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PEACE AND GOVERNANCE DEPARTMENT
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ESTABLISHING THE RIGHT OF SELF-DETERMINATION FOR CHAGOSSIANS OF
MAURITIUS. CASE OF CHAGOS ISLANDS (2015-2018)

BY

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DECLARATION FORM

I declare that the research project herein titled, 'Establishing the right of self-determination for Chagossians of Mauritius. Case of Chagos Islands (2015-2018)', is my original work and that all sources used or quoted have been indicated and acknowledged by means of references.

..... (B1851505)

Date: November, 2019

DEDICATION

Firstly, I give a lot of praise to my daughter Connie Tariro Pasipamire for encouraging me to take up this degree programme together with her in the same Bindura University MIR Intake number 9. It is a very rare occasion in life to experience such a shared learning actualization between father and daughter.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR - African Charter on Human and Peoples' Rights

AU – African Union

BIOT- British Indian Ocean Territory

CIL - Customary international law

ECHR- European Court of Human Rights

ICCPR - International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

ICJ - International Court of Justice

LHA – Lancaster House Agreement

LHC – Lancaster House Conference

MPA - Marine Protected Area

PCIJ - Permanent Court of International Justice

PROT - Primary Rights Only Theory

RDT - Relative Deprivation Theory

RROT - Remedial Rights Only Theory

SADC- Southern African Development Community

TPLF - Tigre Peoples Liberation Front

UDHR- Universal Declaration on Human Rights

UK – United Kingdom

UPR -Universal Periodic Review

UN – United Nations

UNDRIP - UN Declaration on the rights of indigenous peoples

UNGA- United Nation General Assembly

UNSC – United Nations Security Council

US – United States

VCLT - Vienna Convention on the Law of Treaties

WW1 – World War One

WW2- World War Two

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ABSTRACT

The purpose of this research was to establish evidences to the right of self-determination of Chagossians of Mauritius in light of the compulsory relocation from their motherland, Chagos Islands. The study was based on the liberal theories though the realism paradigm was applied as well in order to compare activities occurring on the international scene. The research methodology was a qualitative one using the case study research design. The purposive and snowball sampling techniques were used to identify respondents with the right expertise of the subject under discussion. Questionnaires and interviews were used as data collection instruments while the documentary analysis was applied concurrently with data collection tools to review scholarly literature on the subject. Key informants for the research were political experts drawn from Chagossians, Mauritians, Britons and the Institute of Security Studies. Key findings of the research revealed that: a group of people has a right to self-determination if and only if it has suffered instances of injustices; UK's objection to Chagossians right to self-determination was on the basis that the dispute was a bilateral issue; the Island was important to defend the UK and the rest of the world from terrorist attacks; the UK government had paid compensation to the Mauritian authorities and pertinent instruments of the UN such as Article 1, 55, 73, the UN Declaration on granting of independence to colonial countries and peoples and the Common Article 1 all refer to self-determination as a fundamental human right to peoples. Recommendations for this study included a vigorous dissemination of information regarding the Chagossians' plight by SADC and AU; the UNGA must take an immediate action to implement the full decolonization process of Chagos Islands as well as measures to de-nuclearize the African continent. The recommended area of further research was on investigating why the Chagossians' plight was not a topical issue frequently discussed in public at national, regional and international forums by the Mauritian authorities.

CHAPTER ONE

1.0 introduction

1.1 Background of the study

At the end of World War Two (WW2) in 1945, the United Nations (UN) organization was born as successor to the League of Nations established at the end of World War One (WW1). The birth of the UN simultaneously gave entry into force of the UN Charter which sought to address various international challenges affecting the peace and security of nations. The Charter among other objectives, gave a legal and political basis for the process of decolonization after recognizing the challenges to international peace and security brought about by colonized countries and territories. Hence, self-determination, first as a principle and evolved later as a right, was officially included in the Charter under the UN Declaration on the granting of independence to colonial countries and peoples (UN General Assembly Resolution 1514 (WV), 1960).

Consequently, the right of peoples to self-determination became a pillar of contemporary international law based on the respect for the principles of equal rights and self-determination of peoples (UN Charter, Article 1 (2), 1945). The outcome of the 'Declaration on the granting of independence to colonial countries and peoples' witnessed the birth of over sixty new states in the last half of the twentieth century such as Cyprus (1960), the Republic of Congo now Democratic Republic of Congo (1960), Jamaica (1962), Mauritius (1968), Gibraltar (1968), United Arab Emirates (1971) among others.

At the regional level, the right of peoples to self-determination was enshrined by various texts such as the European Court of Human Rights (Resolution 1031, 1994), the African Charter on Human and Peoples Rights (Banjul, 1986) and the Helsinki Final Act (Helsinki Accords, 1975) among others. During the later decades of the twentieth century, several dozen countries mainly from the third world were created on the basis of decolonization, concretizing the right to self-determination. Examples of these countries were Guinea-Bissau (1974), Angola (1975), ,

Mozambique (1975), Namibia (1990) and Zimbabwe (1980). Some of these countries gained independence through an armed struggle, where the self-determination process was heavily opposed by certain great powers to break up their colonial empires such as the United Kingdom (UK) and France.

Pursuant to the right for self-determination, the islands called Chagos Archipelago located in the middle of the Indian Ocean approximately 1,800km from Mauritius, lived the indigenous inhabitants called the 'Chagossians' or the 'Chagos Islanders'. The Chagossians lived in the Chagos Islands from circa 1814 as part of the British Empire and later as a non-self-determination territory under the British Indian Ocean Territory (BIOT) from November, 1965 (Boolell, 2010). That was three years before Mauritius, a Southern African Development Community (SADC) member, gained independence from Britain in 1968. The BIOT arrangement was a result of excision of the Chagos Islands from the Mauritian territory by the UK government. The main reason for the excision of Chagos Islands from Mauritius was to give way to the United States (US) military to construct a military base on Diego Garcia Island, as part of US geostrategic counter-manoeuvre to communist influence (Snoxell, 2009).

Then the constitutional negotiations between Mauritius and the UK in 1965 at the Lancaster House in London, led to the independence of Mauritius on the condition that the Chagos Islands were excised from the Mauritian territory. During the intense constitutional negotiations, it was alleged that the Mauritian representatives were coerced by the British into giving up the Chagos Islands (Boolell, 2010). In return from this arrangement, the Mauritians were to receive three million US dollars, a defence agreement between the UK and Mauritius, navigation rights, among other benefits (Mauritius v United Kingdom, 2015). This resulted in the unlawful separation of the integral part of Mauritius territory on the eve of their independence. The relocation process of the Chagossians from their homeland Chagos Archipelago to mainland Mauritius and Seychelles was thus done compulsorily (Snoxell, 2009).

Hence, the period from 1967 to 1973, witnessed approximately 1,500 Chagossians being forced to leave their homes so that Diego Garcia, could be leased to the US to house various strategic air, marine and submarine nuclear platforms (Pilger, 2015). The excision process included among

other things, closing down plantations on the islands, demolishing houses and graveyards, and leaving the Chagossians on the dockyards of Mauritius or the Seychelles without homes, employment or compensation (Pilger, 2015). In 1966, the UK and the US governments entered into an agreement which allowed the US government to use the BIOT for 50 years, with a 20 year extension period unless a party decided otherwise (Chagos Islanders v United Kingdom, 2012). Indeed, an extension of 20 years from 2015 is currently running until 2036. To crystalize the excision process, the Commissioner of the BIOT passed the Immigration Ordinance No1, 1971 which legitimized the removal of the Chagos people from the islands by making it a criminal offence for anyone to enter or remain in Chagos Islands without a permit (BIOT Commissioner Immigration Ordinance No.1, 1971).

In the 50 years since the separation of Chagos Islands from Mauritius territory, the Chagossians have been contesting the continued holding of Chagos Islands as a UK territorial colony. The Mauritian government later joined the Chagossians war for self-determination 15 years later and claimed that the excision of the Chagos Islands from Mauritius was in clear breach of several UN resolutions, for example, the declaration on the granting of independence to colonial countries and peoples (UN General Assembly Resolution 1514, 1960). Furthermore, the eviction of the Chagossians from their own country, was a breach to several articles of the Universal Declaration on Human Rights (UDHR). For instance, Article 13 of UDHR (Freedom of movement, entry and exit), guarantees freedom of movement to all individuals to choose where to live a life and to travel around their own country. Indeed, it can be observed that the violations of human rights faced by the Chagossians cut across a broad spectrum of the UN charters/conventions under the liberal narrative.

In one of the altercations by the Chagossians to return to their fixed abode, was one upheld in a milestone ruling by the UK courts in the year 2000. The leader of the Chagos Refugees Camp in UK (Olivier Bancoult), challenged a 1971 law which made it a criminal offence for Chagossians or anyone to enter or remain on the islands without a permit (Bancoult v Secretary of State for Foreign and Commonwealth Affairs, 2000). However, the UK government revoked the judgment by Orders-in-Council passed in 2004. After successfully challenging these Orders in 2006 and

2007, the Chagossians' claims were finally overturned by the House of Lords in 2008, which led to them bringing their case before the European Court of Human Rights (ECHR).

The Chagossians in their application to the ECHR, claimed several violations of human rights under the ECHR, such as, Article 1 (obligation to respect human rights), Article 3 (prohibition to inhuman or degrading treatment or punishment) and Article 8 (right to respect for one's private/family life, home and correspondence). Unbelievably, the ECHR judged that the Chagossians could not be considered victims of human rights violations under the ECHR. The ECHR argued that the Chagossians could have either participated in the settlement or brought similar claims in the domestic courts, as argued by the UK government (ECHR, *Chagos Islanders v UK*, 2012).

On the part of the UK in responses to the issues pertaining to the Chagos Islands, the UK government appeared to take the position that, because it removed the inhabitants from the Chagos Islands, it no longer had any responsibility to answer any question under human rights law in respect of the BIOT. Consequently, this meant that the Chagossians had to live wherever they were, with a bitter reality of having been denied of their birth right, their right to a fixed abode and as of today they de jure not permitted to enter into their very own island (Vine, 2005).

When the BIOT 50 years lease expired in 2015, the UK and the US governments renewed the agreement for another 20 years from November 2016 to 2036. The effect of this renewal was further maintaining their ban on resettlement on the islands for further 20 years. In response to this major development, the Mauritius government successfully took the matter to the International Court of Justice (ICJ) through the UN General Assembly (UNGA). On 23 June 2017, the UNGA voted in favour of referring the territorial dispute between Mauritius and the UK to the ICJ in order for the Court to give an advisory opinion on the legal status of the separation of Chagos Islands from Mauritius territory.

In light of the above developments, the Mauritius government faced a difficult task to convince successfully the ICJ and the UNGA against the UK government's arguments among others that; firstly, the two states have not consented to ICJ jurisdiction and therefore, the ICJ lacked de jure

authority to deal with the case; secondly, the issue of a non-permanent population in BIOT took away the issue of right of self-determination covered under UN Chapter XI (Declaration regarding non-self-governing territories). Furthermore, the UK government supported by the US prioritized the menace of terrorism, organized crimes and piracy ahead of any issue to release back BIOT to Mauritius. Hence, the UK government categorically argued that the case lacked merit to be taken to any higher level than being resolved between the two countries. The UK continued to argue on these aspects and others stating that any international law governing this area could therefore, not be applicable in the present case and only UK constitutional law was applicable as it was the establishing authority of BIOT in 1965 (Snowell, 2009).

Consequently, in September, 2018, in Hague, twenty four countries went through public hearings surrounding the circumstances leading to the separation of Chagos Islands from Mauritius territory (www.icj-cij.org). Hence, the ICJ was then ready to deliberate and establish which international laws and how they applied in the case of the Chagos Islands' separation from mainland Mauritius. While the ICJ's advisory opinions were not binding per se, the consequences of ICJ's opinion, set a firm ground towards the direction in which the Chagos Islands' problem of the right of self-determination would take (ICJ, Article 65).

1.2 STATEMENT OF THE PROBLEM

The indigenous people of Chagos Islands, were compulsorily removed from their homeland leaving them without a fixed abode, no permanent population, loss of the right of self-determination, many of them now living in miserable conditions and depriving them a life time chance to practice a way of life unique to the Chagos Islands. The compulsory dislocation of the Chagossians numbering more than 1,500 people, was strategically executed by the UK so that Diego Garcia, could be turned into a US military base (Boolell, 2010). According to Buchanan (1997), the deprivation of land or territory to a group of people is viewed as a violation of individual human rights covered under the UDHR of 1948. Coulter (2009) also noted that the excision of the Chagossians from their homeland ruined an indigenous people's ability to remain as a culturally distinct people, while Snowell (2009) considered the militarization of Diego Garcia as a serious threat to global peace and security. Hence, in the period between 1967 and 1973, the

indigenous residents of the Chagos Islands were banished from their homes and relocated to either Mauritius or Seychelles (Vine, 2005). Religiously, most Chagossians were Roman Catholic, and had their own culinary traditions, games, festivities, and habitually paid their respects at the graves of their descendants, a practice they have not been able to perform since leaving the Chagos Islands in 1968.

1.3 PURPOSE OF THE STUDY

The study seeks to establish the nature of the right to self-determination for the Chagossians of Mauritius and establish convincing facts which justify the return to their homeland.

1.4 OBJECTIVES OF THE STUDY

The objectives of the study are:

1.4.1. To analyze the nature of the right to self-determination of peoples.

1.4.2. To establish reasons justifying the UK's continued objection to the right to self-determination for the Chagossians.

1.4.3. To identify justifiable facts to the right to self-determination for Chagossians as a solution to return to their homeland.

1.5 RESEARCH QUESTIONS

The researcher will be guided by the following research questions:

1.5.1. What is the nature of the right to self-determination of peoples?

1.5.2. What are the reasons justifying the UK's continued objection to the right to self-determination for the Chagossians?

1.5.3. What are the justifiable facts to the right for self-determination for the Chagossians as a solution to return to their homeland?

1.6 RESEARCH ASSUMPTIONS

The researcher domiciles in Zimbabwe and the country of study is Chagos Islands of Mauritius and to an extent, involving the UK. The significant distance separating Zimbabwe and these two

countries poses a challenge in terms of the research methodology and time frame available. Cognizance of these seemingly insurmountable challenges, the researcher assumes to get maximum cooperation and assistance from credible and authoritative subjects of Mauritius, Chagossians and Britons via social media platforms, such as Facebook, Skype, Tweeter and Instagram. Additionally, the intensification of pressure on the UK government to hand over BIOT to Chagossians may result in sour relations between Mauritius and Britain, however, expectations are that the UNGA must resolve the dispute in an amicable manner.

1.7 SIGNIFICANCE OF THE STUDY

The beneficiaries to the outcome of this research are the following:

1.7.1 The UNGA

Since the UNGA has requested an advisory opinion from the ICJ on the continued administration of Chagos Archipelago by the UK government and though the advisory opinion is not binding per se, the consequences of ICJ's opinion, would give a direction to the UNGA in which the Chagos Islands' problem of the right of self-determination of peoples should take. In 1975 the UNGA requested the ICJ to give an advisory opinion on the Western Sahara issue (ICJ Reports 1975, p.12, para15), hence, the results of this research will definitely give some useful indications in the manner in which the dispute between Mauritius and the UK should be resolved by the UNGA.

1.7.2 The Chagossians

The primary beneficiary of this research study are the Chagossians of Mauritius. The results of the study can be used as reliable reference material by the Mauritius government to argue convincingly at the UNGA against the UK's persistent objection to Chagossians' right to return to their homeland. The successful return of the Chagossians to their homeland would enable them to have a fixed abode, a permanent population within a defined territory and assume the right of self-determination unique to the Chagos Islands. The handover of the Chagos Islands by the British government to the Mauritius government would complete the decolonization process of Mauritius's territory under the BIOT arrangement of 1968.

1.7.3 Territories still under colonial rule

Other beneficiaries of this research study results would be some territories still under the administrative or sovereign control of other states (including France and the UK) such as West Papua by Indonesia, Western Sahara by Morocco, South Georgia, Bermuda, South Sandwich Islands and Anguilla by UK to mention but a few. These territories can use the Chagos Islands case to strengthen their positions to obtain full independence from the last vestiges of colonialism.

1.7.4 Academics

The research results can serve as a body of knowledge and educational material to academics and other researchers about the unlawful detachment of Chagos Islands to a BIOT from the integral part of Mauritius territory on 8 November, 1965. The BIOT arrangement still exists up to present day.

1.8 DELIMITATIONS OF THE STUDY

The main focus of this study is to establish undisputable facts to the right to self-determination of Chagossians to return to their motherland. The area of focus is mainly Chagos Islands, mainland Mauritius and the UK. As for respondents, the research shall deal with credible, authoritative and high profile Chagossians, Mauritians, Britons and experts from the International Security Studies (ISS) who are well versed with the on-goings of the Chagossians' plight. Nevertheless, special references to where the right to self-determination of peoples (decolonization) has taken place shall be given relevant attention. The study period is between 2015 and 2018 and refers to the Chagossians population of about 1,500 who were excised from their homeland in 1965 by the UK government in order to give way to the US army to construct a military base in Diego Garcia Island. However, the research will not dwell much on the US military operations apart from the consequences of the military occupation of the island.

1.9 LIMITATIONS OF THE RESEARCH

The country of study is Chagos Islands of Mauritius, considerably far away from Zimbabwe. This aspect placed some constraints to the research in respect of opportunity and resources to conduct field research in Mauritius, the Seychelles and in the UK where the Chagossians have been forcibly

domiciled. To counter this seemingly insurmountable limitation, the researcher made use of a purposive sample of Chagossians, Briton and other political experts on the subject. Furthermore, reliability of some of the identified key respondents in terms of good time management was difficult. This caused the extension of field research time frame in order to accommodate rescheduled interview dates.

1.10 DEFINITION OF KEY TERMS

1.10.1 British Indian Ocean Territory (BIOT)

A colony belonging to the UK, located in the middle of the Indian Ocean previously known as Chagos Islands but forcibly detached from Mauritius territory by the British government. The islands stand today as a non-self-determination territory under the British Indian Ocean Territory (BIOT) from 8 November, 1965 (Boolell, 2010).

1.10.2 Decolonization Process

Action or process whereby colonial powers transferred institutional and legal control over their territories and dependencies to indigenously based, formally sovereign, nation-states, in accordance with the UNGA declaration on granting of independence to colonial countries and peoples (Ritskes, 2012).

1.10.3 Human Rights

O'Byrne and Darren (2005) defined human rights as those rights without which human beings cannot live with dignity, freedom (political, economic, social and cultural) and justice in any action or state regardless of colour, place of birth, ethnicity, race, religion or sex or any other considerations and therefore guaranteed and protected by the state.

1.10.4 Customary international law (CIL)

Is international custom, as evidence of a general practice accepted as law, as one of the sources of international law (Statute of the International Court of Justice, Article 38 (1)). The Restatement (Third) of Foreign Relations Law of the United States defined CIL as a law resulting from a general

and consistent practice of States followed by them from a sense of legal obligation (The Restatement (Third) of Foreign Relations Law of the United States, §102 (2), 1987).

1.10.5 Social media platforms

These are web-based services that allow individuals to construct a public or semi-public profile within a limited forum, to articulate a list of users with whom they share a connection and to view and traverse their list of connections and those made by others within the system such as Facebook, Skype, WhatsApp, emails and Instagram among others (Gebicka and Heinemann, 2014).

1.11 PROPOSED CHAPTER OUTLINE

Chapter 1- Introduction

Outlines the introduction and background to the research, the problem statement, the purpose, the research objectives, research questions and significance of the problem. It also provides definitions to the main terms that are going to be used throughout the whole project.

Chapter 2- Literature review and theoretical framework

Provides an evaluation of the existing literature on the principle of self-determination of peoples, UK's reasons for continued objection to the right to self-determination by the Chagossians and the convincing factors to the right of self-determination by the Chagossians.

Chapter 3- Research design and methodology

Covers the research design, the research methodology, the target population, sample size and sampling procedure adopted. The chapter also covers the research instruments, data presentation and analysis plans as well as the validity and reliability of research instruments.

Chapter 4 – Data presentation, analysis and discussion of findings

Deals with the research findings and interpretation thereof are analyzed using core themes, interview, questionnaires and document analysis.

Chapter 5- Summary, conclusions and recommendations

Concludes the entire research work through a summary, conclusions, some recommendations on the research and areas for future further study.

CHAPTER TWO

2.0 THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Introduction

This chapter presents a literature review on the principle of the right to self-determination of peoples. Reference was made to what other scholars have established about the subject, hence, exposing some gaps in information on the subject which the researcher further analyzed and identified legitimate and justifiable facts to the right of people to self-determination. The research was based on the liberal narrative focusing on the Remedial Rights Only Theory and the Relative Deprivation Theory as chosen theories related to the right to self-determination of peoples.

2.2 Theoretical framework

There are basically two competing theories that can be used to explain and understand various aspects of international relations, namely, the realist theory and the liberal/idealist theory. The realist theory is an ontological theory which at large disputes the liberal assumptions particularly on the role of the state, relative power and the nature of the human being. For example, realism is power centred and focuses on power politics of the national interest. It views the world as a field of conflict pursuing power among nations. Furthermore, realism views the state as being the only actor in the political arena and belief that the most efficient way to guarantee survival in an anarchical world is to maximize its relative power with the ultimate aim of becoming the strongest power, that is, a hegemony (Hobbes, 2009).

Contrary to the view of the realists, the liberals advocate a people-centered approach and view the world as peaceful with people living in harmony (Hobbes, 2009 and Heywood, 2011). In addition, the liberals believe that states will interact and cooperate with each other, staying peaceful and avoiding quarrels with one another, and this is in tandem with the views and arguments of former US President Woodrow Wilson during the end of WW1 in 1918 (Locke, 1997). For example, Wilson did not support the objectives of WW1 where then the great super powers such as the British, French, Germans and Portuguese (seemingly driven by realist approach), subjugated other

countries to colonial rule across the world (Wilson, 1918). Pursuant to this view, Wilson appealed to the European countries that ethnic and national groups such as the Croats and Poles be granted their inalienable rights to freedom and the right to self-determination (Jennings, 1956).

According to Robinson (2009:47) self-determination of peoples is the “process by which a group of people usually possessing a certain degree of national consciousness form their own state and chose their own government”. Steinhardt (2004) defined self-determination as the protection of individuals and collective human rights as well as popular democratic rule. From a human rights perspective, Cristescu (1981), defined self-determination as the natural consequences of the principle of individual freedom and the subjugation of peoples to alien domination constituted a denial of fundamental human rights. The definition by Cristescu (1981) introduces an additional aspect of denial or deprivation of individual freedom through alien control. Hence, the definition by Cristescu (1981) describes clearly a critical issue of self-determination of peoples covered in the UN Articles 1 (2) and 55, Articles 1 of both the universal covenants of 1966, the UN declaration on the granting of independence to colonial countries and peoples as well in the African Charter on human and people’s rights.

2.2.1 Remedial rights only theory and the relative deprivation theory

The Remedial Rights Only Theory (RROT) by Buchanan (1997) and the Relative Deprivation Theory (RDT) by Schaefer (2008) among other self-determination theories, are very much associated with remedying the deprivation or denial to the right to self-determination of peoples. In this regard, Buchanan (1997:34-35) asserted that “a group of people has a general right to self-determination if only if it has suffered certain injustices for which self-determination is the appropriate remedy of last resort”. On the other hand, Buchanan (1997:35) asserted that “a certain group of people can have a general right to self-determination in the absence of any injustice” and termed this condition as a primary right only theory.

The former (RROT) is restrictive or specialized, limiting self-determination to being a means of remedying an injustice which included land or country whilst the latter condition is not restrictive, but fair and liberal and land or country is not an issue (Buchanan, 1997). In this regard, Buchanan (1997:7) specified injustice as referring to” a group of people within a boundary of a state or

country who have suffered political and economic marginalization, ethnic cleansing and unlawful occupation of a territory by force”. Norway, is an example of a country which attained independence in 1905 from Sweden through specialized self-determination of people and similarly South Sudan in 2011 (Dhurgon & Machar, 2011).

2.2.2 Relative deprivation theory

The RDT is the second theory in this study applied to explain the experience of one being denied of something to which one thinks he/she was entitled to. In this regard, Schaefer (2008:69) defined the RDT as “the conscious experience of a negative discrepancy between expectations and present actualities”. In unison, Obasi (2005:10) referred RDT as “a condition of injustice which one usually became aware of when he/she compared his or her present situation with the opposite, and the consciousness therefore developed about as existing difference or imbalance”. Hence, Agena (2013) posited that the interrelationship between the RROT, PROT and RDT could be used to interrogate and analyze the circumstances under which self-determination can be applied from an idealism approach which among others believe in global institutions to solve disputes among peoples and nations.

Contrary to the idealists’ perspective, the realists’ perspective such as by Mearsheimer (2001) argued that it is a false promise of international organizations that they have power over a state. Mearsheimer (Ibid) offered that states acted according to their national interests and not according to the rules of international institutions. For example, the invasions of Iraq by the US and her allies and the continued domination of non-self-governing territories up to date, such as the Chagos Islands by Britain, are based on the objectives to safe guard their foreign interests than anything else of these countries (Chandra, 2009). According to Morgenthau (1952), it is not only national interests that shape the foreign policy of a country but political, economic and ideological interests are fundamental to the shaping of a nation’s foreign policy.

Hence, both the realist and liberal theories are relevant in this research. However, the idealist discourse seems to have played a greater role than realism as the case under study covered colonial events particularly from 1965 to 2018. During this period the UN was much more involved in decolonizing non-self-governing territories and indeed the RROT, PROT and the RDT fitted most

to analyze the denial of the right to self-determination of peoples. However, the realist discourse should not be relegated to the dust bin during the same period as certain states such as the US and its allies' actions were purely driven by foreign national interest.

2.3 The exact nature of the right to self-determination of peoples

According to Carley (1997) many questions have been raised in regard to the principle of self-determination of peoples among them: Why self-determination? Is it a right for individuals only or it extends to peoples as well? Which are the circumstances and conditions under which self-determination can be applied? Does the principle of self-determination of peoples has some limitations, and what is the practice of self-determination of peoples under the UN schism? Similarly, many answers have been put forward by different scholars with some arguing that self-determination of peoples did not belong to the province of law but to the realm of politics. Such a view could be challenged both politically and at law, but the practice of self-determination of peoples under the various UN pertinent texts (declarations, resolutions, covenants, treaties) and regional mode operandi somehow gave a way forward to the exact nature of the right to self-determination of peoples.

2.3.1 Justification to the right to self-determination of peoples

Any justification as to why people demand the right to self-determination, cannot be adequately addressed without defining the phenomenon of human rights. According to O'Byrne and Darren (2005,) human rights are the rights without which human beings cannot live with dignity, freedom (political, economic, social and cultural) and justice in any state regardless of colour, place of birth, ethnicity, race, religion or sex. From these definition, Balu (2001) observed that the definitions of self-determination by Steinhardt (2008) and Cristescu (1981) associated closely to the demands of fundamental rights of individuals as enshrined in the UDHR of 1948. Hence, self-determination of peoples is not only analyzed from a political right perspective but from the human rights lenses as well.

Therefore, in view of deprivation of fundamental human rights, political and socio-economic marginalization as understood in the RROT and RDT, Buchanan (1997) and Adwok (2007) acknowledged that the demand for the right to self-determination of peoples became the only

remedial course of action to resort to if and only if a group of people suffered certain critical injustices like non-self-governing mandate, dismembering of one's nationality, forceful occupation of territory by a foreign power, political and socio-economic deprivation among others. Incidentally, Vine (2006:21) in Raumnauth & Mahadew (2016:40) also agreed with Buchanan (1997)'s assertion that "whenever individuals are deprived or violated from their human dignity, that infringement cuts across a broad spectrum of individual human rights covered under UDHR and Magna Carta paradigms".

Hence, this is the significance and importance on why the expression 'self-determination of peoples', is explicitly mentioned in Article 1 of both common covenants of 1966 as well as in Articles 1 (2) and 55 of the Charter. Admittedly, the two covenants did not define the meaning of self-determination as done by Woodrow Wilson. Despite this loophole, the Charter remains the bedrock of self-determination from which all peoples or communities demanding self-determination always made reference to (Demsar et al, 2018). The cases of Western Sahara, Palestine, Guantanamo Bay, Chagos Islands and American Samoa to mention but a few, are still under colonial rule and these entities consistently and persistently demand the right to self-determination basing on Cristescu (1981) reasons for why people demand self-determination (Cervenca, 1997).

Nevertheless, the UNGA Declaration on Decolonization, Resolution 1587 (1960), recognized that "all peoples had the right to self-determination and solemnly proclaimed that the control of peoples to alien rule, bondage and exploitation constituted a denial of fundamental human rights, which constituted a violation to the UN Articles 1 (2) , 55, the Common Articles 1 and the UDHR of 1948". In this regard, Thurer & Burri (2010) agreed that the denial of fundamental human rights to an individual or group of peoples was an impediment to the promotion of world peace, security and cooperation amongst nations. Hence, this pronouncement by Thurer & Burri (2010) which concurs with the UNGA assertion on self-determination in respect of the colonial declaration, marked another step into understanding why people demand the right to self-determination. Without any doubt, the selection and use of Buchanan's RROT (1997) in this research to explain circumstances surrounding the denial of the right to self-determination of peoples was indeed

excellent. The theory associates quite well with the UN articles, Common Articles 1, the UN Declaration on decolonization and the UDHR on the right to self-determination of peoples.

Furthermore to the UNGA Declaration 1587 (XV)'s effort, Article 73 (Declaration regarding non-self-governing territories), proclaims why people must demand the right to self-determination. The article in its content, explicitly worded that "colonial authorities as administrators to the territories which had not gained full independence, were obligated to among other responsibilities to recognize the principle that the interests of the inhabitants of the said territories were very important, in regard to their culture, social, political, economic and educational aspirations". Henceforth, those interests were to be fully and religiously recognized as status regime 'erga omnes' and the declaration envisaged these territories sooner than later to attain self-governing status (The Charter, Article 73). An example of the application of the right to self-determination under Article 73 can be referred to the struggles for autonomous status by Eritreans and South Sudanese as recognized by both the AU and the UN (Cervenca, 1997).

Pursuant to Article 73 of the Charter, two regional treaties deserve a mention that have a direct link to the term 'self-determination of peoples'. The African Charter on Human and Peoples' Rights of 1981 and the Helsinki Final Act of 1975. Article 20 of the African Charter (1981) made reference to self-determination of peoples by conceptualizing that "all peoples shall have an unquestionable and inalienable right to self-determination and decide their own political, economic, social and cultural development, be they colonized or oppressed". On the other hand, the Helsinki Final Act of 1975, in Chapter VIII, clearly pronounced that, "by virtue of the principle of equal right and self-determination of peoples, all people always have the right, in full freedom, to determine when and as they wish, their internal and external political status, without external interference, and pursue as they wish their political, economic, social and cultural development" (Richard, 2009:19).

In this regard, Cervenca (1997) argued that though these two regional treaties have a direct link to the term self-determination of peoples as stipulated in Articles 1 (2) and 55 of the Charter and Article 1 of both common covenants; it can be can be inferred from the above discussion that this term or concept started to have a meaningful significance in 1945 when the UN Charter was

adopted under Articles 1 (2) and 55. It then developed a strong international character particularly with the process of decolonization, secession as well as in recognition to individual human rights demands across the world. Hence, the use of the RROT and RDT formed the basis of why people applied self-determination as a last resort to severe injustices.

2.3.2. Status of self-determination to individuals and groups of peoples

The definitions of self-determination by Steinhardt (2004) and Cristescu (1981), both include an element of individual right to self-determination and to a people or groups of peoples too except the definition by Robinson (2009) which does not include the individual aspect. Though the definition by Cristescu (1981) attached the individualism aspect from the fundamental human rights perspective, the meaning of the definition clearly refers to peoples in a much broader sense. This is the same approach to the definition by Steinhardt (2004) particularly when the author referred self-determination as the safe guarding of individuals and all the peoples' human rights. In contrast, the definition by Robinson (2009) does not include the individual aspect and clearly concerns to a group of peoples only.

Notwithstanding the meaning of self-determination by Steinhardt (2004) and Cristescu (1981) as to referring to both individuals and groups of peoples. However, cases brought to UN organs so far for discussion and resolutions seemingly suggest to refer to peoples rather than individuals. For instance, the cases of Palestine, Western Sahara, Eritrea, Angola, Malaysia, Ogoni (Nigeria), Darfur and Chagos Islands to mention but a few, were dealt with or are being discussed at the UN with self-determination being referred to with a high degree of universal applicability to peoples and not to an individual (UN Charter, Articles 1 (2), & 55). This was asserted by representatives of Liberia, Tunisia, Sierra Leone and Madagascar in the case of Angola's decolonization discussion at the UNGA in opposition to Portugal's narrow meaning of self-determination (UNGA A/5160, 1962). This view was however, vehemently denied by Higgins (1963) when he argued that self-determination was not to be a purview for states, governments and peoples only, but was to include individuals as well.

A logical conclusion of this matter is indeed better to infer that matters covered by self-determination on peoples and individuals, depended largely at the level at which it was being considered. At the international level, the customary international law automatically abrogate self-determination from a reserved domain to a universal application to mean people and not individuals (Anaya, 2004 & Archibugi, 2003). Similarly, in Buchanan's theory of RROT, the author argued in terms of groups of people only demanding self-determination and not from an individual perspective, thus buttressing the approach of the UN on self-determination of peoples. Therefore, this research is based on the people's aspect rather than referring self-determination to an individual's approach.

2.3.3 The circumstances under which self-determination of peoples can be applied

Indeed it is ostensibly hard to state the various instances or conditions under which the principle of the right to self-determination can be employed. Be it may be, Buchanan's theory (1997) in response to the above question asserted that a group or groups of people can struggle for the right to self-determination where conditions or circumstances of injustices prevailed under a sovereign state boundaries. The author seemingly agreed to instances of injustices which as alluded to earlier on included forceful excision from a territory which the group occupied, political and socio-economic marginalization among others.

Beyond Steinhardt (2008) and Robinson (2009) assertion, Buchanan (1997) further argued that a group has a strong case to claim on the right to self-determination if the instances of injustice included deprivation of a territory or land rather than basing on cultural, ethnic, linguistic or religious homogeneity. Brilmayer (1991:188) agreed with Buchanan (1997) on the above conditionality to the right to self-determination of peoples when the author argued that: "Self-determinists must somehow establish a claim to the territory or land on which they would find their new sovereign state. Such claims to territory/land do not flow automatically from ethnic or cultural distinctiveness. Groups that are ethnically distinct but possess no land/territory claims, had slim chances of convincing anyone of their right to self-determination or to secede". This researcher admittedly agreed with the views of Brilmayer (1991) and thus the research paper unfolded guided by the same conceptual framework.

Therefore, within the conceptual framework by Buchanan (1997) and Schaefer (2008), Brilmayer (1991) posited that when a group of people demanded the right to self-determination and land/territorial deprivation was one of the claims to injustices cited, then that in its own, rightly represented a remedy to past or prevailing injustices. To substantiate the arguments by both Buchanan (1997) and Schaefer (2008), practical examples do exist where the principle of the right to self-determination has been employed especially under the auspices of the UN and other regional bodies. Cases in point are Eritrea, South Sudan, Western Sahara, Indonesia, Malaysia, Darfur and Chechnya to mention but a few (UNGA Resolution 3828 (XXIX), 1974). In brief, the conflict raging on in the Darfur region emanated from “deprivation of the indigenous people by the Sudan central government to deliver the right to self-governing as well as political and socio-economic marginalization of the Darfurians” (Work, 2007:135). In almost these cases, there existed an element of denial of something (deprivation of political power, or forceful occupation of a territory which formerly was independent) which a group of people thought or felt was entitled to collectively own as human beings.

The invoking of the right to self-determination in the contextures of decolonization by the UNGA, was evident enough to justify remedies to past colonial injustices (UNGA Declaration 1587, 1960). Hence the choice of the theories of RDT and RROT fitted well to the conditions and circumstances under which the right to self-determination can be applied where land/territory deprivation was the injustice being claimed.

2.3.4 Limitations of the right to self-determination of peoples

According to Buchanan’s theory (1997), a group or groups of people can claim a general right sometimes referred to as natural right to self-determination in the absence of any instances of injustices. Buchanan (1997:35) further asserted that these people shall not be limited to only legitimate right to self-determination where some form of injustices occurred but the natural right to self-determination extends to include groups of people who just voluntarily gather themselves together, and claim self-determination from a sovereign state under which they had been ruled for some number of years. However, the above scenario brought to fore a number of challenges to a

sovereign state where a group of people, for example, without any claim to territorial/land demand a right to self-determination. The outcome would be among others, a complete collapse of the sovereign state emanating from multiple uprisings by other groups, a catalyst to tribalism and encouraging in some of the most reactionary tendencies in a society (Nijoff ,1993) & Wellman, 1995).

Therefore, if the right to self-determination was successful applied unlimitedly to groups within a sovereign state, Cervenca (1997) posited that great chances existed for other distinctive groups on basis of culture, tribe or religion to demand similar rights as the continent of Africa, for example, was essentially composed of multi-ethnic groups within a state. A good example is that of Eritrea. Of recent, the territory was given an autonomous status of independency by mainland Ethiopia but its well-known that other Provinces like Tigre and Gojjam had bad relations with Addis Ababa dating back as far as the end of WW2, demanding the right to self-determination within the now sovereign state of Eritrea (Crawford, 1999). The struggle for the right to self-determination by the Tigre Peoples Liberation Front (TPLF) of Eritrea, indeed rightly proves the argument put forward by Cervenca (1997).

In conclusion to whether the right to self-determination has limits, the researcher is in agreement with the RROT by Buchanan (1997), which advocates to limit the right to self-determination only to those groups of people that have suffered some form of injustices which included denial or annexation of land/territory of the indigenous people.

2.4 Right to self-determination under international covenants of 1966

Since the coming into existence of the UN Charter in 1945, the right of people to self-determination has been a bedrock of contemporary international law. In this regard, it has constituted the legal and political basis of the process of decolonization, which witnessed the attaining of independence of over 60 new states (including Iraq, Cyprus, Indonesia, Algeria, Kenya, Uganda, Zambia and Mauritius) in the second half of the twentieth century (Demsar et al. 2018). Thus the right to self-determination now occupies a central place in the two international covenants of 1966 on fundamental human rights, that is, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

2.4.1 International covenant on civil and political rights

The ICCPR, is an international human rights treaty adopted by the UN in 1966 committing member states to respect, protect and implement the right of peoples' civil and political rights at national level. In this regard, Article 1 of ICCPR obliges states to the Covenant to respect the right of self-determination of all peoples, including the right to freely determine their political status, freely pursue their economic, social and cultural development and those having responsibility for the administration of non-self-governing and trust territories, to promote the realization of the right of self-determination in conformity with the provisions of the Charter of the UN. To put the research into perspective, some countries such as Morocco, UK, the US and France, in their wisdom, have breached the provisions of Article 1 (1) of ICCPR. This is despite the fact that these countries are signatories to the covenant. For example, some territories still under the administrative or sovereign control of other states such as West Papua by Indonesia, Western Sahara by Morocco, South Georgia, Bermuda, South Sandwich Islands, Chagos Islands and Anguilla by the UK are struggling for the right to self-determination (Quinn & Gurr, 2003).

Consequently, Article 1 (2) and (3) of ICCPR, firstly poses an obligation to state parties of the covenant to make provisions to effectively re-establish full subsistence conditions for those dispossessed of their means of survival. Secondly, the article binds the same states to promote the realization of the right to self-determination in conformity with the provisions of the Charter of the UN. These provisions under Article 1 of the ICCPR are in agreement with the RROT as posited by Buchanan (1997), in the Magna Carta liberties as well as observed by Hannum (1995:287) that, "the UDHR has an incontrovertible political standing and symbolic importance and it remains an authoritative enumeration of universally recognized human rights which constitutes an obligation for state parties to adhere to their duties towards all members of the human family".

The combined significance of the above narratives is that there has to be practical remedial measures to redress the injustices committed against a group of people by a state or majority of a people within a state especially accompanied by a claim to a territory or land (Brilmayer, 1991 & Buchanan, 1997). Therefore, from the foregoing evidences, the jurisdiction of the applicability of

the ICCPR on any non-self-governing territory, obligates the administrator of such territories/colonies to make practical provisions for the civil and political rights of the affected peoples in line with the ICCPR, a customary international law.

2.4.2 International covenant on economic, social and cultural rights

The ICESCR, just like the ICCPR, has become a universal human rights treaty adopted by the UN in 1966. The covenant committed states to respect, protect and implement the economic, social and cultural rights of its peoples in accordance with UDHR (ICESCR, Article 1 (3), 1966). It is important to underline a fact that the ICCPR and the ICESCR are in parallel to each other and the human rights discussed in both covenants are indivisible, interdependent and interrelated (Raumnauth and Mahadew, 2016). However, though the two covenants have similar obligations to states on the part of the right to self-determination as stated in Articles 1 of both covenants, the ICESCR in contrast to ICCPR, does not give a legal binding to remedies for violations under the covenant (Langford, 2012). Hence, in order to eradicate this weakness, the General Comment No, 9, indicates that: “Covenant norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redressing, or remedies must be available to aggrieved individuals or groups, and appropriate means for ensuring government accountability must be put in place” (Langford, 2012:33).

In this regard, rights provided for by Article 1 of the ICESCR are particularly relevant and significant to the self-determination of peoples to freely craft their economic, social and cultural destiny. Additionally, Articles 1 and 2 of ICESCR provides the right to self-determination and a legal commitment by a state to provide for its citizens an adequate and respectable standard of living, especially in the domains of employment, welfare provision, housing, healthcare, education and cultural expression. The assertion by Obasi (2005) in Agena (2013:55) is true under the RDT that “people are deprived and subsequently alienated only when they compare themselves and other people, and resultantly become mindfully of some existing differences or injustices practiced unto them”, then that is when they demand the application of ICESCR.

Indeed, the right to self-determination becomes a remedial course of action in order to remedy an abnormality and in due course attain a fair, empowered and dignified existence that meets the

peoples' expectations. In the manner Guantanamo Bay is de jure to the sovereign land of Cuba but illegally held by the US military, similarly the Chagos Islands was excised by the UK government leading to the deprivation of Chagossians of their motherland and their right to live on the Chagos Islands (Murray, 2010). Hence, the indigenous habitants of Diego Garcia and Guantanamo islands to mention but a few, have a remedial right to demand to the right to self-determination under Article 1 of ICESCR. Therefore, from the evidences gathered above, the applicability of the ICESCR on any non-self-governing territory is legally provided for universally as the civil international law demands.

2.4.3 Self-determination at regional level

Self-determination of peoples cascades to regional and national levels. For example, at regional level there exist the human rights protection treaties such as the EHRC and the ACHPR. The ACHPR, known as the 'Banjul Charter' recognized most explicitly and completely the right of peoples to self-determination and to freely dispose of their natural wealth and resources without external interference (Banjul, 1986). Indeed, Article 20 of the Banjul Charter enshrines the right of the peoples of Africa to self-determination from colonization or oppression by resorting to any means recognized by the international community. At national level, according to Wickramaratne, & Jeyampathy (1996), these fundamental civil, political, economic, social and cultural rights are enumerated in each respective member state's Constitution.

For instance, the Sri Lanka's Constitution, articles 10 to 14 provides these fundamental civil, political, economic, social and cultural rights (Sri Lanka Constitution, 1978). Similarly, the Zimbabwe Constitution provides the same rights pertaining to the two covenants under Chapter 3 Section 11 to 26, while as the Mauritius Constitution includes these rights in Section 3 and 111 (1) (e) (Abraham, 2011:128). Hence, in making an analysis of the approach of the UK government towards inhabitants of the Falklands Islands who are of Caucasian origin, it can be deduced that the UK government demonstrated an unflinching support towards respecting the Falklands Islanders their rights to self-determination and the right to stay on their homeland in accordance with demands of Article 1 of both covenants (Edwards, 2018).

2.5 UK's arguments for continued refusal to deliver the right to self-determination for the Chagossians

The excision of Chagos Islands in 1965 by the UK and subsequent forced removal of the Chagossians from Diego Garcia Island to mainland Mauritius and Seychelles territories was arguably a breach of international law (Pilger, 2015). Consequently, the declaration on the granting of independence to colonial countries and peoples (UNGA Resolution 1514, 1960) and guaranteeing the freedom of movement, entry and exit to all individuals and to choose where to live a life and to travel around in own country (UDHR, Article 13), must not be violated by member states of the UN. In the same vain, the contestation of the empirical status of Chagos Islands by the Mauritian government against the UK government hit a brick wall ever since 1968 until to date. In fact, at both the international and regional levels, the continued holding of Chagos Islands by the British was generally overlooked, not discussed in the mainstream of politics nor consultations or cautiously and tactfully circumvented (Boolell, 2010 & Pelandaba Treaty, 1966).

However, following the conclusion of ICJ public hearings conducted on 3-6 September, 2018 in Hague in respect of inter-alia questions submitted to the ICJ from the UNGA requesting for an advisory opinion on the question of Mauritius read as follows (www.icj-cij.org):

“ Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Islands from Mauritius and having regard to international law, including obligations reflected in UNGA resolutions 1514 (XV), 1960; 2066 (XX), 1965; 2232 (XXI), 1966 and 2357 (XXII), 1967”.

Accordingly, the ‘World Court’ was now ready to embark on deliberations towards delivering an advisory opinion on the above-mentioned question and others that may appear relevant to the Mauritius question. It is against this background that the UK government was expected to cite the following arguments among others on its continued refusal to deliver the right to self-determination to the Chagossians (Demsar, Drole, Fugdiga, Novak, Samobor and Kimovec, 2018):

Firstly, the UK government could argue that it had not consented to ICJ's jurisdiction to deliver an advisory opinion in accordance with international law for bilateral disputes

(contentious cases) (ICJ Statute, Article 36) and Friendly Relations Act of 1970. Therefore, the ICJ lacked legal authority to deal with the case. Along the same lines, the UK government was aware like everybody else that the ICJ's advisory opinion was always taken as an 'advisory opinion' and not as a judgment which the later was binding to the parties involved.

Secondly, the UK government could argue that the process of decolonization of Mauritius was lawfully completed in 1968 in accordance with the LHA between the two countries, and it (Mauritius) failed to protest against the separation of Chagos Archipelago from Mauritius until 1980, 12 years after gaining independence and 15 years after the establishment of BIOT.

Thirdly, the UK government could argue that the issue of a non-permanent population in BIOT took away the issue of right of self-determination covered under UN Chapter XI (Declaration regarding non-self-governing territories), hence, the issue lacked merit to be taken to any higher level than being resolved between the two countries as a bilateral dispute.

Last but not least, the UK government could argue that human rights treaties did not apply to the BIOT because the territory had no permanent inhabitants and therefore could not be covered under UN Chapter VII (Action with respect to threats to the peace, breaches of the peace, and acts of aggression).

2.5.1 The UK could argue that it had not consented to ICJ's jurisdiction

In respect to this first argument (that the UK had not consented to ICJ's jurisdiction to deliver an advisory opinion), the UK government could argue that it had not consented to the Court's jurisdiction to hear the case as a prerequisite under the international law for international disputes (contentious cases) (ICJ Statute, Article 36). Article 36 of the Statute invites the consent of involved parties where the case revolves around 'contentious cases' for the ICJ to give an advisory opinion. Akande (2017) also supported this assumption that the UK had a legal right to consent or

refuse to ICJ's jurisdiction to hear the matter as stipulated under Article 36 of the Statute. Akande (2017) continued arguing that the ICJ would be acting wrongly if it went ahead and gave an advisory opinion on a bilateral dispute without the consent of the UK government and that this was contrary to Friendly Relations Declaration of 1970 as well.

Furthermore, UK representatives could strongly argue on the propriety of the question since the dispute involved two states and as such became a bilateral issue rather than a multi-lateral one. Consequently, the issue when examined under the lenses of international law, that is, the principle of independence of states, it stipulated that no state could be forced to submit its disputes against another state unless if it consented to such demands (ICJ Western Sahara Advisory Opinion, 1975). When analyzed further from the perspective of Article 2 (7) of the Charter, that could be inferred to be essentially interfering into the domestic affairs of a sovereign state. For the record, UN Charter, Article 2(7) reads: "Nothing contained in the present Charter shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter". The presumed arguments by both the UK government and Akande (2017) are de jure clear as decided in the case law between Italy versus France or inferred from the practices of the Permanent Court of International Justice (PCIJ) (ICJ Rep 19, 1954).

For example, in a case involving Russia and Finland on the status of Eastern Carelia, the PCIJ rejected a request to give an advisory opinion on the basis that Russia had not consented to such a move (PCIJ, Eastern Carelia, Advisory Opinion, 1923). Taking a cue from the above international law practices, the UK government strongly believed the ICJ had no jurisdiction to deliver an advisory opinion as requested by the UNGA, where the issue raised was purely of a domestic dispute between two countries of which the UK at the present moment had not consented to. The UK government could go further and suggest that the Mauritius government in referring the matter through UNGA was in a way trying to circumvent the consent requirement for 'contentious issues' which again was in bad taste to sovereign dictates. Hence, it remains to be seen how the ICJ would deal with an envisaged case of ambiguity and controversial brought before it.

2.5.2 UK could argue that decolonization of Mauritius was lawfully completed in 1968

In regard to the second presumed argument, firstly the UK government could argue that the process of decolonization of Mauritius was lawfully completed in 1968 in accordance with the LHA between the two countries (Boolell, 2010). In this regard, Sir Michael Wood, legal counsellor for the UK government against the Chagossians' plight, could assert that the process of decolonization of Mauritius was lawfully completed in 1968 on the basis that the Mauritius representatives to the Lancaster House Conference (LHC) wilfully and voluntarily accented to the LHA of 1968. Sir Wood may further argue that the Mauritian representatives being bona fide representatives of Mauritius, were qualified and justified to decide the destiny of Mauritius at that time and the case of self-determination at that time as well, did not require a referendum or plebiscite to decide the fate of Chagos Islanders (Wood, 1965).

The UK government may further argue with the ICJ on why the international community or the Mauritian authorities failed to protest against the separation of Chagos Archipelago from Mauritius until 1980, that is, 12 years after gaining independence and 15 years after the establishment of BIOT (Demsar et al. 2018). That silence over the issue over for a period of a decade or so could be assumed to mean the existence of the potential of acquiescence or under certain circumstances, sovereignty over a territory may be realised as a result of failure by a state which had sovereignty to respond or protest to the dismembering of a territory to conduct 'a titre de souverain' (Demsar et al. Ibid). From the above discussion, there is really some sense in the British arguments and like in the earlier arguments, the ICJ's decision will not be an easy one.

2.5.3 The UK could argue that the issue of self-determination in the BIOT no longer applied

In regard to the presumed third argument, firstly; the UK government could argue that the principle to the right to self-determination acquired the status of a CIL rule in 1970. This is well after the excision and creation of BIOT (Sand, 2009). Therefore, like in the previous argument, it has been argued that post laws or treaties cannot be used to judge or remedy past injustices which occurred in a period. Hence, basing on the above fact, the UK government may object the issue raised to

the ICJ as they may deem it lacked merit to be taken to the international level than being resolved between the two disputing countries. In this regard and as a matter of de jure, the BIOT belonged to the UK under its constitutional law as agreed in the LHA between Mauritius and the UK in 1968 (Allen, 2014).

Henceforth, the self-determination issue as enshrined in the two international covenants and the Charter became inapplicable due to the absence of a permanent population in BIOT (Demsar et al. 2018). After all, the covenants obligations covered events after 1970, a fact which condones the excision and establishment of BIOT. Secondly, still on the same argument, even if the covenants were applicable post 1970 period, still BIOT had no permanent population to be affected by the covenants laws, as argued by Wilde (2005) that BIOT was ‘a legal black hole’ in the ocean. Last but not least, BIOT was not in the declaration list of territories under the British colonies submitted to the UN as per the demands of Article 73 of the Charter. As a result, it could be un-procedural to discuss an issue pertaining to non-self-governing territories (Chapter XI) when that particular territory was not in the declared list of such countries or territories in Article 73 of the Charter.

Consequently, this may rule out an arbitration or mediation process involving the ICJ since there seems to exist among others, acquiescence potential by the Mauritian authorities, the inapplicability of the two covenants to BIOT, the inapplicability of the right to self-determination and to apply obligations of Article 73 when the BIOT was not on the declared list of colonies or peoples under administration of another state. Again, the ICJ may have a tough time to decide whether to or not to deliver an advisory opinion surrounding the Chagos Archipelago case as requested by the UNGA.

Furthermore, the UK government could concurrently argue about the applicability of human rights issues in the BIOT since there was no permanent population. The non-application of human rights treaties is based on the same reasons cited for non-applicability of self-determination in BIOT. These two arguments render Article 73 of the Charter inapplicable (Sand, 2009). Article 73 of the Charter basically obligates member states who have assumed the responsibility of administering those territories which are still to attain the self-governing status, to guarantee and promote the people’s aspirations and expectations politically, economically, socially and educationally.

Consequently, the UK government could strongly disagree on the applicability of the two covenants (ICCPR & ICESCR) as argued by Wilde (2005) that the Chagos Islands resembled a ‘legal black hole’ in the Indian Ocean or the non-existent of a permanent population on the islands. Though the UK admits their acts of displacing the Chagossians between 1965 and 1973, however, the two covenants came into existence well after 1976. On record, the UK declared the list of territories under its administration to which covenants apply but excluded BIOT (Milanovic, 2013).

Therefore, the applicability of UN Chapter VII (Action with respect to threats to the peace, breaches of the peace, and acts of aggression) becomes problematic to a place or territory which was void of a permanent population. So far to this end, there exists no case-law which can be used to infer the jurisdiction of UNGA resolution to a territory existing but void of a permanent population (Demsar et al. 2018). This is a stubborn fact which is inclined to the dis-advantage of the Mauritians. Indeed, the UK representatives to the ICJ proceedings may ask the following questions: Threats to the peace to who? Breaches of the peace to who? And acts of aggression to who? To conclude their perceived arguments, the British may assert that ‘actions carried out in one period could not be judged by the legal standards of another’ (ICESCR, Article 2, para 1, 1990). Hence, it remained to be seen how the ICJ would handle this part of the Chagos matrix between the ICJ and the UK.

2.6 Convincing facts to self-determination for the Chagossians to return to their homeland

In arriving at this stage to identify undisputable facts that can lead to resolving the right to self-determination of the Chagossians to return to their motherland, this research has enabled to unpack the meaning of self-determination of peoples as well as to analyze the possible arguments that the UK government was likely to put forward to maintain the status quo on the Chagos Islands. After all heads and sundries have been analyzed, the researcher agitated for the ICJ and the UNGA to consider seriously the following facts and evidences that may force the UK government to repeal

the two Commissioner Immigration Council Orders to allow the return of Chagossians to their home country:

2.6.1 An assumption that the UK could argue that it has not consented to the ICJ's advisory opinion

If the UK government argued that it has not consented to the ICJ's jurisdiction to give an advisory opinion on a question it believed was purely of a domestic nature, the ICJ should be guided comprehensively by Article 96 of the Charter, Article 36 of ICJ Statute as well as the case of Western Sahara. In this regard, Article 96 (1) of the Charter allows the UNGA and the UNSC to be provided with an advisory opinion concerning legal issues that are within the purview of the ICJ as the principal judiciary organ of the UN. Hence, given the powers and responsibilities of the UN in areas relating to international peace and security, the request referred to the ICJ by the UNGA covered critical issues such as the right to self-determination of peoples and decolonization. Consequently, the issue of the right to self-determination of peoples was a matter well covered in international law under Articles 1 (2) and 55 of the Charter and Article 1 of both of the two international covenants (ICCPR & ICESCR).

Indeed, the above referred articles basically stipulated that all peoples had a right to self-determination and by virtue of that right to freely determine their political status and pursue their economic, cultural and social development without undue external interference. Similarly, the UN Declaration on decolonization was as well an important matter that can escape the attention of the UNGA within the context of the case referred to the ICJ for determination. Decolonization as a process and not as an event was well covered under international law titled, 'The UN Declaration on the granting of independence to colonial countries and peoples' (UNGA Resolution 1514 (XV), 1960). According to UNGA Resolution 1514 (XV), para 5 & 6, the resolution asserted that the subjection of peoples to alien control, exploitation and domination including colonialism was a declared crime against international law. In fact, according to Crawford (1999) and Allen (2014), both authors posited that the Colonial Declaration possessed a quasi-constitutional status in international law, which was comparable to the UDHR and the UN Charter.

Hence, the decolonization process, just like the objectives of the RROT and the RDT (Buchanan, 1997 & Schaefer, 2008) respectively, was a UN law meant to remedy gross human rights injustices that shaped the relationship of peoples and states in the middle of the twentieth century. The above cited international laws have demonstrated to be applicable for the case under research taking a cue from the case of Western Sahara Advisory Opinion (1975). In this case, the UNGA had requested for an advisory opinion on Western Sahara, the ICJ and not the PCIJ, argued that to refuse to deliver an advisory opinion was tantamount to reducing the UNGA's competency on a question surrounding broader matters of the right to self-determination and decolonization which all fell within the purview of the UNGA and UNSC (ICJ's Western Sahara Advisory Opinion, 1975).

Consequently, from the basis of Chapter XI, Article 73 and Chapter XIV, Article 96 (1), the 'World Court' was legally mandated to deliver an advisory opinion in order to operationalize the UNGA's resolutions on the right to self-determination and decolonization despite the issue being labelled to be a domestic dispute or a contentious issue by the UK authorities. Being guided by past precedencies relating to similar cases such as that of Palestine, Kosovo and Namibia, the Court was inclined to give an advisory opinion in favour of Mauritian government (ICJ Advisory Opinions; Namibia, 1971, Western Sahara, 1975, Palestine, 2004 & Kosovo, 2010).

2.6.2 Assumption that UK could argue that the process of decolonization of Mauritius was lawfully completed in 1968

On the anticipated argument that the UK government argued that the process of decolonization of Mauritius was lawfully completed in 1968 when the country attained its independence from Britain; from the evidences gathered the attainment of independence was marred with conditional ties as well as that the consent by the Mauritian representatives to the LHA was given under duress in violation of the right to self-determination (Sookhoo, 2013). According to Buchanan (1997) a wrong will always remain a wrong until it has been rectified or corrected accordingly. Demsar et al. (2018), posited that the classical meaning and intent of the LHA could not be said to have stood for the freely expressed will of the Chagossians. This is so because the attainment of independence

by Mauritius was on condition that Diego Garcia be dis-membered from Mauritius for US military purposes, otherwise, the independence of Mauritius was not forthcoming (Sookhoo, 2013).

Hence, this conditionality amounted to coercion and not wilful consent to the LHA, an infringement to the UN Declaration on decolonization 1514 (1960). Definitely, the ICJ was not going to accept this aspect of coercion by the UK to Mauritius as it violated Article 52 of the Vienna Convention on the Law of Treaties (VCLT). Article 52 of VCLT prohibits any member state of UN or any other subject/ entity to use force or threat to another state/subject for any purpose. This line of thinking was well supported by Judge Padilla-Nervo in his dissenting opinion in the 'Fisheries Jurisdiction case, UK v Ireland, 1973:47' when he wrote:

“A big power can use force and power against a small nation in many ways, even by the very fact of diplomatically insisting in having its own view recognized and accepted. It is well known by professors, jurists and diplomats acquainted with international relations and foreign policies that certain “Notes” delivered by the government of a strong power to the government of a small nation, may have the same purpose and the same effect as the use or threat of force. There are moral and political pressures which cannot be proved by the so-called documentary evidence, but which are in fact indisputably real and which have, in history, given rise to treaties and conventions claimed to be freely concluded and subjected to the principle of *pacta sunt servanda*”.

Therefore, from the above evidences, the conditionality given by the UK to the Mauritius representatives for the independence of Mauritius came to fruition through coercion, a process which violated the right to self-determination of a people to make a decision without external interference (Buchanan, 1997). The act by the UK government upon the Mauritius authorities augured well with the realists' assertion that 'the strong do what they can and the weak suffer what they must', in international relations (Mearsheimer, 1994). Mearsheimer assertion further buttressed to one of the realists' assumptions that states act according to their national interest and not according to the rules of international institutions. Incidentally, any act by anyone/entity which infringes on the right to self-determination of peoples is tantamount to violation of UN Charter (Article 1 (2), Article I of both the ICCPR and ICESCR, the Magna Carta and the UDHR among

other pertinent universal laws. Hence, the process to decolonize Mauritius was marked by many irregularities and to pronounce the process as lawfully completed was otherwise very cheating and cunning to the Chagossians.

Another convincing fact that the Mauritius authorities could put across to undo the UK's argument that the process of decolonization was lawfully completed in 1968, is that why should then the UK continuously maintain legislative measures (the BIOT Commissioner Ordinance Orders No 1 & 2), which are repressive, discriminatory and most importantly, prohibit the Chagossians to return to their native country (Vine, 2005). Hence, Demsar et al. (2018) argued that if the UK was to insist that the process of decolonization was lawfully completed in 1968, then it (the UK) should have repealed the BIOT Order in Council (SI 1965/120) to allow the Chagossians the right to return to their motherland. Above all, the evidences obtaining in BIOT is that the Chagossians are not allowed to return to Chagos Islands, and basing on that fact alone, demands the application of two important international customary laws, that is, the UN Declaration on the granting of independence to colonial countries and peoples and the UN Declaration regarding non-self-governing territories' in order for the decolonization process to be logically concluded in Mauritius and in Africa at large.

Given the above facts, it is hoped that the ICJ and the UNGA could be inclined to conclude that the decolonization process in Mauritius was not completed in 1968 as the Chagos Islands' forceful separation from Mauritius was still on the agenda of both the UNGA as well under the AU deliberations (ICJ Public Opinion on Chagos Islands, 2018).

2.6.3 An assumption that the UK could argue that the issue of self-determination of peoples in the BIOT no longer applied

Along the same lines to the non-existent of a permanent population in the BIOT, the UK government could argue that the right to self-determination principle fell away automatically to the Chagossians on the basis of their continued absence from BIOT. Notwithstanding the legal fact that the UK cannot be held responsible for contravening obligations of the common international

covenants that came into force well after 1976. However, the UK must be held responsible for prohibiting continuously and in perpetual the Chagossians' right to return to their native country by issuance of the BIOT Immigration Ordinance Order No 2, Section 4 of 2004, as argued in the second UK argument above, subheading 2.5.2. Consequently, the continuous prevention of the right to return of Chagossians to Chagos Archipelago (fixed abode), and not the non-existence of a permanent population, is a continuous contravention of international law, that is, the right to self-determination of peoples from the past to present. This right to self-determination of peoples is enshrined under Article 1 (2) of the Charter as well as in Article 1 of both the international covenants (Allen, 2014). In fact, the UK's violation of international laws in respect to the right to self-determination by the Chagossians was clearly asserted by Demsar et al. (2018:48) as hereunder quoted:

“When a state has enacted legal measures that maintain a state of affairs contrary to the international law, the state is in a continuous violation of international law. The BIOT Order in Council (SI 1965/120), which established BIOT and has stayed in force up to this very moment, is a legislative Act incompatible with customary international law and constitutes an ongoing violation of international law. Furthermore, even though it is hard to argue that the UK maintains colonial domination by force, the force itself cannot be said to play a decisive role in relation to the continuous character of violation, but can only contribute to the wrongfulness itself. Hence, the maintenance of colonial domination over the Chagos Islands resulting from the BIOT Order in Council (SI 1965/120) is of continuous character”.

Additionally, Demsar et al. (2018) argued that the consent by the Mauritian delegation to the LHA to the excision of Archipelago in 1965, was given under 'duress' and at the same time the agreement violated the right to self-determination by a people. The right to self-determination of peoples as enshrined under Article 1 (2) of the Charter and Article 1 of the covenants obligates states to the Covenant to respect the right of self-determination of all peoples, including the right to freely determine their political status, freely pursue their economic, social and cultural development and those having responsibility for the administration of non-self-governing and

Trust Territories, to promote the realization of the right of self-determination in conformity with the provisions of the Charter of the UN.

On the other hand, the ‘duress effect’ as posited by Demsar et al. (2018), emanates from the fact that during the intense negotiations between the UK government and the Mauritian delegation to the LHC, it was alleged that the Mauritius representatives were coerced by the British into giving up the Chagos Islands in return for the independence of Mauritius and other benefits. Some of the benefits included, a defence agreement between the UK and Mauritius, navigation rights, access to fishing and natural resources on and around the Chagos Islands (Boolell, 2010). This was supported by (Sookhoo, 2013) who argued that the consent by the Mauritius delegation was not a genuine self-determination or a decision willy-fully given. Demsar et al. (2018) and Sookhoo (2013) also added their dissenting voices to the nature of consent to accept the dislocation of Chagos Islands in 1968. The two argued that Mauritius was supposed to agree with Allen (2004) who posited that the UNGA was supposed to re-examine the BIOT status with a view to include it in the declared list of territories still under colonial administration in tandem with Article 73 (e) of the Charter. Allen (2004) had initially argued that the mantra by the UK that BIOT had no permanent population was a machination too dubious to accept by any standards since the UK deliberately deracinated the Chagos Islands against the Chagossians’ consent. Proof of this dubious machination was the keeping in force the BIOT Ordinance Order No. 2 prohibiting the return of Chagossians to their fixed bode, that is, Diego Garcia (Demsar et al, 2018).

Hence, the assumed argument by the UK government that the right to self-determination for the Chagossians fell away due to the absence of a permanent population in BIOT does not hold water at all according to the dictates of Article 1 (2) and Article 1 of ICCPR and ICESCR of 1966. From the evidences given above, the ICJ and the UNGA must decline to accept the assumed argument by the UK government.

Concurrently to the above assumed argument by the UK, the UK may put forward that BIOT had no permanent population and therefore, human rights laws or treaties did not apply. Of course in the proceeding paragraphs, it has been proven beyond any doubt that up to date there was no any population to talk about on the Chagos Islands (Boolell, 2010). Hence, there are no threats to

peace, breaches of the peace and acts of aggression done by the UK that can be covered under UN Chapter VII. However, Demsar et al. (2018) and Snoxell (2009) observed that the purpose of the ICJ advisory opinion on Chagos Islands was not to determine the validity of the BIOT which forcefully displaced a permanent population to mainland Mauritius and Seychelles; but the task ahead of the ICJ and UNGA was to analyze and judge the scope of international rules and UN principles/practices pertaining to the process of decolonization and the right to self-determination of Chagossians of Mauritius. Snoxell (2009) further asserted that it was now the right time to deal holistically on the question of non-self-governing territory of Chagos Islands (Chapter XI) belonging to Mauritius and not to relegate such an important multi-lateral process (decolonization) to a domestic issue.

In as far as the assumed objection by the UK government to the applicability of ICCPR and ICESCR to a territory (BIOT) without a permanent population, the research revealed that the existence of a non-permanent population in BIOT was as a result of a deliberate and planned forced removal of Chagossians executed by the UK (Pilger, 2015). In fact, the excision of Chagos Archipelago from Mauritius and the subsequent depopulation of the territory by the UK created BIOT which today does not have a permanent population. The perpetuation of a non-existence of a permanent population in BIOT has been facilitated by two pieces of legislative laws known as the 'BIOT Commissioner Immigration Ordinance No.1 of 1971 and BIOT Commissioner Immigration Ordinance No.2 of 2004' which makes it a criminal offence for anyone to enter or remain in Chagos Islands without a permit (Vine, 2005). Hence, this research agrees with the position of the UK government on the non-applicability of ICCPR and ICESCR to a territory (BIOT) void of a permanent population. Nonetheless, the continued application of restrictive, discriminatory and dismembering legislative laws (BIOT Commissioner Immigration Ordinance No.1, 1971 & BIOT Commissioner Immigration Ordinance No.2, 2004) on the BIOT violates a broad spectrum of individual human rights as well as the right to self-determination of peoples (Raumnauth et al' 2016:42).

The legislative denial to the right to return to home country in order to have a fixed abode by the Chagossians delivers a frightening infringement/violation to the two international Covenants, the

UDHR and the Magna Carta to say the least. Based on the above arguments by Vine (2005) and Raumnauth et al (2016), the ICJ must be strongly inclined to deliver an advisory opinion which would enable the UNGA to determine positively for the Chagossians to be allowed to return to their homeland.

2.7 Chapter summary

The chapter highlighted the theoretical framework and reviewed literature relevant to self-determination of peoples. The remedial rights only theory and relative deprivation theory were discussed under the liberal school of thought as the theories fitted most to analyse the principle of self-determination of peoples. The chief outcome from the research was that the right to self-determination of peoples derived its validity principally from the Article 1 (2) of the Charter, Article 1 of both the two international covenants of 1996 and Article 15 (2) of the UDHR. The next chapter deals with the research design and methodology of the research.

CHAPTER THREE

3.0 RESEARCH METHODOLOGY AND METHODOLOGY

3.1 Introduction

This chapter gives a clear and concise description of how the research was carried out. It focused on the research design and the research methodology used. The chapter also outlined how the sample and sampling techniques were arrived at including ethical considerations, the research instruments, data collection procedures, data presentation and analysis before summarizing the chapter.

3.2 Research design

According to Mouton (2009:55) a research design is a plan or blue print for conducting a research. McCaig (2010) viewed a research design as an overarching strategy for unearthing useful answers to problems. Parahoo (1997:142) described a research design as “a plan that describes how, when and where data are to be collected and analyzed”. In this study, a case study approach was found to be suitable to the research problem. The researcher adopted the case study approach because it involves an in-depth, longitudinal examination of a case and also provides a systematic way of looking at events, collecting data, analyzing information and reporting results (Zainal, 2007).

According to Yin (1984:23) a case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context when boundaries between phenomenon and context are not clearly evident, and in which multiple sources of evidence are used. This was supported by Creswell (2011) where the author referred a case study approach as appropriate when there was a need to obtain information of a particular phenomenon of interest, in its natural real-life context. On the other hand, (Cassell & Symon, 2004:323) defined a case study as a detailed investigation containing information collected over a period of time with the aim of providing an analysis of the context and processes which illuminates the theoretical issues being studied.

3.3 Research Methodology

This research was based on the qualitative research paradigm. Burns and Grove (2003) described a qualitative approach as a systematic subjective approach used to describe life experiences and situations to give them meaning. According to Patton (1990:13) qualitative research permits the researcher to study selected issues in depth and in detail as well as to approach the fieldwork without being constrained by predetermined categories of analysis contributing to the depth, openness and detail of qualitative inquiry. Mouton (2009:148), referring to qualitative research, notes that it is also known as field or ethnography research because the researcher goes into the field to interview or observe research participants to get a deeper understanding of what is being studied.

In this study the rationale for using the qualitative research approach was to explore in depth and establish convincing facts from UNGA resolutions, UN covenants and other pertinent texts that the Mauritian authorities would use to argue beyond doubt against the UK's reasons to continuously deny the Chagossians right to return to their homeland. The category of participants, sampling methods, data collection methods and sample size are provided on Table 3.1 given below:

Table 3.1 Research subjects

CATERGORY	RESPONDENTS	SAMPLING METHOD	DATA COLLECTION METHOD	SAMPLE SIZE
'B'	Mauritian/Chagossian Political Experts	Purposive & snowballing	Telephone interviews & email questionnaires (Appendix 'B')	3
'C'	British political experts	Purposive & snowballing	Telephone interviews & email questionnaires (Appendix 'C')	3
'D''	ISS	Purposive & snowballing	Telephone interviews & email questionnaires (Appendix 'D')	4
Total				10

Source: Researcher's own construct (2019).

3.4 Target population and sample size

Population is defined as the group of interest to the researcher and it is upon this group that the researcher would generalize results of the study (Fraenkel and Wallen, 2009). The target population that was considered to be appropriate in this research comprised of high profile Mauritians, Chagossians, British and other political experts well versed with the on-goings of Chagossians' plight. These were the subjects in the research who have invaluable information and understanding in detail of what transpired in the past about the Chagos Islands, the contemporary events in regard to the UNGA's request for the ICJ to give a public opinion on the Chagossians' right to self-determination and who academically, politically and legally could establish convincing evidences for or against the UK's objections to the right to self-determination for the Chagossians to return to their home country. This is in tandem with Rossi et al (2011) who posited that it is of paramount importance to correctly identify and define the target population for any research as it determines the success of resolving the research problem.

A sample is a subset of the whole population which is actually being investigated by the researcher and whose characteristics will be generalized to the entire population (Wegner, 2010). The sample for this study was arrived at after the purposive sampling due process. The population and sample size are reflected on Table 3.1 above.

3.5 Sampling methods

The researcher made use of a purposive sampling of Mauritians, Chagossians and British subjects of credible social standing such as academics, lawyers and political experts. In this regard, the snowball technique as a purposeful method of data collection was further employed to easily identify appropriate subjects to participate in the research. Parahoo (1997) defined purposive sampling as a method of sampling where the researcher deliberately chooses who to include in the study based on their ability to provide necessary data. The rationale for choosing only these experts was that these participants in their own right, had the capacity and ability to proffer indisputable facts about the Chagossians' plight as well as the UK's arguments to continuously rule BIOT.

Patton (2002) in Bangidza (2017:20) posited that the fundamental approach of a purposive sample is selecting information-rich cases and Schurink (1998) in the same thesis Bangidza (2017)

asserted that a qualitative researcher selects people who are reachable and it is useful in selecting informative subjects and is not about representativeness of a population but a purpose for a particular reason. This was also supported by Parahoo (1997:223) who maintained that “in non-probability sampling, researchers use their judgment to select the participants to be included in the study basing on their knowledge of the phenomenon”. The category of participants and sampling methods considered in this research are as shown in Table 3.1 above.

3.6 Data collection methods

Data collection methods are the fact finding tools that enable the researcher to collect the much needed information required to answer the research questions (Annum, 2018). Guided by the purpose-non-sampling technique, the researcher used three different methods in this study in what is termed methodological approach. The data collection methods were needed to find solutions to the problem under investigation and this researcher chose the questionnaire, interviews and document analysis as the appropriate research instruments for the phenomenon under study. The preference of the research instruments used was based by the nature of the research objectives, research design, research methodology and the sampling techniques. Hence, in a single detailed case study such as the ‘right to self-determination for the Chagossians’, the research instruments preferred by the researcher dovetail with the assertion by Diriwachter & Valsiner (2005) in Bangidza (2008:13) that the underlying philosophical assumptions in a research must be based on epistemology (where evidence is assembled based on individual views), phenomenology (where acquiring knowledge and justification is practised) and methodology (where a method is used in the process of research).

Therefore, the use of more than two data collection methods (questionnaire, interviews and document analysis) assisted in eliminating bias, errors and validating data and information collected as an essential criterion for evaluating the quality and acceptability of the research. The data collection methods applied in this research less the document analysis, are as shown in Table 3.1 above.

3.6.1 Questionnaires

Babbie (1990) defined a questionnaire as a document containing questions and other types of items designed to solicit information appropriate to the analysis. Furthermore, Babbie (1990) contended that a questionnaire gives respondents time to review their understanding of the question items before selecting suitable answers. In order to counter some constraints inherent with this research such as reachability, availability, accessibility and resource problems in conducting field research in Mauritius, Seychelles and in UK, the researcher used self-administered email questionnaires as one of the primary source of data. The rationale for using the email questionnaire was that the country of study Chagos Islands of Mauritius (BIOT), where the participants in the research were located in Mauritius, Seychelles and UK. Consequently, email questionnaires (Appendix 'D') were used because they were cheaper to administer given the advantages of online communication platforms, less time consuming, reachability, ubiquity, and opportunity to make follow-ups, easy to use, precision and greater convenience among many. The unstructured email questionnaire guide was also suitable because the selected participants were highly literate and additionally, email questionnaires allowed participants from different locations to analyse and understand individually the email contents before giving a feedback.

Nevertheless, the researcher was also aware of some of demerits inherent with an email questionnaire approach, particularly lack of anonymity and response. To overcome these problems, the researcher emphasized and guaranteed the respondents that the data and information that the researcher received was only for academic purposes for a research project as indicated in the introductory letter to the respondents from Bindura University of Science Education (BUSE), Appendix 'A'. Additionally, the respondents being highly schooled, were made comfortable since the researcher was constantly mindful of the need to interact with respondents guided by confidentiality, morality and ethical behaviour in research work.

3.6.2 Interviews

Mulvery and Kavalan (2010) defined an interview as a focused discussion between two or more people. According to Best & Khan (2010) the advantages of using interviews are that the instrument provides instant response and it gives the interviewer a chance to probe further for more

information. To minimize the weaknesses witnessed in the email questionnaire approach, the researcher carried out skype/telephone interviews with committed respondents in order to solicit for more information. The interviewees were composed of Mauritian/Chagossians political experts (Appendix 'B'), British political experts (Appendix 'C') and other political experts Appendix 'D'.. In a skype interview, though the interviewee was not physical present with the interviewer in the traditional set-up, its recent introduction to visually see instantly and communicate with another skype user via a software program has eliminated some traditional face to face limitations such as the need to travel by both the interviewer and interviewee to the venue of the interview. This translated to ubiquitous connectivity to interviewees at a very minimum cost as compared to the traditional face to face interviews. Furthermore, respondents' words were recorded expressing their ideas in their own words thus achieving reliability and validity to the findings due to the real and live nature of the interaction.

However, skype interviews just like the traditional face to face interviews, have their own disadvantages especially on technical difficulties of which this research did not provide an assessment and impact analysis of potential problems that may be associated with online platforms. Suffice to say that Saunders et al (2007) highlighted that the interview instrument may be vulnerable to interview bias. For instance, the facial expressions by the interviewer could affect the response to be given by the interviewee. Additionally, skype interviews are difficult to set up, unreliable online connectivity offered by certain countries involved, especially Zimbabwe's challenges in respect of bad network connectivity and continuous un-availability of electricity to consumers. The researcher was mindful of these challenges throughout the field work period.

3.6.3 Document analysis

According to Corbin & Strauss (2008) document analysis is a systematic procedure for reviewing documents both printable and electronic in order to elicit meaning, gain understanding and develop empirical knowledge. Stake (1995) and Yin (1994) defined document analysis as particularly

applicable to qualitative case studies producing rich description of a single phenomenon, event, organisation, or program. The rationale for using document analysis was that the topic under research, documents are interpreted by the researcher to give meaning around a topic being assessed or analysed (Robson, 2011:86).

This research on the right to self-determination for Chagossians analysed pertinent international and regional documents, namely, the UN Charter (1945), the ICCPR (1966), the ICESCR (1966), AU Charter on human and peoples' rights (1986), UN Declaration on decolonization (1514, 1960), UN Declaration on the rights of indigenous peoples (2007) and the UDHR (1948). The researcher also read extensively theses by Bangidza (2016), Raumnauth & Mahadew (2016), Buchanan's theory (1997) and Schaefer's theory (2008) among others. Hence, document analysis has the merits that it is an efficient technique because of abundance availability of information already existing (secondary sources) on the subject and therefore, it is less time consuming, more efficient as it directly addresses the research problem compared to other research instruments (Bryman, 2001). It is also pertinent to point out that document analysis is sometimes applied in combination with other data collection methods as a way of triangulating information.

Be it may be, document analysis like any other data collection method, Yin (1994) posited that sometimes documents are not retrievable or they are deliberately blocked. Additionally, more often than not, documents are produced for some particular purposes other than research. Hence, they usually provide insufficient detail to answer a specific research question and consequently, the technique needed to be supported by another method to fill or cover up its weaknesses. In this regard, the researcher applied three data collection methods so that they all complemented each other in respect of inherent weaknesses associated with each method.

3.7 Validity and reliability

Validity and reliability are two important independent factors for evaluating a research study and hence, their definitions and understanding are critical in this research.

3.7.1 Validity

According to Blumberg et al (2005) validity was defined as the extent to which an instrument measures what it asserts to measure. Robson (2011) referred validity as the extent to which an instrument measures what it is designed to measure. From these definitions, there is no doubt that if the results of a study are not deemed to be valid then they are meaningless to the research. Admittedly, a measurement procedure cannot be valid unless it is reliable, hence, validity and reliability though they are independent aspects of research evaluation, they are somewhat extensively related and though on the contrary a study can be deemed to be reliable without being valid (Kimberlin & Winterstein, 2008). Therefore, in this research validity was achieved through application of different data collection methods and controlling as much as possible variables that threatened validity.

3.7.2 Reliability

To ensure credibility of this research, reliability issues were put into consideration in selecting the data collection instruments. Blumberg et al (2005) noted that reliability is intertwined with validity and is about the dependability and consistence that emerges from the research process because of using reliable tools and methods to generate data. Babbie (2010) defined reliability as a matter of whether a particular technique applied repeatedly to the same object would yield similar results. Palys (1997:4) posited that reliability implied that “repeated observations of the same phenomenon should yield similar results and different observers following the same research methodology or procedures should arrive at the same conclusions”. Hence, if a research instrument, for example, a questionnaire or interview, produces similar results under consistently applied conditions, it lessens the chance that the obtained results are due to randomly occurring factors (Marczyk et al, 2005).

Therefore, it is important that a research design comply with the standards of validity and reliability in order to produce results that are both accurate (validity) and consistent (reliability). In this research, the researcher self-administered the data collection instruments throughout in order to account for uniformity, consistency and accuracy of data and information collected. Furthermore, a pilot research was conducted with three participants to test the reliability of the research

instrument. Consequently, the pilot testing enabled the researcher to reconsider and correct some of the questions which were vague and inconsistent to the research objectives.

3.8 Data presentation and analysis

In order to present information uniformly and accurately from the data collection instruments it was necessary to construct an interview guide, a structured questionnaire and an appropriate document analysis befitting the analysis process for this research. According to Nigatu (2009), data presentation is the process of organizing data into logical and meaningful classifications to ensure easy and manageable study and interpretation of data collected. The data for this research was presented in an explanatory format guided by the research objectives.

On the other hand, data analysis is the process of breaking up the whole research into constituent parts of categories in line with the research questions in order to interpret and derive insights into the research (Calderoni, 1993). Alternatively, Baugh (2010) defined qualitative data analysis as the range of processes and procedures whereby the researcher moves from qualitative data that has been collected into some form of explanation, understanding or interpretation of the information. For this research the data analysis was divided into themes according to the research objectives, namely, the nature of the right to self-determination of peoples, the reasons justifying the UK's continued objection to the right to self-determination for the Chagossians and the justifiable facts to the right for self-determination for Chagossians as a solution to return to their homeland. Eventually, the actual relevant information from the research instruments was subsequently extracted using the thematic and document analysis techniques in order to interpret the information and triangulation thereof.

3.8.1 Interview guide

An interview guide is normally composed of topics and themes to be covered during the interview period. The main purpose of this research interview guide was to make a short introduction to the research participants, the aim, participants' categories (refer to category of participants in Table 3.1) and a guarantee to privacy and confidentiality of the exercise. Then the participants were asked questions which were systematically and logically grouped under themes. The interview guide used in the interviews is provided in Appendices 'B', 'C' and 'D' of this research study.

3.8.2 Questionnaire guide

The email questionnaire for this research comprised of a short introduction to the respondents, the aim and a guarantee to privacy, anonymity and confidentiality of the exercise. Then the respondents were requested to answer the unstructured questionnaires which had questions systematically and logically grouped under main themes or areas. The questionnaire format used in the research is provided in Appendix 'D' of this research study.

3.9 Pilot testing

Before conducting the interviews and administering questionnaires in the field, a pilot test was carried out from other potential respondents with credible knowledge and understanding of the topic based on individual views. The purpose of the pilot study was to test the reliability and validity of the selected research instruments. According to Haralambos and Holborn (2008) a pilot test is a small-scale preliminary study or a pre-run of research instruments carried out before the actual research work in the field. Instructions and compliance requests in the email questionnaire and skype/telephone interviews were tested on their clarity and appropriateness. Hence, organisation, classification and overall objective of questions was analysed and checked in order to ensure relevance, unambiguousness, reliability and validity of the instruments used.

The last statement above is buttressed by the following quotes relating to the value and goal of pilot testing: “Do not take the risk, pilot test first” (Van Teijlingen & Hundley, 2001:2), “To see if the beast will fly” (De Vos, 2002:410) and “reassessment without tears” (Blaxter, Hughes & Tight, 1996:121). Notwithstanding the above, the pilot test was also crucial to determine approximately the costs of the exercise and the time needed to carry out the interviews. After the pilot test, the researcher appreciated that preparation for the venue and telecommunication gadgets to be used (mobile phones, internet connections), enough air time and an assistant literate in computers were critical to the successfully conduct of an interview on online.

3.10 Ethical considerations

Research ethics provide guidelines for the conduct of human and animal research. Generally, key elements in research ethics include informed consent, confidentiality, privacy and anonymity.

According to Resnik (1998) research ethics may be referred to as doing what is morally and legally right in research and distinguishes between what is right and wrong, and acceptable and unacceptable behaviour. In this research, the researcher used the Bindura University of Science Education (BUSE) introductory letter to get the required participant's informed consent to participate in the research work. The introductory letter is provided in the research as Appendix 3. On the other hand, the interview and the questionnaire guides clearly expressed the moral and responsibility of the researcher to uphold privacy and confidentiality of all the research information collected from the respondents. In regard to the aspect of anonymity, the two guides reassured the respondents that their identity would not be linked to the responses as the information gathered was purely of academic research.

3.11 Chapter summary

This chapter was concerned with the vivid description of all the activities and procedures undertaken during the course of the research. The description of the activities mainly focused on the research design, research methodology, research instruments and data collection instruments. The researcher also looked at validity and reliability, pilot testing and ethical considerations. The next chapter shall dwell on presentation and discussion of research findings under study.

CHAPTER FOUR

4.0 DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.1 Introduction

This chapter provides an in-depth presentation, analysis and discussion of findings from the responses that were gathered from respondents. The researcher used the interviews, questionnaires and document analysis to analyze the data collected guided by themes formulated from the research objectives. The analysis and discussion of the collected data was used as the basis of the summary, conclusions and recommendations in chapter five.

4.2 Data presentation and analysis process

Data presentation process entailed scanning and sifting the data to ensure its completeness, accuracy, consistence and relevance to the research objectives. In this research the respondents were as reflected in Table 1 in Chapter 3, page 37. In a bid to conceal the real identity of the participants, codes were applied in the following manner: Mauritian/Chagossian political experts, were coded SD1, SD2 and SD3; British political experts, were coded SD4, SD5 and SD6 and other non-Mauritians/Chagossians/British political experts were coded SD7, SD8, SD9 and SD10. The relevant interview guide and questionnaires are reflected at the end of the research pages as Appendix 'B', 'C' and 'D' respectively.

4.3 Theme 1: The importance of self-determination of peoples

Self-determination of peoples has attained both a political and legal basis of which its deprivation can now be examined from a human rights lenses the world over. In this regard, the term 'self-determination of peoples' is now clearly articulated in Articles 1, 55 and 73 of the Charter and Article 1 of both the two common covenants of 1966. Where denial of self-determination of peoples took place, the aggrieved people always demanded through any means available to them, the right to self-determination.

4.3.1 Analysis of the importance of self-determination

In view of the importance of self-determination to peoples, interviewees responded as follows: SD1 and SD10 understood the importance of self-determination to be a fundamental human right for all peoples. SD1 said;

“The fundamental human rights gave people the right to decide for themselves their destiny without external interference in the spheres such as political rule, economic and social development”.

The response from SD10 was similar to that of SD1 while SD5 and SD6 were in agreement with the above expressions on the importance of self-determination. However, SD4 had a different believe on the importance of self-determination and underscored the following sentiments:

“The self-determination aspect must be analyzed holistically taking into consideration the peace and security aspects within the territory or region under consideration and not to generalize the implementation of the right to self-determination of peoples. Some dominant political groups have demanded self-determination in order to support their political and religious ambitions. Hence, the Security Council must assess the genuineness of the demand to right to self-determination case by case”.

In disagreement to SD4’s understanding of the importance of self-determination, Buchanan (1997:34-35) asserted that “a group of people has a general right to self-determination if only if it has suffered certain injustices for which self-determination is the appropriate remedy of last resort”. Hence, in this case under consideration, the Chagossians were forcibly removed from their mother land and relocated to Mauritius and Seychelles. The dislocation of Chagossians was a wrongful act or a serious injustice by the UK government which was in breach of UN resolution 1514 (XV) of 1960 (Cervenca, 1997). Furthermore, UNGA resolution 2232, recalled Colonial Declaration and it (UNGA) emphasized ‘the inalienable right of the peoples of these territories to self-determination and independence’.

Within this narrative of why self-determination is important, the researcher felt that the respondents should also have understood its importance from the human rights perspective. Since self-determination of peoples now occupies a central place in the UN Charter, Articles 1 (2), 55,

73 and the two international covenants of 1966, its denial to a people constitutes a serious violation of fundamental human rights of peoples covered in the UDHR of 1948 and the UN Declaration on the rights of indigenous peoples (2007), just to mention a few.

However, the researcher is in agreement with SD4 on the aspect that some dominant political groups have demanded self-determination in order to support their political and religious ambitions, but surprisingly without a distinct injustice done to the members such as denial of a territory or land or economic and political marginalization. The researcher can cite the narratives taking place in Somalia, Rwanda and Nigeria as good examples. This has been supported by Buchanan (1997:7) in his RROT theory, where the author posited that: “cases of demand to self-determination in Africa must hardly be tolerated because if one group was given the opportunity to the right to self-determination without a sincere injustice against that group, there would be a very high likelihood that the victory would spur uprisings among other groups because virtually all the countries in Africa are multi-ethnic in composition”.

4.3.2 The relevance of self-determination of peoples to the Chagossians’ plight

The forceful excision of the Chagossians numbering more than 1,500 people, was strategically executed by the UK so that Diego Garcia island, could be turned into a US military base. This illegal act was done in the period between 1967 and 1973, where the Chagossians were banished from their homes and relocated to either Mauritius or Seychelles and prevented from returning for the past half century (BIOT Commissioner Immigration Ordinance Orders No.1, 1971 & No 2, 2004). The consequences to the compulsorily relocation of the Chagossians, left them without a fixed abode, no permanent population and loss of the right to self-determination. Hence, the dislocation of the Chagossians from their mother land was described by the UNGA as an illegal act because the move among others was in breach to the UN Declaration on the granting of independence to colonial countries and people, UN Declaration regarding non-self-governing territories, the UN Declaration on the rights of indigenous peoples and the UDHR. In view of the relevance of self-determination to peoples and in regard to the Chagossians’ plight, interviewees had this to say:

SD9 said;

“What the UK did on the eve of Mauritius’s independence in 1968 was to perpetuate the status quo of colonialism on the Chagos Islands. This was achieved by issue of the BIOT Immigration Ordinance Orders No1 and No2, legitimizing the removal of the Chagossians from their islands by making it a criminal offence for anyone to enter, remain or return to Chagos Islands without a permit”.

In contrast to the above interviewee, SD5 said the following about the relevance of self-determination of peoples to the Chagossians:

“Self-determination of peoples was no longer relevant to the Chagos Islands since no indigenous people lived on the islands as agreed to between the Mauritius government and the UK government in 1965. Additionally, the Mauritian authorities apparently remained quiet about the issue for more than a decade for reasons unknown to the British authorities.

SD6’s sentiments on whether self-determination of peoples was relevant to Chagossians plight was as follows:

“The self-determination process of the Chagossians ended when the decolonization process of Mauritius took place in 1968. However, since the Mauritius government has taken the matter to the UNGA and later to the ICJ for a public opinion, SD6 had no problem with accepting the ICJ’s outcome”.

On the contrary to what SD6 said, the process of decolonization of Mauritius could not be said to have been completed when Mauritius attained its independence in 1968. If the decolonization process of Mauritius was completed in 1968, then one would ask why the UK government still maintained up to date the BIOT Commissioner Immigration Orders No.1 and No.2. The continued administration of Chagos Islands using these two legal instruments by the British authorities literally meant that the BIOT was still a non-self-governing territory under the UK government. Henceforth, the easiest thing the UK government must have done was to abide by the UN Charter, Article 73 and especially paragraph (e) of the article. Article 73 (e) read as follows:

“Members of the UN who have or assumed responsibilities for the administration of non-self-governing territories, are obligated to transmit regularly to the Secretary General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating

to economic, social and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapter XII and XIII apply”.

Hence, the researcher is of the view that the continuous prevention of the right to return of Chagossians to Chagos Islands (by the use of BIOT Commissioner Immigration Orders 1 & 2), and not the non-existence of a permanent population, is a continuous contravention of customary international law, that is, the right to self-determination from the past to present. This right to self-determination is enshrined under Articles 1 (2) and 55 of the Charter as well as in Article 1 of the two international covenants of 1966 (Allen, 2014).

Therefore, it is crystal clear that the relevance and importance of self-determination of people emanates from denial or deprivation of fundamental human rights which action dis-enables people to live a normal life like the majority of peoples on the earth as enshrined in the UDHR of 1948 (Balu, 2001). The sentiments asserted by Balu (2001) associate with Buchanan (1997)'s RROT and Schaefer (2008)'s RDT. Buchanan asserted that a group of people has a right to self-determination if only if it has suffered certain injustices such as land or territory deprivation. On the other hand, Schaefer (2008) claimed that a condition of injustice emerged where one compared his or her present situation with the opposite, and the consciousness therefore developed about as existing difference or imbalance. The difference or imbalance (marginalization) could be in the areas of political, economic, social and cultural development.

4.3.3 Successes and challenges of self-determination of peoples

The former US President Woodrow Wilson was the first statesman to be closely identified with the principle of self-determination of peoples in 1918 (Baker, Dodd & Carley, 2004). In his view, Wilson believed an international organization such as the League of Nations could transform and strengthen the principle of self-determination of peoples. When the UN was formed in 1945, self-determination of peoples as a principle was crystalized both in its value and significance. This followed in the adoption of famous resolutions such as the UN Declaration on the granting of independence to colonial territories and peoples (UNGA Resolution 1514 (XV), 1960), UN Declaration regarding to non-self-governing territories (UN Charter XI), and of late the UN

Declaration on the rights of indigenous peoples (UNGA Resolution A/61/295, 2007) to mention a few.

Hence, SD7 had this to say about the successes and challenges of self-determination of people:

“Self-determination at large has brought political stability and cooperation especially to those countries that were colonized in Asia and Africa. However, in some few cases like Eritrea, Bosnia, Somaliland and Nigeria, the right to self-determination has been manipulated to meet powerful and greedy individual interests. Consequently, that has impeded maintenance of peace, social and economic development particularly in Africa. Hence, the demand for the right to self-determination by any people must be treated cautiously by the UNGA before a recognition can be supported”.

The researcher, is in agreement with SD7’s remarks on the successes and challenges attributed to self-determination of peoples in its application. The respondent’s remarks are grounded on the decolonization process which started immediately after WW2 and continued throughout the cold war era bringing almost to an end the colonization discourse. The decolonization process rode on the UN Declaration on granting of independence to colonial countries and peoples as well as the UN Declaration regarding non-self-governing territories (Cristescu, 1981). These and other resolutions surrounding self-determination of peoples led to the decolonization of countries of about three dozen between 1945 and 1960 (Huntington, 1991). The wave of decolonization continued until the mid-nineties where more countries attained independence. Hence, the promulgation of the two international instruments on self-determination into the UN legal system was a huge success which resulted in more than 60 countries to be relieved from the yoke of colonialism (Huntington, 1991).

On the challenges side, some were well pronounced by Buchanan (1997) in the PROT, which included demand to the right to self-determination of peoples outside specific injustices like denial to land, socio-political and economic marginalization. These other aspects were grounded on ethnic, language, culture or religious homogeneity (Buchanan, 1997). These non-specific injustices, sometimes called ‘natural rights’ (Buchanan, 1997) were indeed likely to brew conflicts and civil disturbances. These conflicts, mainly intra-conflicts, suddenly led to civil wars or

collapse of states and countries, for instance the Soviet Union, Yugoslavia, the on-going civil wars in Nigeria caused by Boko Haram to mention but a few (Neuberger, 2010).

Therefore, if self-determination of peoples was successfully applied unlimitedly to groups within a sovereign state, great chances existed for other distinctive groups to demand similar rights. Indeed it is assumed that the outcome would be among others, a complete collapse of the sovereign state emanating from multiple uprisings by other groups, a catalyst to tribalism and encouragement to reactionary tendencies in a society (Nijoff, 1993) & Wellman, 1995).

4.4 Theme 2: UK's objections to the Chagossians right to self-determination to return to their mother land

The UK has continued to refuse to settle the long-standing dispute between itself and the Mauritian government about the detachment of Chagos Islands from Mauritius territory in 1965. The Mauritian authorities considered this as a betrayal to international law, responsibility and obligations by the UK government. The UK government, as the official administrator of the BIOT has used legislative instruments, namely, the Marine Protected Area (MPA), the BIOT Immigration Ordinance Number 1 (1971) and BIOT Immigration Ordinance Number 2 (2004) to deny the right of abode of the Chagossians, in violation of the two international covenants of 1966, Article 1 (2) and 55 of the UN Charter (Crawford, 1999). Furthermore, the UK government among other reasons, was arguing that the ICJ did not have jurisdiction to hear the case referred to it by the UNGA, and after all the World Court's findings always remained as an advisory opinion and not a judgment with a legal force binding to anyone.

4.4.1 Does the right to self-determination of peoples apply to Chagossians?

When one analyzes the behaviour of the UK government towards the way it handles the Chagossians' plight from 1965 to the present, it appears as if it is immaterial to them. SD4, SD5 and SD6 had this to say in regard to the application or non-application of self-determination of peoples to the Chagossians. SD4 said:

“I still stick to what I said before that the defence facilities on the BIOT help to protect people here in Britain and around the world from terrorist attacks, organized crime and piracy. The alleged plight of Chagossians was addressed on the eve of Mauritius independence in 1968 and above all, the UK government paid some compensation to the Mauritian government of £650,000 and £4 million to meet the Chagossians resettlement programme and to a trust fund for the welfare of Chagossians respectively”.

SD5 had this to say in regard to whether self-determination applied to the Chagossians:

“People need to be reminded that when the separation of Chagos Archipelago took place, it was against the backdrop of high risks of security and threats to peace to the UK, the US and the majority of progressive forces all over the world against the wave of communist dictatorship. Hence, the establishment of the BIOT was thus a right under the Royal prerogative authority of the British government which fell within the ambit of the UK constitutional law. Therefore, this case is purely a bilateral matter involving Britain and Mauritius and as such does not require interference from a third party, like the ICJ jurisdiction”.

Lastly, SD6’s remarks were as follows:

“According to the Lancaster House talks, an agreement was reached between the UK government and the Mauritian authorities in 1968 that the Chagos Islands be separated from Mauritius territory for defence purposes and the islands were to be returned once the defence purpose ceases to exist”.

By and large the three respondents (SD4, SD5 & SD6) directly or indirectly objected to the relevance of self-determination of Chagossians as a people. The researcher took it that the three interviewees tactfully avoided the real gist of the question which asked whether self-determination of peoples applied or not and why in the case of the Chagossians’ plight. The researcher’s take on this question is that self-determination of peoples genuinely applied to the Chagossians’ plight. Buchanan (1997, 34-35) in his theory RROT asserts that, “a group of people has a general right to self-determination if and only if it has suffered certain undisputable injustices for which self-determination is the appropriate remedy of last resort”. Injustice practices in this case could cover areas such as denial from self-governing threshold, forceful occupation of territory by a foreign power which was formerly independent, Christianization/Islamization, political and economic marginalization or deprivation, and to extreme cases of ethnic cleansing (Buchanan, 1997).

Most of the injustices spelt out by Buchanan (1997) honestly fit in the Chagossians matrix, a population which was forcibly relocated from their mother land to either mainland Mauritius or the Seychelles (Vine, 2005). This deracination of Chagossians to Mauritius and Seychelles was done in order to allow the US military to construct and house military platforms such as submarines, sophisticated aircraft and land hardware (Sand, 2013). To illustrate the UK indifference towards the suffering of the Chagossians as supported by SD4 above, the former Prime Minister of Mauritius Dr Navin Ramgoolam once said, “The UK cannot be so insensitive, there are nuclear submarines and warships that are polluting the sea on the Chagos Islands. They want to protect fish and the corals, which have become more important than human beings. They talk about human rights but their own courts do not even respect human rights. They are hypocrites, liars and cheats” (Carey, 2011).

The researcher is of the opinion that the British act over the Chagossians’ plight seems to suggest that they are a superior people equal to none who can decide the fate and destiny of other people. The researcher’s opinion is based on the standing of each nation before the UN Charter precisely Article 2 paragraph 1 which states that, “The UN organization is based on the principle of the sovereign equality of all its members”.

On the compensation issue raised by SD4, the researcher disagrees with the interviewee on the fact that the important issue here is about remedying an injustice of colonialism. The UN Declaration on the granting of independence to colonial countries and peoples (UNGA R1514, 1960) is very clear on the way forward regarding the situation the Chagossians find themselves. The above declaration explicitly proclaimed that:

“The subjection of peoples to alien control, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the UN and is an impediment to the promotion of world peace and co-operation”

Hence, the researcher is quiet convinced that the right and legal process the UK should do is to de-legalize the two BIOT Immigration Ordinances Orders Number 1 and 2 of 1971 and 2004 respectively in order to allow the right of abode of the Chagossians. The researcher’s argument is guided by the UN Charter, Chapter XI, Article 73 (Declaration regarding non-self-governing

territories) and the UN Declaration on the rights of indigenous peoples (Resolution A/61/295, 2007). The two declarations justify enough among others, the right to self-determination for the Chagossians to be allowed to return with dignity to their native country. Hereunder are the proclamations of the two declarations in order de-legalize the British Immigration Orders in Council of 1971 and 2004:

Article 73 (a) and (b) reads;

“Members of the UN which have or assumed responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. To ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. To develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement”.

Therefore, paragraph (b) of Article 73 is very important to counter the compensation issue much talked about SD4. The first and primary remedial action to do is to allow the return of Chagossians to their homeland, then the second issue to be considered could be the compensation issue. The researcher could have agreed with SD4 if a plebiscite (referendum) had been held with the results indicating that the majority of Chagossians preferred to be resettled elsewhere and paid a compensation, which is not in this case. However, in the researcher’s view, the compensation issue is still relevant as a secondary matter and interestingly, Vine et al (2006:21) unpacked the issue of compensation as follows: “The compensation provisions made for the Chagossians by the UK in the 1970s and early 1980s of £650,000 and £4million respectively, were far from adequate in order to assist the Chagossians’ resettlement in the country and the later into a trust fund for the welfare

of the registered Chagossians. Nevertheless, not all of the Chagossians were registered to benefit from the two provisions”.

To sum it all in respect of SD4’s views, the researcher agreed with Vine (Ibid) that the compensation payments made by the UK government to the Mauritian authorities in the 1970s and 1980s cannot suffice to settle the dispute between the two countries. The reason being that the remedial right to resolve the Chagossians’ plight or injustice done to them is only to allow them to return to their indigenous abode (Buchanan, 1977) as well as in accordance to the two international covenants of 1966, Articles 1 (2), 55 and 73 (a) and (b) of the UN Charter.

Then, on SD5’s response in regard to whether self-determination of peoples applied to the Chagossians’ plight, the researcher’s take is that the respondent raised two issues which like SD4 did not address the asked question, that is, the establishment of the BIOT as a Royal prerogative power of the UK constitution and that the dispute was purely a bilateral matter between the two countries. On the first part of the response, the researcher again disagrees with SD5’s account which infers that the UK had a prerogative power to establish BIOT by forceful removing the indigenous inhabitants of Chagos Islands for defense and security reasons of other nations. The forced dismembering of the Chagossians from their native territory was done without consultation and consensus which violated another UN Declaration on the rights of indigenous peoples (2007), in addition to UN Declaration on the granting of independence to colonial countries and peoples (UNGA R1514, 1960) and the UN Declaration regarding non-self-governing territories (Chapter XI).

A closer look on Article 3 of the UN Declaration on the rights of indigenous peoples (2007) reads:

“Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

And, Article 8 (1) and (2) (a) to (d) of the same declaration reads:

(1) “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

- (2) States shall provide effective mechanisms for prevention of, and redress for;
- (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their culture values or ethnic identities.
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources.
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.
 - (d) Any form of forced assimilation or integration”.

Hence, it is the researcher’s thought process that the Royal Prerogative Powers that established BIOT violated many international laws among them the UN Declaration on the rights of indigenous peoples (2007), mainly Articles 3 and 8 as demonstrated in the above paragraphs. Interestingly, the UK government affirmed to this declaration by being a signatory member to this UNGA resolution (A/61/295).

On the second part of SD5’s response that the issue was purely a bilateral matter between the UK and Mauritius; of course that point holds water but the dispute surrounds a very important narrative of decolonization and self-determination, aspects which always have been of direct concern to the UN mandate. It is about the complete decolonization of the Mauritian territories encompassing the Chagos Islands. Since the dispute is about the decolonization and self-determination of Chagossians, the dispute should be de-linked from being a bilateral matter and upgraded to a multilateral level and as a result the UNGA takes over the dispute for its determination in accordance with UN Declaration on the granting of independence to colonial countries and peoples (UNGA R1514, 1960) and the UN Declaration regarding non-self-governing territories (Chapter XI).

On SD6’s response that the LHA of 1965 allowed the separation of Chagos Islands from Mauritius territory for defence purposes, the researcher can assert that SD6’s response is a misrepresentation of facts. Why?, because, according to the Mauritian’s special committee’s report of 1982 which was tasked to investigate the circumstances surrounding the deracination of the Chagos

Archipelago from Mauritius, concluded that the Mauritian independence was conditioned upon surrendering the Chagos Islands to the UK government (Boolell, 2010). Hence, the Mauritian independence could have been postponed to a future unknown date, if Mauritian representatives to the Lancaster House Conference had not consented to the LHA. According to Boolell (2010), the record of negotiations revealed that the UK Prime Minister at that time, Sir Harold Wilson, explicitly warned the Mauritian Prime Minister also at that time, Sir Seewoosagur Ramgoolam, that the Mauritian delegation to the talks could travel back home either with independence or without independence. Consequently, the ball was in Mauritian's court to decide wisely.

Furthermore, the British Premier openly told the Mauritian delegation that the Chagos Islands could be excised either using the Royal prerogative authority of the Queen or with the consent of the Mauritian delegation (ICJ Judgment, 2008). Either way, the British decision was unstoppable to separate the Chagos Islands from Mauritius. National interests were at play in this circumstance and according to Hobbes (2009), realists are power –centered and likewise the state will behave in mirror to its population desire. Therefore, in regard to the conditions that were put on the table to the Mauritian delegation, the researcher is in agreement with the dissenting and concurring opinions of Judges Kateka and Wolfrum (2015) that the Mauritian delegation to the Lancaster House talks was persuaded to conclude the LHA and therefore, was coerced to assent to the deracination of Chagos Islands. The coercion and consent to the deracination of Chagos Islands was among many human rights violations, for example, the UNGA Colonial Declaration (1960), paragraph 5, which states that;

“Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed, or colour, in order to enable them to enjoy complete independence and freedom”; and under UDHR, infringements of Articles 2 (Prohibition of discrimination), 13 (Freedom of movement, entry and exit), 14 (Right to asylum), 15 (Right to nationality), 17 (Right to property), 23 (Right to work) and 25 (Right to adequate standard of living and health).

Additionally, it is the researcher's view that irrespective of whether the Mauritian authorities at that time wilfully consented or not to the British proposal of deracinating the Chagos Islands from Mauritius, a fact of life still remains up to now that BIOT is being ruled by a foreign authority (UK) politically, economically, socially and culturally by way of Order in Council, an Act of legislation which has been in force since 1965 up to this present moment (Vine, 2005). The assertion by Buchanan (1997) and Schaefer (2008) in the theoretical framework, specifically RROT and the RDT theories respectively, are in sync with remedying the deprivation to the right to self-determination of Chagossian people. In this regard, Buchanan (1997:34-35) asserted that "a group of people has a general right to self-determination if only if it has suffered certain injustices for which self-determination is the appropriate remedy of last resort". Hence, the continued ruling of the Chagos Islands by the UK constitutes a continued violation of international law which should be remedied by the de-legalization of the two BIOT Immigration Orders No 1 & 2 to allow the return of Chagossians to their home country without hindrance and not to return once the defence purpose ceases to exist, as argued by SD6.

4.5 Theme 3: Convincing facts to the right of self-determination for the Chagossians to return to their homeland

It has been clearly exposed in Theme 1 and 2 that the main actors in the Chagossians' plight are the UNGA, the Mauritian and British governments. To this end the aim of Theme 3 is to closely establish the responsibilities of these actors from the lens of the international, regional and national laws guided by responses from interviewees in order to allow the return of Chagossians to their home land without any hindrance.

4.5.1 UNGA responsibilities under the UN Declarations on decolonization and non-self-governing territories

Three pertinent instruments of the UN that is, the Charter (Article 1, 55 & 73), the UN Declaration on granting of independence to colonial countries and peoples and the Common Article 1 all refer to self-determination as a fundamental human right to peoples (Cristescu, 1981). The three instruments now form the legal system of the UN on self-determination of peoples and consequently, all member states of the UN have a moral and legal duty to comply in letter and spirit to the provisions of the instruments. The legal obligations pertaining to these instruments put

a lot of obligations to the state parties who ratified the instruments (193 members) their commitment to implement the rights spelled out in the provision of the instruments (Cristescu, 1981).

Anything short of compliance to the provisions of these instruments is considered to be a violation of the same by the UNGA and the UNSC. Therefore, the UNGA or UNSC has the mandate and power to take appropriate measures to remedy these anomalies.

4.5.2 Mauritian government responsibilities under ICCPR and ICESCR

Under the Mauritian Constitution, Mauritius includes the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados, Carajos and the Chagos Archipelago, including Diego Garcia (Mauritius Constitution, Article 111 (1) (a). This was the most difficult episode of the research as the researcher met considerable resistance from Mauritian officials to probe deeper about the responsibilities of the Mauritian government under various laws, including their Constitution. However, SD1 had this to say in respect of the responsibilities of Mauritian government under ICCPR and ICESCR:

“The Chagossians living either in Mauritius or Seychelles are there by default, it had never been their choice to reside in any one of the two countries. Beyond that these forcibly exiled Chagossians in Mauritius and Seychelles were unbelievably dumped on the docks of the capitals from Chagos Archipelago and left to find their own way for life. They were not integrated in any community of the Mauritian or Seychelles social fabric so that they could pursue a normal life in accordance with the civil, political, social, economic and cultural rights under the ICCPR and ICESCR”.

The researcher totally agreed with SD1’s responses in regard to Mauritius violations to ICCPR and ICESCR proclamations to which the government ratified the Covenants. The denial to an individual the right to freely choose where to reside in his or her country, the arbitrary denial of the right to enter one’s country and the act of throwing people on the streets without a deliberate programme to resettle them in accordance with government policies infringed Articles 12 (1), (4) of ICCPR and Article 6 of ICESCR as the Chagossians were forced to exile in Mauritius. These denial acts by the Mauritian government against the Chagossians are clearly pronounced in the Buchanan’s RROT as well as in the RDT by Schaefer (2008). Therefore, the Mauritian government

has the responsibility to make full gratification of the Chagossians' rights under ICCPR and ICESCR.

Further to the above observations by SD1, the researcher was also puzzled as did the UK government in one of their arguments analyzed elsewhere in this study about the mistreatment the Chagossians experienced on being dumped on the doc-yards of Mauritius and the Seychelles without homes, employment or compensation, during their forced detachment from Chagos Archipelago by British authorities from 1967 to 1973 (Boolell, 2010). More questions than answers obtain here as to why the Mauritian government never complained to the British authorities and to the international community at large about this deed. The UK's question is worthwhile here to repeat, that is, "why did the Mauritian authorities failed to protest against the separation of Chagos Archipelago from Mauritius until 1980, let alone the dumping act by the British, that is, 12 years after gaining independence and 15 years after the establishment of BIOT?" The silence over the issue again suggest reasons as to why the researcher received unfavourable interaction and sometimes being ignored by Mauritians on probing deeper about this mistreatment that occurred in their country under their watchful eyes.

From the above established facts of mistreatment of the Chagossians by the British authorities and witnessed by the Mauritian authorities at that time, the researcher can convincingly state that the Mauritian government breached a number of Articles under ICESCR. For example, Article 6 (the right to work), Article 9 (the right for everyone to social security) and Article 11 (the right to an adequate standard of living for any individual and his or her family). Therefore, under Article 2 (1) of the ICESCR, the Mauritian government has a responsibility or covenant to effect morally and legally the necessary mechanisms to realize those rights set out in the Covenant as a matter of urgency.

4.5.3 Mauritian government responsibilities under the UN Declaration on the rights of indigenous peoples

Recognizing the contributions of the Human Rights Council contained in the UN Declaration on the rights of indigenous peoples (UNDRIP, 2007), the Declaration categorically acknowledges the right of equality of indigenous peoples to all other peoples and to be respected and treated as such.

In this regard, respondents were asked about the responsibility of the Mauritian government on the right of indigenous peoples, in particular, the Chagossians' plight. Respondent SD3 stated that:

“The plight of Chagossians as the indigenous race of the Chagos Islands is deplorable in the way the British dislocated them from the islands. Many bad things happened like forced removal from their homes just like animals and not human beings. This deed or act was tantamount to racial discrimination and de-nationalization a people from their indigenous territory and et cetera. The UK government has more homework to do than the Mauritian government in order to redress these past injustices against the Chagossians. For example, immediate surrender of the Islands to the rightful owners accompanied with a repatriation programme under the UN supervision. No doubt a meaningful compensation funding must also follow to complete the decolonization process uncompleted in 1968 when Mauritius attained its independence from the British government”.

SD3 is spot on, on the duties and responsibilities of the Mauritian government concerning the right of indigenous peoples in tandem with the demands of UNDRIP. Specifically, Articles 10 and 8 (1) respectively state that;

“Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return”. And, indigenous people and individuals have the right not to be subjected to forced assimilation or destruction of their culture”.

As a remedial action to injustices done to the Chagossians by the Mauritian authorities, Article 8 (2) provide effective mechanisms for prevention of, and redress for deprivation of Chagossians of their integrity as a distinct people, dispossession of Chagossians of their lands, territories and resources, forced transfer of a population, forced assimilation and integration of indigenous peoples into another society.

Hence, the comments by SD3 above, the demands of Articles 8 (1) and (2) and, 10 of UNDRIP (2007), all explicate and contextualize the application and relevance of the RROT and RDT used in this research. Indeed, the injustices articulated by SD3 are in unison with the problem of the study and the two theories applied in the research rhyme or are in sync with the problem of the study as well. A recap of the RROT and RDT by Buchannan (1997) and Schaefer (2008) respectively are briefly as follows:

“A group of people has a strong case to claim on the right to self-determination if the instances of injustices included denial of a territory or land and consequently, if territory or land deprivation was one of the claims to the injustices cited, then that in its own, rightly represented a remedy to past or prevailing injustices”, and;

“The conscious experience of a discrepancy or deprivation of something between expectations and present actualities, drives individuals or a group of people concerned to visit their venom on the governments or institutions that contributed to the non-realization of their goal expectation”.

These are very important inter-related facts for consideration under the triangulation narrative in research. This is so because there is a fluid association or balancing act between the statement of the problem, the theoretical framework and what the research respondents are saying in answering questions related to the research questions. Additionally, the remarks by SD3, concur with the assertions by Vine (2005:5) who stated that, “The Chagossians have been left stranded in awfully dreadful conditions in Mauritius where they have to live with the bitter reality of having been deprived of their birth right, their right to their motherland and are still forbidden from having access to their very own island.” These remarkable comments related to SD3 responses are undisputable and justified arguments to the right of self-determination for the Chagossians to return to their homeland.

4.5.4 Mauritian government responsibilities under the African Charter on human and peoples' rights

The African Charter on human and peoples' rights (ACHPR, 1986), popularly known as the 'Banjul Charter', has four essential objectives or pillars to achieve legitimate aspirations for the African peoples, namely, freedom, equality, justice and dignity. These four pillars when put together as a single process, clearly align in meaning to the objectives and significance of self-determination of peoples. Indeed, Article 20 (1) of the Banjul Charter enshrines the unquestionable and inalienable right of the peoples of Africa to self-determination from colonization, oppression, subjugation and other human injustices. Hence, States to the Charter have an obligation to include in their country's Constitution the narrative of the right of people to self-determination as espoused in Articles 1 (2) and 55 of the Charter and Article 1 of both covenants of 1966.

In order to identify convincing facts on the responsibilities of Mauritian government under the ACHPR for the Chagossians to return to their homeland, the researcher got the following responses from interviewees on their views on the role being played by the AU and SADC concerning the plight of the Chagossians: SD1 said;

“It is apparent that the Chagossian case was taken by the Mauritian government to the UNGA for determination, hence, both SADC and AU now have little or no role to play for the conclusion of the matter”

On further probing why the plight of Chagossians which the territory is occupied by the US for military purposes is barely known or talked about in public nor during international, regional and even during SADC meetings, SD1 and SD2 were not at liberty to discuss further on the issue than to repeat the views given by SD1 above. However, SD9 said;

“Up to now my observation and best knowledge is that both SADC and AU have never openly talked in public about the plight of the Chagossians at their various fora. Let somebody show me any piece of paper containing stories or debates about the Chagos Islanders other than very few editorials coming from individual people especially from Britain. The non-publicity, cautious and tacit circumvention of the formal discussion of the Chagossians’ plight at various fora and at different levels is a public secret for many in high government offices as well as within the diplomatic cycles. The best simple reason I can give for this sad state of affairs would be that the aggrieved government did take a quiet stance on the matter at the onset of the problem. One would want to further interrogate the reason behind the taking of that stance by the Mauritian government”.

The observations by SD9 that the plight of Chagos Islanders is not known or never talked about in public nor the existence of information about Chagos Islands (BIOT) being a colonial territory of the UK up to date is admittedly a new story to many. To the researcher, this was perhaps one of the main reasons to undertake this study on discovering that there was still a colonized territory in Africa under SADC. This is exactly 58 years from 1960 when the UNGA adopted the UN Declaration on the granting of independence to colonial countries and peoples (UNGA Resolution, 1514W, 1960). Since the BIOT is not listed as a non-self-governing territory under the UN Declaration regarding non-self-governing territory in accordance with demands of Article 73 (e), the researcher is of the view that this is where the UK government has won its case against the Mauritian government.

Pursuant to SD1, SD2 and SD9 observations, the non-compliance by the UK government to list BIOT as a Trust and Non-Self-Governing Territory with the UN Secretary General (UNSG) is the most vital and missing link on the whole matter of the Chagossians' plight. As a result the UK government is not compelled to transmit regularly to the Secretary General pertinent information regarding BIOT as Article 73 (e) mandates. Consequently, discussions, debates, information dissemination and determination on the political, economic, social and cultural status of the BIOT in line with any international or regional law cannot take place from nothing. The central issue here again is the non-listing of BIOT with the UNSG as a non-self-governing territory by UK. This state of affairs ordinarily sends a clear message to anyone and the UNGA at large that there is no business to talk about something from nothing. It is un-procedural in the UNGA to discuss an issue pertaining to non-self-governing territories (Chapter XI) when that particular territory is not in the declared list of such territories in Article 73 of the Charter.

Allen (2014) asserted that the continuous prevention of the right to return of Chagossians to Chagos Archipelago and not the non-existence of a permanent population, (which in the researcher's opinion was the main reason by the UK of not listing the BIOT with the UNSG), is a continuous contravention of international law, that is, the right to self-determination from the past to present. Indeed, the UK government's violation of universal laws concerning the right to self-determination by the Chagos Islanders was clearly asserted by Demsar et al. (2018:48) quoted elsewhere in this study but repeated below that:

“When a State has enacted legal measures that maintain a state of affairs contrary to the international law that state is in a continuous violation of international law. The BIOT Order in Council (SI 1965/120), which established BIOT and has stayed in force up to this very moment, is a legislative Act incompatible with customary international law and constitutes an ongoing violation of international law. Furthermore, even though it is hard to argue that the UK maintains colonial domination by force, the force itself cannot be said to play a decisive role in relation to the continuous character of violation, but can only contribute to the wrongfulness itself. Hence, the maintenance of colonial domination over the Chagos Islands resulting from the BIOT Order in Council (SI 1965/120) is of continuous character”.

4.5.5 UK government responsibilities under the UN Declaration on the rights of indigenous peoples

The dictates of UNDRIP are very important and interesting to both the Mauritian and UK governments. As alluded earlier on under the paragraph “Responsibilities of Mauritian government under the UN Declaration on the rights of indigenous peoples”, hereunder are the responses gotten from respondents in respect of the UK responsibilities: SD8 said:

“The responsibilities of the UK government under the said UN declaration may be considered or not depending entirely on the UNGA determination when it eventually debates on the issue. Right now the status quo in BIOT continues and perhaps the situation may change for the better if Africa speaks loudly with one voice on the need for the UK government to acknowledge and act accordingly on this case. However, there are many violations done by the UK government which infringe the UNDRIP, for instance, the right of the Chagossians to their land and the resources therein”.

SD10 also came in and touched on the military activities going on in Diego Garcia and said;

“The decision by the UK and US to use Diego Garcia for military purposes without the free consent of the indigenous inhabitants is deplorable by any standards. The deployment of the US military forces into Diego Garcia for whatever reasons violated not only the UNDRIP but the UN Charter outside the UN Security Council (UNSC) resolution”.

The responses by both SD8 and SD10 were thoughtfully considered in such a way as not to directly provoke the actors involved. However, the response by SD10 is unique in that it brought in to the research new information which was not satisfactorily explored in the literature review. That is, the use of Diego Garcia for military purposes was highlighted in passing but its implication was not analyzed adequately. The deracination of the Chagossians from the Chagos Islands was adequately analyzed and the violations attached to it exposed and the perpetrators to the violations allocated their share of blame in accordance with the UN pertinent laws. As for the use of Diego Garcia for military purposes without the free consent of the indigenous people and let alone the involvement and sanctioning by the UNSC, that was tantamount to violation of various customary international laws.

For instance, Article 30 (1) and (2) of UNDRIP categorically prohibits military activities in the lands or territories of indigenous peoples without their free consent. Article 30 (1) and (2) of UNDRIP reads as follows respectively:

“Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned”, and;

“States shall undertake effective consultations with the indigenous peoples concerned through the appropriate procedures and in particular their representative institutions, prior to using their lands or territories for military activities.”

In respect of the above observations by SD8 and 10, the researcher wants to be guided by the idealist paradigm which envisages states interacting, cooperating with each other, living in harmony, disengaging themselves from quarrels and having faith in international laws and organizations among others (Heywood, 2011). On the contrary, manifestations on the ground in Diego Garcia depict a very different picture far away from the idealists’ assumptions. The real situation in Diego Garcia characterizes a mighty foreign military invasion and occupation of the territory without consultations with the indigenous peoples and UNSC involvement. It is clear that the invading military force has a permanent intention to influence a desired outcome in its favour in the international system. This desired outcome which was in favour to the UK and the US consequentially ruined an indigenous people’s ability to remain a culturally distinct people (Coulter, 2009). This situation obtaining in the Diego Garcia was similarly described by Mearsheimer (1994) as being amoral in the pursuit of power and national interest in an anarchic world and that resembles realists’ manifestations against weaker states.

Against the above background, the UK government being the colonial administrator of BIOT, is obligated to shoulder the responsibility of allowing the US to conduct seemingly permanent military activities on the islands from 1965 without the slightest legal and moral consent from the indigenous peoples of Chagos Islands, an undisputable violation of UNDRIP, Article 30 (1) and (2) of 2007. The same is supported by Buchanan’s RROT (1997) who asserted that a group of people has a general right to self-determination if and only if it has suffered certain undisputable

injustices such as forceful occupation of territory by a foreign power which was formerly independent.

The same reasons under this article of UNDRIP also convincingly makes irrelevant the arguments put forward by SD4 and 5 in their responses to whether the right to self-determination of peoples applied to Chagossians (Subtopic 4.4.1 above). SD4 had argued that the US defence facilities on the BIOT helped to protect people in Britain and around the world from terrorist attacks, organized crime and piracy, whilst SD5 had indicated that during the dislocation of Chagos Archipelago from Mauritius, there existed high risks of security and threats to peace to the UK, the US and the majority of progressive forces over the world against the wave of communist dictatorship from USSR.

As a conclusion, the defence facilities on the BIOT serving foreign military and geo-strategic interests became more important than human beings (Chagossians) to the extent of prevailing over the sovereign rights of other territories and in the process dismembering the Chagossians from being a nation on their own. In addition, the deed by the UK and the US against the Chagossians can be described as a horrible act as it resultantly destroyed the Chagossians' ability to remain as a culturally distinct people of Chagos Islands.

4.5.6 UK responsibilities under the UN Declarations on decolonization, non-self-governing territories and the Common Article 1

The UK government excised the Chagos Islands in 1965 using the Her Majesty Powers. This act was done forcefully and without the free consent of the Chagossians and the blessing of the UN. Surprisingly, the Chagossians, the Mauritians and the world at large had expected the process of decolonization, the realization of self-governing status to non-self-governing territories and promoting the realization of the right to self-determination for the Chagos Islanders in compliance with the relevant provisions of the UN Charter. In light of the above, the researcher asked respondents what they thought could be UK's responsibilities under the provisions of the UN Declarations on decolonization, non-self-governing territories and the Common Article 1.

SD3 said;

“I know that the British have persistently argued that the Chagos Islanders’ issue is a matter to be discussed and resolved only between the Mauritians authorities and the UK government. However, the Mauritian government took the matter to the UNGA in 2017, thus evading the bilateral avenue. Hence, under the provisions of the UN Declaration on decolonization, the UN, using its powers, must immediately put an end the subjection of Chagossians to domination by the UK government”.

SD8 said;

“The UK should be accused for deracinating the Chagossians from their homeland in 1965 and its perpetual refusal to allow the return of the indigenous people to their country of origin. Using the current provisions of the UN Charter on decolonization and the 1966 international covenants, the UN must quickly decide on a execution programme to implement the provisions of the two declarations and stop listening to UK arguments related to defence, security and piracy threats at the expense of the right to self-determination of the Chagossians”.

The submissions by both SD3 and SD8 converge to one common fact of immediate and unconditional decolonization of BIOT. As stated earlier on, the matter of the right to self-determination ceased to be a bilateral issue as soon as the matter fell in the ambit of the UN declaration on decolonization (Cristescu, 1981). Cristescu, 1981:47) further asserted that, “the right of peoples to independence is a law of decolonization seeking to establish sovereign and independent states on the basis of the declaration on the granting of independence to colonial countries and peoples. The decolonization law recognizes that the peoples of the world ardently desire the end of colonialism in all its manifestations and further declares that the inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence”.

The assertion by Cristescu (1981) is in association with Buchanan’s RROT (1997) and Schaefer’s RDT (2008), which Buchanan (Ibid) states that a group of people has a right to self-determination if a specified injustice to that group of people within a boundary of a state or country has suffered political and economic marginalization, ethnic cleansing and unlawful occupation of a territory by force. At the same time, Schaefer (2008) asserts that individuals have a right to

remedial course of action if a conscious experience of a negative discrepancy between expectations and present actualities do exists.

Therefore, from the above discussion, it is convincingly clear that the UK violated under this theme; firstly, the right of Chagossians to be granted independence to return to their homeland. The return of Chagossians to Chagos Islands can only be guaranteed upon the de-legalization of the Majesty's Immigration Orders 1 & 2 that prohibit their return. Secondly, an unhindered return of the Chagossians to their home country can only be promising and legally assured if the UK lists the BIOT as a non-self-governing territory under Article 73 (e) of the Charter. Last but not least, by denying perpetually the return of Chagossians to their mother land, the UK violated the popularly termed Common Article 1 derived from the two international covenants of 1966. Henceforth, the offender is obligated by the same Common Article 1 not to obstruct the right to the full jollity by the Chagossians of their native territory.

4.5.7 Chapter Summary

The chapter presented, analyzed and discussed the data gathered from the research field. The responses from interviews and document analysis were presented as given by the respondents. The information gathered from the resultant analysis revealed that the Mauritian and UK governments violated a number of customary international laws which contributed to the denial to the return of Chagossians to their home country. The next chapter will focus on the summary, conclusions and recommendations of the research.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter consists of three main sections to conclude the entire research study. These are the summary, the research-based conclusions and the recommendations. A suggestion for possible future area of study related to the current research is given at the end of the chapter.

5.2 Summary

The research set out to identify justifiable or convincing facts to the right of self-determination for the Chagossians as a solution for them to return to their homeland, the Chagos Islands. The research study was largely prompted by the compulsorily removal of all the Chagossians from their homeland when Mauritius became independent from Britain in 1968. The deracination of the Chagossians was executed by the UK government in order for the American military to use one of the islands, Diego Garcia for special military purposes. The consequences to the compulsory relocation of the Chagossians, left them without a fixed abode, no permanent population, loss of the right of self-determination, and no right to return to their mother country.

In relation to the statement of the problem, the researcher applied the remedial right only theory, the primary right only theory and the relative deprivation theory which all are associated with denial of land/territory and political, economic and social marginalization. Of course the three theories were underpinned by the liberal narrative though the realist paradigm took a centre stage because of the behaviour of the UK government as the main actor and official administrator of the territory under discussion. Hence, the UDHR, the UN declaration on decolonization, the declaration regarding non-self-governing territories and the common international covenants were more often referred to in the analysis of the right to self-determination of Chagossians.

The research study adopted the case study approach as its research design based on the qualitative research paradigm. The methodology used was the purposive sampling coupled with the snowball technique which enabled the researcher to identify appropriate expert subjects who participated in the research field process. Guided by the purpose-non-sampling technique, the researcher used interviews, questionnaire and document analysis as data collection methods for the phenomenon studied. It was not an easy research to carry out because of various factors. Some of them included

the geographical position of the country of study relative to Zimbabwe, the general defensive, elusive and unwillingness of Mauritian government officials who were reluctant to divulge some information particularly related to Mauritian government responsibilities on the plight of the Chagossians as well as exaggerations and stubbornness by British authorities during interviews.

Despite these constraints, interesting findings and observations were made and conclusions drawn as outlined in the following section of the chapter.

5.3 CONCLUSIONS

The main purpose of this research was to establish convincing facts as a solution to justify the return of Chagossians to their homeland. Consequently, **research objective number one** examined the nature of the right to self-determination of peoples. Hence, the research found out that the behaviour of the UK from 1965 up to date, demonstrated an unchanging character in terms of its foreign policy position on the Chagossians' plight. This is contrary to Buchanan (1997) in his theory RROT which asserts that a group of people has a general right to self-determination if and only if it has suffered a denial from self-governing threshold, forceful occupation of territory by a foreign power, political and economic marginalization

The UK, nowhere in its dealings on this issue at both bilateral and multilateral levels has it demonstrated a remorse, moral and a government legal intention to allow the immediate return of Chagossians to their motherland. This is despite overwhelming evidences of its wrongful act of continuous denial to the Chagossians peoples to access their territory without unfettered conditions emanating from the two Royal Immigration Council Orders of 1971 and 2004. The two Royal Immigration Council Orders, unless they are de-legalized in the British Constitution, the BIOT legal status quo shall continue to subsist to its letter and spirit.

Research objective number two analyzed the reasons given by the UK to object the return of Chagossians to their homeland. The research found out that the UK's objection to Chagossians right to self-determination was on the basis that the decolonization of Mauritius was lawfully completed in 1968, the Island was important to defend the UK and the rest of the world from terrorist attacks and the UK government had paid compensation to the Mauritian authorities

(Boolell, 2010). It is one-sided story tale because there has been little if not none frequent public dissemination of information by the Mauritian authorities or SADC about the right to self-determination of Chagossians. This could be one of the reasons why the Chagossians' plight remains a mystery and secret to many people locally, regionally and internationally. The majority of people in Africa and SADC in particular, the Chagossians' plight is hardly known though the issue is with the UNGA. The unestablished reasons of why the Mauritian authorities elected to maintain a secrecy and quiet diplomatic position on the issue even within SADC rightly deserves a further research under this current research phenomenon.

In an anti-support move of the above foreign policy position of the UK towards the BIOT, there is a need to examine and establish whether the lease agreement between the UK and US on BIOT over-rides customary international laws, specifically the UN Declaration on decolonization. The lease agreement is running up to the year 2036 and that bilateral agreement is subsisting on the basis of the two Royal Immigration Council Orders (Snowell, 2009). That arrangement between the UK and US government, constitutes another continuous wrongful act which is continuously depriving the Chagossians their universal human right to return to their native land in accordance with the UDHR and the UN Declaration on decolonization among other UN pertinent laws (Vine, 2005). If that lease agreement is not rendered void by the UNGA on the basis of decolonization, then it literally means that the Chagossians' plight would need another 18 years of wait to be considered for discussion and determination.

Research objective number three sought to establish convincing facts to justify the return of Chagossians to their homeland. The current arguments for the Chagossians' plight purportedly from Chagossians sympathizers, surround mainly on the UN Declaration on decolonization, non-self-governing territories and the Common Article 1. On the other hand, British authorities base their arguments on the BIOT alleged efforts to combat conflict, terrorism, drugs, crime and piracy. Surprisingly, amongst the main actors on the Chagossians' plight (Mauritius, SADC, AU & the UN), not even one of them has really outspoken or unequivocally exposed to the whole world about the US occupation of Diego Garcia for military purposes, for example, harbouring nuclear platforms without the free consent of the indigenous people and sanction of the UNSC.

The magnitude of the noise made by all progressive international actors which came out immediately after Saddam Hussein's army occupied Kuwait in August 1992, should have been more or less similar to come out from the same actors on the current military occupation of Diego Garcia by the US without the free consent of the owners of the island. Hence, while this illegal military occupation is continuing in violation of UN Declaration on the rights of indigenous peoples, it is observed that nothing is being done let alone said by the Mauritian government, SADC, AU and the UN to de-nuclearize the African continent.

5.4 Recommendations

In light of the foregoing conclusions, it is recommended that:

The UNGA. It is imperative that the UNGA take an immediate action to implement the complete decolonization process of Mauritius using the UN Declaration on granting of independence to colonial countries and peoples (UNGA Resolution, 1514WV, 1960) and the UN Declaration regarding non-self-governing territories (Article 73e). The purpose of occupying Diego Garcia for military purpose by the US military at the expense of perpetual dislocation of an indigenous people from their homeland and ignoring their individual human rights must be stopped forthwith by the UNGA, in conformity with the UNDRIP, Article 3 and 8. Additionally, the purpose of occupying Diego Garcia for military purpose by the US military harbouring nuclear arms is a practice contrary to the UN Declaration on the denuclearization of African countries, A/Res/2033, 1965. Hence, the UNGA ought to use among others, these pieces of customary international laws to force the UK government to repeal the operations of the Royal Immigration Council Orders which prohibit in perpetuation the return of Chagossians to their motherland.

The UK government. The UK government has to de-legalize the two Immigration Council Orders 1 & 2 in order to allow the return of Chagossians to their homeland. This is in conformity with the UN Declaration on decolonization (1514, 1960) and Articles 1 (2) 55 and 73 (e) and the Common Article 1(1966). Additionally, the lease agreement between the UK and the US (bilateral agreement) which expires in 2036 cannot supersede a universal human right law (UDHR) or neither to suspend the operation of a customary multilateral law. Hence, the UK and the US need to deliberately suspend with immediate effect this illegal agreement.

The Mauritian government, SADC and the AU. These together must take a bold move underpinned by a deliberate, systematic and united front to disseminate information regarding the Chagossians' plight. The historical injustices done to the people of Chagos Islands and the current continuous denial of the same by the UK's restrictive laws to access BIOT, become unfettered public information particularly in Mauritius, SADC and AU countries. This common united front lessens the pressure and burden on Mauritius's responsibility to go it alone against all odds presented to it by the UK and its ally the US.

Additionally, a lobby of this nature to the international community may invite the Human Rights Council to use the UN Universal Periodic Review platform, to periodically examine the human rights situation of the BIOT, thus complementing the mandate of Article 73 of the Charter. This may quickly force the UK to change its position and ultimately change its foreign policy position on BIOT and allow the Chagossians to return to their motherland.

5.5 Areas for further research

The researcher found out that the Mauritian government officials were reluctant to share information pertaining to government responsibilities on the Chagossians' plight. The Chagossians' plight is not a topical issue frequently talked about in public or revealed to foreigners who visit that country. At the regional and continental level it is the same approach by the Mauritian authorities of maintaining a secrecy and quiet diplomacy on the issue yet the Chagossians continue to suffer permanent dislocation from their home and leading a miserable life. Hence, there is need to investigate the reasons as to why the Mauritian government keeps a low profile on the Chagossians' plight.

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APPENDIX 'A': RESEARCHER'S INTRODUCTORY LETTER TO PARTICIPANTS

MANYAME COMMUNITY
P BAG 7722
ZIMBABWE

Dear Sir/Madam

My name is Dakarai Muraicho, an International Relations Masters student studying at the Bindura University of Science Education. It is the University's regulation that as part of the Masters studies, students must carry out a research. To this end, I hereby kindly request to interview you on my research topic titled '**ESTABLISHING THE RIGHT OF SELF-DETERMINATION FOR CHAGOSSAINS OF MAURITIUS. CASE OF CHAGOS ISLANDS (2015-2018)**'. The aim of the research is to establish convincing facts to the right to self-determination for the Chagossians to return to their motherland, Chagos Islands.

Your contribution towards this research is highly appreciated and the responses shall be treated with maximum confidentiality, privacy, anonymity and the contributions shall be used purely for academic purposes.

Your cooperation in this matter is highly appreciated.

Yours faithfully

Dakarai Muraicho

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APPENDIX 'B': MAURITIANS/CHAGOSSIAN POLITICAL EXPERTS

TOPIC: ESTABLISHING THE RIGHT OF SELF-DETERMINATION FOR CHAGOSSIAN OF MAURITIUS. CASE OF CHAGOS ISLANDS (2015-2018)

OBJECTIVES OF THE STUDY

The objectives of the study are:

1. To analyze the importance of self-determination of peoples.
2. To establish reasons justifying the UK's continued objection to the right to self-determination for the Chagossians.
3. To identify convincing facts to the right for self-determination as a solution for the Chagossians to return to their homeland.

RESEARCH QUESTIONS

The researcher was guided by the following questions:

1. Why is self-determination relevant to people?
2. What are the reasons justifying the UK's continued objection to the right to self-determination for the Chagossians?
3. What are the convincing facts to the right for self-determination as a solution for the Chagossians to return to their homeland?

INTERVIEW QUESTIONS

Theme 1: Importance of self-determination of peoples.

1. What is your understanding about the term 'self-determination' of peoples?

2. In your view, how does the UN self-determination discourse fit into the Chagossians' plight to the right to self-determination or vice versa?
3. In your opinion, do you think the right to self-determination of peoples has been successful in its application the world over and why?
4. Can you cite a few examples where it has been applied and the results thereof?
5. What are the fundamental injustices that the Mauritian government is propagating to SADC, AU and the UN on the right to self-determination of Chagossians?
6. Do you think the Mauritian government has made enough effort to sensitize/publicize the international community on the question of Chagossians' right to self-determination?
7. What are some of the challenges being faced by the Mauritian government to realize the plight of Chagossians' right to self-determination?

Theme 2: UK's justification to continued objection to the right to self-determination for the Chagossians.

8. In your view, why has the Mauritians authorities taken so long to protest against the separation of Chagos Islands from mainland Mauritius after Mauritius attained independence in 1968?
9. The ICJ's advisory opinion is always considered an advisory opinion and not a judgment. In your opinion, do you expect the UK government to honour and effect the ICJ's findings?
10. It is apparently true that the UK government has always cautiously and tactfully circumvented the discussion of British Indian Ocean Territory (BIOT) at multilateral forums for various reasons. In your opinion, is it not possible that the UK government may bring new arguments if Mauritius and the UK sit down together to discuss ICJ's findings?

11. At the present moment it is a known fact that the Chagos Islands is devoid of a permanent population. In your view, is UN Chapter VII (Action with respect to threats to the peace, breaches of the peace, and acts of aggression) applicable to the territory and why?

12. It is alleged that the defence facilities in BIOT are there to offer protection to all people around the world against terrorism, piracy and other forms of organized crimes. From this perspective, is it not possible that the UK government sided by the US would suggest to the Mauritius government to allow the BIOT lease to run to its logical termination in 2036?

Theme 3: Convincing facts to the right of self-determination for the Chagossians to return to their homeland

13. As a Mauritian/Chagossian political expert can you cite the responsibilities that the UK government shoulders under: (a) Article 1 (2) of the UN Charter (b) Article 15 (2) of UDHR towards the nationless Chagossians?

14. What are some of the key strategies being used by the Mauritian government to achieve the purposes and objectives of Article 15 (2) of UDHR, Article 1 of both the ICCPR and ICESCR or any other international instrument to justify the return to motherland by the Chagossians?

15. In your opinion, how effective has been SADC, the AU and the UN to ensure the Chagossians return to their mother land?

Thank you for participating in this interview

APPENDIX 'C': BRITISH POLITICAL EXPERTS

TOPIC: ESTABLISHING THE RIGHT OF SELF-DETERMINATION FOR CHAGOSSIANS OF MAURITIUS. CASE OF CHAGOS ISLANDS (2015-2018)

OBJECTIVES OF THE STUDY

The objectives of the study are:

1. To analyze the relevance and importance of self-determination of peoples.
2. To establish reasons justifying the UK's continued objection to the right to self-determination for the Chagossians.
3. To identify convincing facts to the right for self-determination as a solution for the Chagossians to return to their homeland.

RESEARCH QUESTIONS

The researcher was guided by the following questions:

1. Why is self-determination relevant to people?
2. What are the reasons justifying the UK's continued objection to the right to self-determination for the Chagossians?
3. What are the convincing facts to the right for self-determination as a solution for the Chagossians to return to their homeland?

INTERVIEW QUESTIONS

Theme 1: Relevance and importance of self-determination of peoples.

1. What is your understanding about the term 'self-determination' of peoples?

2. In your view, does the right to self-determination principle apply to exiled Chagossians to return to Chagos Islands?

3. In your opinion, the current separation of Chagos Islands from mainland Mauritius can it not be viewed by the international community as human right deprivation of a people to their indigenous territory?

Theme 2: UK's justification to continued objection to the right to self-determination for the Chagossians.

4. In your opinion, is it not possible that the UK government may bring new arguments if Mauritius and the UK sat down together to discuss ICJ's findings?

5. What are some of the likely key arguments that the UK may bring along to defend itself on the continued administration of BIOT?

6. The ICJ's advisory opinion has always been considered an advisory opinion and not a judgment. In your opinion, do you expect the UK government to honour and effect the ICJ's findings?

7. It is alleged that the defence facilities in BIOT are there to offer protection to all people around the world against terrorism, piracy and other forms of organized crimes. From this perspective, is it not possible that the UK government sided by the US would suggest to the Mauritius government to allow the BIOT lease to run to its logical termination in 2036?

Theme 3: Convincing facts to the right of self-determination for the Chagossians to return to their homeland

8. Can you cite some responsibilities that the UK government as the administrating authority have under: (a) Article 1 (2) of the UN Charter (b) Article 15 (2) of UDHR and (c) the customary international law towards the nationless Chagossians?

9. In your view, when is the right time for the UK government to re-evaluate the BIOT status regardless of a no permanent population in Chagos Islands?

10. In your opinion, to what extent has been SADC, the AU and the UNGA effective to ensure the Chagossians return to their mother land?

11. What is your opinion on the decolonization process of Mauritius and to what extent has the UK, Mauritius and the UNGA publicized the Chagossians question?

Thank you for participating in this interview

APPENDIX 'D': UNSTRUCTURED QUESTIONNAIRE- CHAGOSSIANS/MAURITIANS

TOPIC: ESTABLISHING THE RIGHT OF SELF-DETERMINATION FOR CHAGOSSIANS OF MAURITIUS. CASE OF CHAGOS ISLANDS (2015-2018)

OBJECTIVES OF THE STUDY

The objectives of the study are:

1. To analyze the importance of self-determination of peoples.
2. To establish reasons justifying the UK's continued objection to the right to self-determination for the Chagossians.
3. To identify convincing facts to the right for self-determination as a solution for the Chagossians to return to their homeland.

RESEARCH QUESTIONS

The researcher was guided by the following questions:

1. Why is self-determination important to people?
2. What are the reasons justifying the UK's continued objection to the right to self-determination for the Chagossians?
3. What are the convincing facts to the right for self-determination as a solution for the Chagossians to return to their homeland?

INTERVIEW QUESTIONS

Theme 1: Importance of self-determination of peoples.

What is your understanding about the term 'self-determination' of peoples? ...

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2. In your view, how does the self-determination of peoples apply to the Chagossians 'plight?

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3. In your opinion, do you think the right to self-determination of peoples has been successful in its application the world over and why?

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4. Can you cite a few examples where it has been applied and the results thereof?

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5. What are the fundamental injustices that the Mauritian government is propagating to SADC, AU and the UN on the right to self-determination of Chagossians?

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6. Do you think the Mauritian government has made enough effort to sensitize the international community on the question of Chagossians' right to self-determination?

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7. What are some of the challenges being faced by the Mauritian government to realize the plight of Chagossians' right to self-determination?

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Theme 2: UK's justification to continued objection to the right to self-determination for the Chagossians.

8. In your view, why has the Mauritian authorities taken so long to protest against the separation of Chagos Islands from mainland Mauritius after Mauritius attained independence in 1968?

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9. The ICJ's advisory opinion is always considered an advisory opinion and not a judgment. In your opinion, do you expect the UK government to honour and effect the ICJ's findings?

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10. It is apparently true that the UK government has always cautiously and tactfully circumvented the discussion of British Indian Ocean Territory (BIOT) at multilateral forums for various reasons. In your opinion, is it not possible that the UK government may bring new arguments if Mauritius and the UK sat down together to discuss ICJ's findings?

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11. At the present moment it is a known fact that the Chagos Islands is devoid of a permanent population. In your view, is UN Chapter VII (Action with respect to threats to the peace, breaches of the peace, and acts of aggression) applicable to the territory and why?

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12. It is alleged that the defence facilities in BIOT are there to offer protection to all people around the world against terrorism, piracy and other forms of organized crimes. From this perspective, is

it not possible that the UK government sided by the US would suggest to the Mauritius government to allow the BIOT lease to run to its logical termination in 2036?

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Theme 3: Convincing facts to the right of self-determination for the Chagossians to return to their homeland

13. As a Chagossian/Mauritian, can you cite the responsibilities that the UK government shoulders under: (a) Article 1 (2) of the UN Charter (b) Article 15 (2) of UDHR and or any other international instrument towards the nationless Chagossians?

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14. What are some of the key strategies being used by the Mauritian government to achieve the purposes and objectives of Article 15 (2) of UDHR and Article 1 of both the ICCPR and ICESCR?

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15. In your opinion, how effective has been SADC, the AU and the UN to ensure the Chagossians return to their mother land?

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Thank you for participating in this interview

