the small, fluttering flags of the school-children, were wholly appropriate to a *fête* [party] in a village so devised. [1976:242]

*A.7.2. Peros Banhos in the 20th Century*

Peros Banhos is a group of 27 islands encircling a large lagoon. Île Diamond/Diamond Island and later Île du Coin (Corner Island) served as the capital of the group. Permanent habitation existed on 8 of the 27 islands, although most of the others had rudimentary lodging facilities for work crews collecting coconuts on the uninhabited islands. At times, administrators apparently used these uninhabited islands as places to banish workers as a form of temporary punishment. In 1913, Peros's population was 300 (165 males; 135 females), and its exports, at 31,506 Mauritian Rupees, were about half that of Diego Garcia (Walter 1914:A52).

Iain Walker describes Île du Coin as "a neat little village arranged around a semicircular village green, roads radiating outwards into the 'suburbs'" (1993:571). Scott and others report that most of the inhabitants of Peros Banhos were born in the islands, "priding themselves on being natives of Peros Banhos" (1976:282; Russet 1939:13-14). "Most of the residents work on coconut extraction," explains Scott, "and all may, if they please, go monthly to the Île du Coin

for shopping and a dance. Transport between the islands, within the bay, is by sailing ship—the management has a fleet of three—or by pirogues [small dinghy-like boats]" (1976:283).

Scott's detailed description of Île du Coin is again helpful:

> The residential quarter in the village consisted of reasonably large cottages of palm matting on timber frames, with thatched roofs supported on massive, white-painted palm trunks. There was one broad main road, pleasantly broken by large shady trees, with cottages on either side…. The people of Île du Coin were exceptionally proud of their homes. The gardens usually contained an arrangement of flower-beds and a vegetable patch, almost always planted with pumpkins and loofahs trained over rough trellis-work, with a few tomato plants and some greens. [1976:285]

*A.7.3. Salomon Islands in the 20th Century*

As 19th century census records show, the expansion of settlement and economic exploitation of the Salomon (also "Salamon") group developed relatively late compared with that of the other Chagos groups. Until ownership of all but one minor island in Chagos was consolidated in 1934 under the Mauritian company *Societé Huilière de Diego et Peros*, control over Salomon as well as Trois Frères, Eagle Islands, and Danger Island was leased by *Societé Huilière de Salomon, Trois Frères et Six Iles* (Oil Company of Salomon, Three Brothers, and Six Islands). This meant that prior to 1934 there was effectively no coordination between these groups and the Diego and Peros groups, under the ownership of *Societé Huilière de Diego et Peros.* Most significantly, transport sailing vessels from Mauritius made the long and costly voyages to the islands controlled by the Salomon company separately from voyages arranged to Diego Garcia and Peros Banhos (Ashe 1903:6-7).

Salomon's population was relatively small, with only 160 people (90 males; 70 females) recorded in Salomon's eleven islands in 1913. Exports in the same year were valued at 22,405 Mauritian Rupees (Walter 1914:A52). Unlike the other islands, Salomon had a large timber

industry for export and for Chagos's widely known boat-building industry based in Salomon. As in Peros Banhos, five or six of the islands supported permanent villages, with people typically visiting the "model village" in the Boddam Island capital once a month for their pay, shopping, and relaxation (Scott 1976:271; Walker 1993:572). And as in Peros, most of the people in Salomon were locally born (Rousset 1939:13-14; Scott 1976:275).

*A.7.4. Trois Frères, Eagle Islands, and Six Iles in the 20th Century*

Along the northwest side of the Great Chagos Bank, Trois Frères and Eagle Islands seem to have been settled shortly after the granting of a concession for Trois Frères in 1813. The difficulty of navigating in the dangerous waters and winds of the area seems to have limited their settlement (Scott 1976:265). Trois Frères appears only to have been permanently inhabited for a short period in the 19th century, although it was worked and perhaps inhabited until 1935.

The navigationally safest of the islands, Eagle Island, was, according to Walker, "a successful and well-managed estate" (1993:572). The population on what are actually two islands (Eagle Island and Sea Cow Island) increased from 38 in 1826 to about 75 by the turn of the 20th century and as many as 100 at times by the 1930s. "Eagle Island must have come to be regarded by its inhabitants," says Scott, "as a real home," with a "carefully tended" children's cemetery and evocatively named places like Love Apple Crossing, Ceylon Square, and Frigates' Pool (Scott 1976:266-67). In 1932, the successful island was inexplicably closed by its owners, only to be reopened unsuccessfully in each of the next two years. The owners of the islands transferred the inhabitants to Six Iles.

Six Iles or Egmont Islands, which actually includes a seventh unnamed island, had a more troubled history than Eagle. After the awarding of a jouissance in 1808, Six Iles

experienced periods of poor management, brief abandonment during the mid-19th century, and the killing of the manager Hugon, described earlier. After 1861, Six Iles went from being "little more than a labor camp" to, within ten years, a home to "families occupying the six large islands" (Scott 1976:264). Temporary labor continued to arrive in the islands during times of prosperity and the islands seem to have been thriving by the 1930s.

A rapid and somewhat mysterious decline followed on the islands, for which an unbiased account is difficult to find. The Catholic priest Father Dussercle, "described it as having become, at this period, a 'little Babylon,' in which the inhabitants lived in an exceedingly Bohemian manner," and the copra was left to rot (Scott 1976:264). In 1935, the islands were closed and its inhabitants, along with those of Eagle Island and perhaps Trois Frères, were transferred to Diego Garcia, Peros Banhos, Salomon, and, in smaller numbers, to Mauritius (see Scott 1976:260-68; Walker 1993:572; Dalais 1935:1-2).[11]

*A.7.5. Intra-Archipelago Movement*

The transfer and movement of inhabitants among and within the island groups was a common if not regular part of life in Chagos. Because the islands were for most of their histories run as single-plantation estates, management had the power to shift labor as economic and other conditions dictated. Scott finds though that at least in the case of Salomon, however, such movement between island groups was probably more common in the earlier years of settlement than by the mid-twentieth century (1976:274).

For the most part, though, intra-island movement seems largely to have taken place within each island group and often for short stints during the course of a week. In other cases, families and individuals had the freedom (presumably only after the end of slavery) to move

among the islands. The case of movement within the Peros Banhos group is illustrative. Scott explains that,

> Originally, the labour force was concentrated in the Île du Coin, the outlying islands being worked by men who left their homes each Monday morning and did not return until Friday or Saturday. Some families choose the outlying islands because they find an unregimented life in the groves more congenial than the mild regulations and corporate disciplines of a village. Others find greater opportunity of providing for their families in individual islands. [1976:282]

As an archipelago, the islands were connected to greater and lesser degrees by geography, prevailing nautical conditions, and the availability of transportation. The establishment in 1935 of the first regular steam ship connection between Mauritius and Chagos decreased travel times significantly. This four-times-a-year system provided a regular connection between Diego Garcia and the northern groups of Peros Banhos and Salomon, over 100 nautical miles away. Peros to Salomon transportation was by sailing ship and eventually motorboat. Transportation within groups and around Diego Garcia's lagoon was generally by small, locally based sailing ships, pirogues, and later by motorboats. By the middle of the 20$^{th}$ century, the islands were also linked by wireless communications and received radio transmissions from Mauritius and elsewhere. Otherwise, all news from the outside world came from illustrated magazines and other reading materials supplied by the regular transport vessels visiting Chagos.

At the beginning of the 20$^{th}$ century, Chagos was so isolated that at the onset of World War I, people in Diego Garcia supplied the German battleship *Emden* with provisions before learning that Britain and its colonies were at war with Germany. By contrast, thirty years later during World War II, Diego Garcia became a small landing strip for Royal Air Force reconnaissance aircraft and a base for a small contingent of Indian Army troops.

*A.7.6. Inter-Island Movement in the Indian Ocean*

Movement between Chagos and Mauritius and Seychelles was also a relatively common feature of life in Chagos. Indeed, the islands in Chagos and those of Mauritius and Seychelles, despite their distance from one another, are best understood as forming for some in Chagos a broad *social field* (see e.g., Byron and Condon 1996:101) of intertwined social and economic relations. The term *social field* describes well the situation of Caribbean migrants living in the United States or Europe who maintain strong, ongoing economic, social, and kinship ties to their home islands. Although with Chagos, long-term migration to Mauritius or Seychelles was relatively rare, the term is helpful in describing how the various islands formed a network of social and economic relationships based in Chagos but extending for many to Mauritius and Seychelles, 1,200 miles away.

The regular transport ships supplying Chagos generally carried an equal number of people to and from the islands. The magistrates for Chagos visited the islands as passengers on these ships and almost always report traveling with approximately 5 to 20 laborers and staff going to and leaving the islands (see also Scott 1976:26). Father Dussercle, who visited the islands in a similar manner, remarks of his 1933-1934 voyage that, "in addition to the crew, we are about 15 passengers on board, almost all laborers, that we will disembark in the different islands of the Chagos Archipelago" (1934:12).[12]

This movement was primarily to and from Mauritius and it existed for three main reasons. First, while hospitals and dispensaries were available in each of the main island groups, medical services were unable to treat the most severe illnesses and medical problems. People with serious medical needs generally traveled to Mauritius for treatment. While some may have

remained in Mauritius for some time, most seem to have returned to Chagos on the next available transport vessel (usually about three to four months later) (Darlow 1953:10, 44).

Second, many Ilois took vacations, often referred to as a *promené*, to Mauritius, and in later years to Seychelles. The wage system in Chagos allowed many laborers to save often considerable amounts of money in company accounts, which they used in Mauritius and Seychelles to buy furniture and other goods unavailable in Chagos. Others used the vacations to visit relatives in Mauritius or Seychelles. Some Ilois took such vacations approximately every three years, at the end a normal contract period. Some formally renewed their contracts in the Mauritian capital, Port Louis, while others, especially those with long ties to the islands, returned under an oral agreement or no explicit agreement at all. Most stayed in Mauritius or Seychelles until the next available boat left for Chagos, about three to four months, although some stayed for longer periods before returning home (Scott 1976:24; Botte 1980:8).

Third, the use of temporary labor remained a part of the economic exploitation of Chagos throughout its history. Seychellois workers in particular —for the most part single and male— lived in the islands on what were generally three-year renewable contracts. Technically all laborers were required to have such contracts as a way to protect people from the continuation of slavery-like conditions (Walker 1993:566), but few of the people who were born and raised on the islands ever received a written contract. Many Seychellois and Mauritian-born laborers as well, began as temporary workers and then settled permanently in Chagos, often marrying or living with a locally born partner.

*A.7.7. The Integration of Outsiders into Chagos Communities*

These temporary laborers were to some extent outsiders in a society based around Chagos's permanent inhabitants. At times, the Seychellois workers lived in residentially segregated areas, separate from locally born and raised communities. Such was the case in Peros Banhos where "a small contingent of Seychellois…live[d] in a separate section" of Île du Coin (Scott 1976:282). Scott's description of the Salomon group provides a nuanced picture of the migrant workers and the place of migration generally in Chagos: "The Salomon Islanders are preponderantly native to the group, not generally receptive of strangers from other islands, but absorbing them in the community if, on trial, they show themselves able to adopt its characteristics…. As elsewhere in the Dependencies, the Seychellois, here an unusually small element in the labour force, remain a stranger community" (1976:274).

While families, and not just single males, migrated to and from Salomon in the 19th century, the population was much more stable and based on family units by the beginning of the 20th century. With high birth and low death rates but relatively small overall population growth, Scott finds, "there must have been a continuous emigration from the group, after the family pattern had been established…. Nevertheless, enough families have been consistent in their fondness for the Salomon Islands to have ensured the continued existence of a distinctive, well-balanced community" (1976:274, 277).

*A.7.8. Generational Movement and Stability*

Movement among the Chagos islands and between Chagos and other Indian Ocean islands was thus an important feature of life in Chagos in a variety of ways. My genealogical interviews and ethnographic research with people born in Chagos support this assertion. Several of the family units explored in my interviews were the result of unions between men and women who were

born in different Chagos island groups but came to work and live on the same island. Less frequently, unions matched a Chagos-born individual with a partner born in Mauritius, Seychelles, Agalega, or Rodrigues, who came to Chagos for work and subsequently settled there permanently. Frequently, children from several different generations of the same family were born on several different islands. At times, women traveling to Mauritius for a vacation gave birth to a child in Mauritius before returning to their home in Chagos. Just as in many island and continental-based societies, inter-generational migration became a common feature of life with many islands of birth appearing across three or four generations.

One family genealogy provides a good example of this migration: Alexina Cherry,[*] a woman in her sixties living in Seychelles, was born in Peros Banhos. Mrs. Cherry had seven siblings, five born in Peros Banhos and two born in Diego Garcia. Their father was born in Trois Frères and their mother in Salomon. Mrs. Cherry's paternal grandparents were born in Madagascar and the Comoros Islands and were brought to work as slaves in Chagos. Her maternal grandparents were born, like her mother, in Salomon. Her mother's maternal grandparents were born in Madagascar and worked and died in Salomon.

For her part, Mrs. Cherry met and married a Seychellois man in Peros Banhos, who worked for periods in Salomon, Peros Banhos, Diego Garcia, and Agalega. Mrs. Cherry had a total of 12 children (3 died at the ages of 2 days, 22 months, and 6 years respectively). Mrs. Cherry gave birth to five of her children in Salomon, four in Mauritius (both during vacations and after they left Chagos), two in Seychelles (one each before and after they left Chagos), and two in Agalega (where the family sought work after leaving Chagos). In this family one finds an example of at least four consecutive generations born in Chagos and five consecutive generations

[*] A pseudonym.

living in the islands, as well as an example of the complex inter-island movement that was not uncommon among the archipelago's inhabitants (see also Walker 1986:9-10).[13]

## A.8. Chagos in the Mid-Twentieth Century : Generations of Ilois Ancestry

### *A.8.1. Generations of Permanent Inhabitants*

A variety of sources from different political and national perspectives, including representatives of the UK and U.S. governments, agree that at the time the Ilois were expelled from Chagos, many of Chagos's inhabitants could trace their ancestry across three to five or more generations born in the archipelago (Todd 1969:19; Ottoway 1975; *Sunday Times* 1975; U.S. Congress 1975:79-80; Scott 1976:23; Walker 1986:9; Powe 1996:640; Winchester 1985:39). Others agree overwhelmingly that the Ilois were born, raised, and died on the islands, and that they are the descendants of the enslaved people and indentured laborers brought to Chagos in the 18th and 19th centuries (Kirk 1939; Lavoipierre 1951:5; Ommaney 1952:233; Blood 1957:516; *Peaks* n.d.; Scott 1976:2; Walker 1986:2, 9-10; Walker 1993:562-566; Dedaur 1999:27, 29; Anyangwe 2001:17).

Scott provides the best, most authoritative, and, because he wrote prior to the establishment of the BIOT and the forced removal of the Ilois, most politically unbiased discussion of the permanent and ongoing nature of habitation. Scott explains that, "the term 'permanent residents' is, in fact, intended to designate the true islanders" who were well established in the islands and considered Chagos their home (1976:23). The word "permanent," he writes,

> is used to exclude from the count the managers, accountants, clerks, and others of the headquarters staffs of the companies operating the coconut, fishing, and guano industries: they may live for long periods in the islands, but they go on holiday to Mauritius or the Seychelles every few years and maintain permanent domicile

> there. It excludes those labourers, usually men from the Seychelles unaccompanied by their families, who engage themselves to work in the islands for about a year at a time, whether or not they regularly renew their engagements after visiting their real homes. [1976:22-23]

Even with a sizable transient population, there was a well-established permanent population rooted in the islands by the mid- to late-19th century. Scott writes, "By the middle of the 1870's, the people of East Point, in Diego Garcia, were showing a marked preference for building their own houses, instead of looking to the estates for accommodation. In 1877, the majority of [Magistrate] Ackroyd's fellow passengers on the *Eva Joshua* were going 'home' to Diego Garcia" (1976:23).

Over time, the size of the permanent population relative to transients increased markedly. Scott says that in 1901, "at least a quarter of the total population [of the Lesser Dependencies] …consisted of temporary labourers and other migratory employees," and perhaps it was as much as one-half of the total population (about 1,400) (1976:24, 23). By the 1950s, however, the permanent population was much more significant, representing approximately 80-90 percent of the total population (about 1,700) for the Lesser Dependencies (probably more than 80 percent for Chagos, by this calculation, as Agalega's permanent population was only 60 percent) (Scott 1976:23-24). In 1956, as part of an earlier account of a visit to the Lesser Dependencies, Scott explains, "I was surprised to find that (except at St. Brandon [not part of Chagos]) a relatively high proportion of residents regard the islands as their permanent home and they have their characteristic way of life, unlike that of those Creoles of Mauritius who most resemble them physically" (1956:3).

*A.8.2. Changes in the Mid-Twentieth Century*

Toward the time of Scott's writing in 1961, he notes that the relative percentage of permanent inhabitants was decreasing as a result of "the importation of large numbers of temporary labourers, mostly single men from the Seychelles" (1976:181), and the "drift" of permanent inhabitants from Chagos to Mauritius, drawn by the allure of Mauritius's "pavements and shop-windows, the cinemas and football matches, the diversity of food and occupation," in much the way that people in Great Britain left villages for cities after World War I. Still, Scott says, "I emphasize that it is still only a drift," away from Chagos (1976:24). He concludes elsewhere that despite the newcomers, "the island societies continue to hold together, happily without police forces and without any great or frequent recourse to coercive action" (1976:181).

Society in Chagos was changing in other ways as well around the time of World War II. In 1941, one company, Diego Ltd., consolidated ownership of the Chagos islands. Along with two other companies interlinked by family and joint directorships, Diego Ltd. controlled Chagos and the Agalega Islands, as well as the transport line among the islands and a coconut oil processing plant in Mauritius (Scott 1956:2; Lucie-Smith 1959:1-2). Two decades later in 1962, the islands again changed hands, purchased by a conglomerate, Chagos-Agalega Ltd., which included both Seychellois ownership and Mauritian ownership, under the major Mauritian commercial firm, Rogers and Co., Ltd.

In the same period, the Mauritian colonial government showed increasing interest in the welfare of Chagos's inhabitants and its economy. Specialists sent by the government investigated health and agricultural conditions in particular. In part due to their reports and suggestions, improvements were made in the care of infants, sanitary conditions, and education. The government established crèches in each island group, schools in Diego Garcia and Peros

Banhos (with one planned for Salomon), and a regular garbage and refuse removal system better than the service in rural Mauritius (Lavoipierre 1953:5; Darlow 1953; Scott 1956:7).

**A.9. Conclusion: The Expulsion of a Unique, "Indigenous" Society and a Possible Return**

Thus, on the eve of the creation of BIOT in 1965 and the beginning of the closing of the islands, a society and culture unique to the conditions of Chagos were firmly in place. Mauritian historian Auguste Toussaint writes, "The insularity of this archipelago is total and, in this regard, Chagos differs from the Mascarenes and the Seychelles, which are linked with the rest of the world. The conditions of life there are quite specialized and even, believe me, unique" (1972:18).[14] Communities were tightly integrated, and there was in Chagos what many refer to as the "culture des îles" (culture of the islands) (Ly-Tio-Fane and Rajabalee 1986:105). "It is a system peculiar to the Lesser Dependencies," Scott describes in 1961, "and it may be fairly described as indigenous and spontaneous in its emergence, however shaky its early stages may have been" (1976:182).

In 1986 and again in 1993, social anthropologist Iain Walker analyzed the findings of Scott, of other observers, and of his own ethnographic research with the Ilois in Mauritius. He concludes that, "Leaving aside any real or apparent differences between islanders from different groups, a society peculiar to the islands had developed, and was judged to be noticeably different by observers" (1986:10). For Walker, "It is clear from an anthropological point of view the Ilois constituted an indigenous population with a unique culture" (1993:566).

*A.9.1. The Removals*

Life in Chagos began coming to an end for the Ilois in 1965.[15] After several years of military surveys and diplomatic negotiations, the U.S. Government convinced the British Government to form a new colony in the era of decolonization. The explicit purpose of the colony was to provide sites for island military bases. This colony, the British Indian Ocean Territory (BIOT), was formed by excising Chagos from not-yet-independent Mauritius and three distant island groups from colonial Seychelles (a maneuver in violation of at least two United Nations declarations prohibiting the dismemberment of colonies during the decolonization process). The United States secretly paid as much as $14 million to the British toward the costs of establishing BIOT and removing the population from Chagos. As part of their confidential agreement, the British Government agreed to the U.S. Government's demand that Chagos's population be removed from the archipelago (Winchester 2001:222; Vine 2002).

After 1965, any Ilois leaving Chagos for vacations or medical treatment were denied return passage to their homes and left stranded—often without their families and all their possessions—in Mauritius or Seychelles. Some in the late 1960's are reported to have been tricked, coerced, and threatened into leaving. At the turn of the decade, when the British restricted the number of regular supply ships visiting Chagos, others left as food, medicines, and other necessities dwindled dangerously low (Madeley 1985; Winchester 2001; Vine 2002).

In 1971, on orders from the U.S. Government and with assistance from U.S. soldiers already in Diego, Chagos-Agalega employees working as agents of the British Government forced the remaining inhabitants of Diego Garcia to board overcrowded cargo ships and leave their homes forever. The ships deposited some of the Ilois in Chagos's far-off Peros Banhos and Salomon islands and others on the docks in Mauritius and Seychelles. During the removal,

Chagos-Agalega agents, with the help of U.S. soldiers, first poisoned, then shot, and finally gassed and burnt the islanders' pet dogs *en masse* in a sealed shed where the dogs had been lured.

Two years later, in 1973, the United States delivered the final orders that all the islands should be cleansed of inhabitants. Chagos-Agalega employees still working for the British Government forced the remaining inhabitants of Peros Banhos and Salomon onto the *Nordvær*, an overcrowded cargo ship owned by the British Government, and dumped them in Mauritius and Seychelles.

*A.9.2. Exile and Possibilities for Return*

In Mauritius and Seychelles, the vast majority of the population from Chagos has thus far remained in exile. Since 1973, the base at Diego Garcia has grown exponentially in size and military significance. The only people to live in Chagos in that time have been members of the U.S. and UK militaries and base staff imported mostly from Mauritius and the Philippines.

The Ilois have been legally prohibited from returning to the archipelago by the British (and by base personnel recruiters who have refused to hire Ilois). That is, the Ilois were legally prohibited from returning until the British High Court ruled in November 2000, that the removal was illegal and that the Ilois have the right to return to all the islands except Diego Garcia (*Bancoult* 2000). Living in poverty 1,200 miles away and with their old society in ruins, however, this was a somewhat hollow victory. Most Ilois are part of two lawsuits now in British and U.S. courts demanding the right to return to all the islands and compensation for their removal and for rebuilding their societies.

While the suits are pending, there are some plans for a small group of Ilois to create a trial return settlement in Salomon Islands. Most await the results of the suits to see if the societies that developed in Chagos from 1783 to 1973 can be revived.

**Notes**

[1] The four volumes are rare and I have not yet been able to consult all four.
[2] Although I have spent considerable time in the Mauritius Archives and the Public Records Office, I was not able to locate all of these reports, nor all the available documents in both archives. I intend to return to both but expect that any additional sources I find will only add nuance and detail to this history not a major revision of the history itself. In writing a more detailed history, I will also visit archives and libraries in France in the hopes of finding more 18th century documents.
[3] Despite the assistance of current generations of people connected to Chagos, this history, like many others, is limited in that the vast majority of the primary and secondary sources have been authored by agents of government, the Catholic Church, and the companies that ran Chagos's plantations. The perspective and voices of prior generations of laborers working on the islands, who made up the bulk of the islands' inhabitants, have—unless I uncover new documents to the contrary—gone largely unrecorded. This absence is important to note in understanding the necessarily partial view of Chagos's history that this report presents. It is also important to understand the politically charged context in which many have written about Chagos's history. Since the removal of the islands' inhabitants between 1965 and 1973, some have defended this action by arguing that these inhabitants were transient workers with no connection to the islands. This argument is, as I will show, clearly false. As many formerly confidential documents show, even members of the British and U.S. governments acknowledged at the time that many of Chagos's inhabitants had much deeper connections to the islands than transients, tracing their heritage in Chagos back several generations (e.g., Todd 1969; House of Representatives 1975:41, 79). In Great Britain, the British High Court settled this issue in its November 2000 ruling (*Bancoult* 2000). The court dismissed the notion that Chagos's inhabitants were transients, saying, "They were an indigenous people: they were born there, as were one or both of their parents, in many cases one or more of their grandparents, in some cases (it is said) one or more of their great-grandparents. Some may perhaps have traced an earlier indigenous ancestry" (*Bancoult* 2000:para. 1).
[4] Perhaps spelled "Dauguet" (Scott 1976) or "Danguet" (Walker 1986)
[5] Translation mine from the original (and more evocative) French: L'île produit beaucoup de cocos, elle ne manqué pas non plus de bois, tells que [t]atamaka, bois blanc bon pour pirogues, bois à brûler; elle abonde en poisons, tortues, oiseux de mer, poules sauvages; mais elle n'a point d'eau (d'Unienville n.d.).
[6] The records indicate that a minority of these slaves were later returned to Mauritius.
[7] In many cases, it is unlikely that the names listed for enslaved people were actually used by the people. Many of the names are absurd, cruel, and demeaning, making use of colors, days of the week, and other inventions of the person making the list (Barker 1996).
[8] The letter also mentions that some former enslaved people made salt fish or lived a quasi-subsistence lifestyle, hunting, fishing, and cultivating crops on government lands. I suspect that this is a reference to ex-slaves who emigrated to Rodrigues and not to Chagos, given the rarity of people in Chagos living outside the plantations.
[9] Thomas V. Bulpin writes of Six Iles/Six Islands at the time, "Conditions on these islands were incredible, with bad rations, a degenerate manager, an incompetent agent in Port Louis named Laporte, and an owner named Duperrel whose avarice was a byword even in those times and parts" (195-?:314).
[10] Translation mine: Les laboureurs sont tous des noirs, 60 pour cent 'enfants des îles', descendant des anciens malgaches. Ces 'Ilois' sont en general de bons et grands enfants, simples ordinairement, maniables, serviables,

travailleurs; mais, il est regrettable que les 40 pour cent qui restent, originaires de Maurice, ne se rangent pas toujours aux habitudes de tranquillité et de bon ordre qui règne malgré tout ordinairement dans les Iles.

[11] Reviewing all of Roger Dussercle's writings and conducting future interviews with Ilois alive in 1935 will help to complicate this history.

[12] Translation mine: En plus de l'équipage, nous sommes une quinzaine de passagers à bord, Presque tous des laboureurs, que nous débarquerons dans les différentes iles de l'Archipel de Chagos.

[13] Establishing with absolute certainty the places of birth within a single family, let alone for all of Chagos's inhabitants, is impossible given the paucity of historical documentation prior to the 20th century. In future work I hope to select several representative families and, using slavery and other records available in Mauritius, trace their genealogies to the beginning of settlement in Chagos.

[14] Translation mine: L'insularité de cet archipel est totale et, à cet ègard, les Chagos different des Mascareignes et des Seychelles, qui sont quand même en liaison avec la reste du monde. Les conditions de vie y sont donc assez spéciales et même, croyons-nous, uniques.

[15] This section comes largely from Vine 2002.

**APPENDIX B: CHAGOS POPULATION CHANGE**

Note: The population statistics below are generally the best available from a variety of non-standardized sources.**[updates may follow.]** Statistics for many of the years are approximations and do not represent the findings of formal census taking procedures. The data below is thus best read for the general trends it presents rather than for year-to-year changes. The statistics from 1964-1972 may be particularly unreliable given the circumstances of the population removal from Chagos.

"Population" includes anyone enumerated in the available population statistics but does not count military personnel present in Diego Garcia from the 1960s to the present.

| | **1783-84[1]** | **1809[2]** | **1826[3]** | **1851[4]** | **1861[5]** | **1880[6]** | **1901[7]** |
|---|---|---|---|---|---|---|---|
| **Diego Garcia** | >22 | | 275 | | | 400 | 527 |
| **Eagle Islands** | | | | | | 60 | 60 |
| **Peros Banhos** | | | 120 | | | 150 | 184 |
| **Salomon** | | | 10 | | | 100 | 119 |
| **Six Îles** | | | | | | 50 | |
| **Trois Frères** | | | 43 | | | | 75 |
| **TOTAL** | **>22** | **275** | **448** | **334** | **554** | **760** | **965** |

| | **1911[8]** | **1931[9]** | **1938[10]** | **1948[11]** | **1951[12]** | **1953[13]** | **1961[14]** |
|---|---|---|---|---|---|---|---|
| **Diego Garcia** | 517 | 455 | 533 | 536 | 637 | 583/656 | 517 |
| **Eagle Islands** | | | | | | | |
| **Peros Banhos** | 300 | 372 | 343 | 323 | 306 | 319/305 | 330 |
| **Salomon** | 160 | 105 | 207 | 224 | 220 | 204/181 | 189 |
| **Six Îles** | 156 | 58 | | | | | |
| **Trois Frères** | | 76 | | | | | |
| **TOTAL** | **1,133** | **1,066** | **1,083** | **1,084** | **1,163** | **1,106/ 1,142** | **1,036** |

| | **1964[15]** | **1966[16]** | **1967[17]** | **1968[18]** | **1969[19]** | **1971[20]** | **1972[21]** |
|---|---|---|---|---|---|---|---|
| **Diego Garcia** | 483 | 345 | 503 | 380 | 319 | 328 | |
| **Eagle Islands** | | | | | | | |
| **Peros Banhos** | 291 | 280 | 253 | 244 | 151 | 177 | |
| **Salomon** | 219 | 168 | 168 | 183 | 182 | 145 | |
| **Six Îles** | | | | | | | |
| **Trois Frères** | | | | | | | |
| **TOTAL** | **955** | **793** | **924** | **807** | **652** | **650** | **279** |

| | 1974 | 2003 |
|---|---|---|
| **Diego Garcia** | | |
| **Eagle Islands** | | |
| **Peros Banhos** | | |
| **Salomon** | | |
| **Six Îles** | | |
| **Trois Frères** | | |
| **TOTAL** | **0** | **0** |

## Notes

[1] See Appendix A, section A.4.
[2] Stoddart 1971:211; Lahmeyer 1999/2002.
[3] Parliament Papers of 1826 in Labouchere 1857b.
[4] Stoddart 1971:211; Lahmeyer 1999/2002.
[5] Stoddart 1971:211; Lahmeyer 1999/2002.
[6] "Approximate population," Ackroyd 1880:12.
[7] Lahmeyer 1999/2002.
[8] Walter 1914:A52.
[9] Department of Agriculture n.d.:3.
[10] Lavoipierre 1938:1, 7, 10.
[11] Lavoipierre 1951:2-4.
[12] Lavoipierre 1951:2-4.
[13] Statistics differ in two reports: The first are from Darlow 1953:10. The second, citing the visit of Magistrate J. Vallet, are from Scott 1954:7.
[14] Lahmeyer 1999/2002.
[15] July 1964; Todd 1969a:20, 28, 33.
[16] Commissioner**TK** 1967:1.
[17] May 1967; Todd 1969a:20, 28, 33.
[18] March 1968; Todd 1969a:20, 28, 33.
[19] Todd 1969b:Appendix V.
[20] January 1971; Todd 1971:3.
[21] June 1972; population only in Peros Banhos and Salomon; Todd 1972.

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Archives:
PRO = Public Records Office, Kew, England
MA = Mauritius Archives, Mauritius
NAS = National Archives Seychelles

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**ACKNOWLEDGEMENTS / REMERCIEMENTS**

Merci beaucoup et sincèrement à toutes les personnes dans la communauté iloise (chagossienne) et à tous mes amis mauriciens et seychellois pour leur assistance, leur hospitalité, et leur générosité pendant mes visites en Maurice et aux Seychelles. Merci aussi à Leith Mullings et Shirley Lindenbaum pour superviser et guider ce travail, et à Phil Harvey et Wojtek Sokolowski pour l'opportunité excitant collaborer ensemble.

My sincerest thanks to all the members of the Ilois (Chagossian) community for their assistance, hospitality, and generosity during my visits to Mauritius and Seychelles. Thanks also to Leith Mullings and Shirley Lindenbaum for supervising and guiding this work and to Phil Harvey and Wojtek Sokolowski for the exciting opportunity to collaborate on this project.