Governmentality and sovereignty in the Chagossian expulsion

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Introduction

This paper will argue that throughout the history of the Chagossian expulsion, governmentality has been the dominant mode of Anglo-American state power in terms of enactment, but that sovereignty has retained dominance in terms of legitimation. I will do this across three stages of the historical narrative: the planning of the American base on Diego Garcia and of the Chagossian removal; the actual expulsion of the Chagossians; and the maintenance of the exile and Chagossian resistance to it. I will explain how the decision to remove the Chagossian population arose from a combination of the historical context, in which self-determination discourse was taking on a new meaning and significance, and the desire to create a space in which functional sovereignty has been minimised as a potential impediment to governmentality. I will also examine the victories and frustrations of the Chagossian legal actions of the last twenty years and offer comments on the effectiveness of the strategy, arguing that these actions illustrate the inconveniences presented to governmentality by sovereignty as well as its capacity to overcome them. In the last part of the body of the paper, I will offer comments on developments in the Chagossian case since 2010 – especially the establishment of the Marine Protected Area and the turn towards indigenous environmentalism discourse by the Chagossian resistance movement – and what these may mean for the now uncertain future of Chagos. I will begin here with a brief overview of the background to, and history of, this case and the Chagossian people. Then I will articulate the key concepts deployed in the paper – sovereignty and governmentality – before undertaking a detailed examination of the case's history, attempting to embed my analysis throughout. Finally, I will offer reflections on my work and draw together my conclusions.

Chagos and the Chagossians

The Chagos Archipelago is a group of atolls and islands in the Indian Ocean, roughly halfway on a line between Tanzania and Java. It was uninhabited by humans until the late-eighteenth century, when the French colonial authorities in Mauritius (then Île-de-France) founded a leper colony there (Poole, 2010, p. 149). This was the opening moment in a long history of state violence on and around the archipelago. The first slaves from East Africa and Madagascar were brought to Diego Garcia around 1783 to provide labour for a coconut plantation, establishing a slave-based plantation economy that provided the basis for life on the islands for around five decades. The defeat of Napoleon in Europe led to the 1814 transfer of Mauritius and its dependencies – including Chagos – to the British Empire, which abolished slavery in Mauritius in 1835. This initiated a transformation in the labour base of the plantations, as their owners began importing indentured workers from India – mostly Tamils (Gifford & Dunne, 2014, p. 38) – to replace the supply of enslaved Africans. Out of these two populations developed a

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distinct group known at the time as the Ilois (Islanders); they spoke Chagos Kreol and practiced a distinct *culture des îles* (culture of the islands) (Vine & Jeffery, 2009, p. 184). Out of slavery and debt, then, was born the group today known as Chagossians, who by the 1960s numbered between 1,500 and 2,000 people (Gifford & Dunne, 2014, p. 46) and worked the plantations of just three of the atolls in the archipelago – Diego Garcia, Peros Banhos, and Salomon (Gifford & Dunne, 2014, p. 38) – receiving "regular if small salaries in cash and food, land and housing, education, pensions, vacations, health care, and other benefits" in return (Vine & Jeffery, 2009, p. 185).

By 1957, the largest Chagossian island – Diego Garcia – with its strategic central location in the Indian Ocean, its exceptional natural harbour and its suitability for a large airstrip, had been marked by the US Navy as the best possible site for the construction of a military base in the region (Vine, 2004, p. 119). By 1973, the British government had accordingly caused – through coercion, manipulation, and finally, outright force – the removal of between 1,328 and 1,522 Ilois to Mauritius and a further 232 to the Seychelles (Gifford & Dunne, 2014, p. 46), where they rapidly began to experience poverty and destitution (Jeffery, 2010, p. 1102). Today, Diego Garcia hosts one of the United States' best-equipped military bases, with NASA facilities, "enough tanks, weaponry, ammunition, and fuel to equip an expeditionary force of tens of thousands of U.S. troops for 30 days", and a CIA extradition centre used for the torture of detainees captured during American operations in the Middle East, in which the base has played a vital role (Vine & Jeffery, 2009, p. 210). Meanwhile, Chagossian people have been resisting their exile since its earliest stages, and in the last two decades have been engaged in a series of legal cases against the British state that have resulted in significant numbers moving to the UK with newly acquired citizenship – mainly now living in Crawley, a town in West Sussex close to their point of arrival at Gatwick Airport (Jeffery, 2010, p. 1103) – but in little else by way of compensation.

Concepts

The key concepts for the analysis of the workings of state power in this paper come from Michel Foucault. The analysis will focus on two dimensions of state power, which are particularly significant for Western states: its enactment, or its means and ends; and its legitimation. Sovereignty and governmentality each entail both an enactment logic and a legitimation discourse for state power, and in each case those two dimensions are entangled. This paper will take the history of the Chagossian expulsion as a case in which the interaction between sovereignty and governmentality can be seen and argue that, between these two modes of state power, governmentality has been dominant in terms of enactment and sovereignty in terms of legitimation.

Sovereignty

Sovereignty is exercised "above all on a territory and consequently on the subjects who inhabit it" (Foucault, 2009, p. 135). As a mode of state power, it is legislative at its core, being enacted through the formulation, application, and enforcement of laws. In fact, Foucault argues that the Western legal system in its entirety has developed to both define and legitimate royal power (Foucault, 1994, p. 212). The king, the wielder of royal power, sits at the centre, with rights as a system of limitations on that power that also results in its social and political distribution according to differences in privileges. Kings are no longer the norm in Western states, and where they do exist they do not tend to wield much personal power, but other institutions have taken their place without disturbing the logic too greatly. An example of this can be found in the United Kingdom, where little-known executive powers once held by the monarch, collectively labelled the royal prerogative, enable "making treaties, declaring war, deploying the armed forces, regulating the civil service, and granting pardons" amongst other things (Poole, 2010, p. 146). These powers are now exercised "by government ministers or else by

the monarch personally acting, in almost all conceivable instances, under direction from ministers" (ibid.). Royal power has been neatly transferred from the monarch as a person to other state institutions, or even to the monarch as an institution wielded by others. The United Kingdom also provides an example of Western legal systems' establishment of rights as a set of limitations on royal power, because the Magna Carta of 1215, England's best-known constitutional document, does exactly that. The Magna Carta established a wide (though differentiated) range of rights for England's inhabitants in order to limit the power the king could wield over them (Holt, Garnett, & Hudson, 2015). In addition to this, royal appointments and feudal grants – rights, in effect – generated a descending model of power, reflected in the dominant political theory of the day (Whittle & Rigby, 2002, p. 80). Ultimately then, rights defined the distribution of royal power among other actors, as well as the limitations of its use, through law. The French Revolution's *Declaration of the Rights of the Man and of the Citizen of 1789* and the United States' *Bill of Rights*, though each written for use in a republic, follow the precedent of the Magna Carta, as does the *Universal Declaration of Human Rights*, in using rights as a legislative tool to define the limits of royal (and thus, state) power. Western legal systems, therefore, have continued to function as definitions and distributions of royal power, whether real or symbolically held by the state, and power enacted through and according to them is what is meant here by sovereignty.

Just as the enactment of sovereign power is given shape by legal systems, its legitimation is deeply bound up with the use of law as well. The history of the discourses legitimising sovereign power is too great to examine in any detail here, but perhaps three key aspects can be identified: legitimate sources, legitimate practitioners, and legitimate practices. Historically, Western states have tended to rely most heavily on the discourse of divine authority to establish a legitimate source of state power (Steffek, 2003, p. 263), so that the king is simply a conduit for power that actually derives from the cosmic creator and patriarch. The king is therefore also the legitimate practitioner of this power, and those whose power derives from him share in this legitimacy, though of course not without contest. In secular Western states today, however, divine authority provides neither a legitimate source for, nor the legitimate practitioners of, state power. Instead, the legitimate source of state power is the state's citizenry and the legitimate practitioners, therefore, are those who are granted the citizenry's power through some form of democratic process.

When we speak of legitimate practices of state power in terms of sovereignty, we speak of the formulation and application of laws (including through the use of force) and obedience to the limitations of rights – if state power is exercised through and according to law, then it is in accordance with sovereignty's legitimation discourse. This discourse is so deeply embedded in Western thought that it may even be considered *doxa* – that is, outside of discourse, "self-evident" (Bourdieu, 1994, p. 160) – that legitimate state power is practiced in accordance with law. The notion that all territory should be subject to the sovereignty of some state is also largely taken for granted. These ideas – that state power operates everywhere and that the legitimate mode in which it should do so is sovereignty, defined and distributed by law – seem to have shaped Chagossian resistance to their forced expulsion and exile. This means that Chagossian strategies have consistently focussed on the legal system as a means to delegitimise the exercises of state power which have been violent to them, effectively participating in the sovereignty legitimation discourse, as will be shown. This is a practicable approach that offers real gains, but when held accountable to and impeded by discourses of sovereignty, British state power repeatedly transcended it and subverted Chagossian successes in another mode. That mode can be understood through Foucault's concept of governmentality.

Governmentality

Governmentality's enactment logic contrasts with that of sovereignty because "it is a question not of imposing law on men, but of disposing things: that is to say, of employing tactics rather

than laws, and even of using laws themselves as tactics – to arrange things in such a way that, through a certain number of means, such and such ends may be achieved" (Foucault, 2009, p. 137). In effect, sovereignty means that state power is enacted through the formulation of laws over territory, the enforcement of obedience to laws and the protection of territorial integrity, and is expanded by increasing the effectiveness of law enforcement and incorporating new territories. By comparison, governmentality indicates that state power is enacted through rational manipulation and management of the world and the things in it – including people and populations, laws and even sovereignty itself – to produce particular desired results and is expanded by manipulating the world in such a way that the state's capacity for manipulation is increased. In the Chagossian case, the desired result has been the establishment and maintenance of an American military base on Diego Garcia, itself a rational means by which to produce the desired result of influence in the Middle East and Indian Ocean, a result for which handling the expulsion and exile of the Chagossians has been seen as an acceptable cost (Harris, 2013, p. 725). Governmentality can be seen in this case to promote the building of state power in layers, where things are manipulated to produce tools that will enable further management and manipulation later in time.

Crucially, because laws can be used as tactics for achieving the ends of governmentality, the enactment of sovereignty may serve as a tool for the enactment of governmentality. Indeed, in this paper I will argue that the Chagossian case reveals governmentality to be dominant over sovereignty in terms of the enactment of Anglo-American state power internationally, to the point that the latter has been treated as either a means or an impediment to governmental ends, rather than as a means to achieve its own ends. In either case, sovereignty has been manipulated tactically. Where sovereignty has presented the most substantial problems for the British state and its governments has been concerning the legitimation of their practices, because governmentality's legitimation discourse appears to be subordinate to that of sovereignty.

Governmentality's legitimation discourse centres on rationality. Phrases such as 'reasons of state' or 'the national interest' may be familiar to anyone who has studied Anglo-American foreign manipulations in the Cold War era and beyond, and such phrases exemplify the discourse. It means that if the state is a self-interested individual, then legitimate enactments of state power by governments are those in which they do so rationally according to that premise. However, the manipulation of law and its application that governmentality may entail flies in the face of the robust legitimation discourse for state power that associated with sovereignty – a discourse that I have argued is taken for granted. After all, legal systems do protect many Western citizens from at least some part of the state power that might be leveraged against them, so manipulative handling of them by their governments is a serious cause for concern and complaint. In light of this, and as will be argued in this paper, British and American governments have consistently attempted to keep their governmental enactments of state power secret, despite the fact that they are entirely justifiable according their own legitimation logic – the rational propagation of the state's power.

If secrecy fails, then governmentality's legitimation may require an injection of potency from a supporting discourse. Such a discourse may refer to a security threat such as 'communism' during the Cold War or 'terrorism' during the War on Terror, or to a planetary crisis such as global ecosystem collapse in an increasingly environmentally-conscious period. Nationalism, which promotes the identification of a national population's interests with that of its state, also provides an additional means for legitimising governmentality, which truly only serves the population in so far as doing so is a product of serving the state. As we will see, such discourses have been utilised tactically by Anglo-American governments in pursuing state interests in the Chagossian case. As stated, I argue here that while governmentality has been dominant in terms of the enactment of British and American state power, its legitimation discourse has remained subordinate to that of sovereignty, leading to secrecy and to the deployment of supporting discourses.

Planning: 1957-1965

Historical Context: Self-Determination and Decolonisation

In the aftermath of World War II, the British Empire had decisively slipped from its position as the world's dominant state and the United States – with contest from the Soviet Union – had begun to take its place. In "various geographic theatres" – including the Indian Ocean, through decolonisation in Australia and Southwest, South, and Southeast Asia – British governments "actively worked to facilitate" a smooth transfer of power to the USA to keep things within the Anglo-American family, so to speak (Harris, 2013, p. 721). The United States' governments, however, were taking a different approach to state power with a global reach. They shunned the "direct control of territories" that had been such a central component of European imperialism – "instead, the United States came to exert its power through more subtle means: most importantly through economic markets, international agreements, and foreign military bases" (Vine, 2004, pp. 125-126). What this means is that this was a period in history in which imperial sovereignty was receding, while imperial governmentality was coming further to the fore. In fact, the opening moments of the Chagossian case are particularly characteristic of this process, and of the United States' highly governmental approach. Around 1956, a bureaucrat working for the U.S. Navy began to compile a list of Indian Ocean islands that might be suitable for acquisition by the United States and for use as a site for a military base – one such island was Diego Garcia, in the Chagos Archipelago (Vine & Jeffery, 2009, p. 185). The purpose of the acquisition was not to be the exercise of sovereignty over the island territories, but their use as tactical locations through which to exert power over the wider region – in a word, governmentality. While governmentality was surely vital to the endeavours of European empires like the British as they attempted to redirect capital to their domestic territories, the disinterest in sovereignty over foreign territories by the United States at this point in history deserves exploration.

The nationalist principle of 'self-determination' first developed in the eighteenth and nineteenth centuries in Europe and its colonies, and by the aftermath of World War I was being advocated by US president Woodrow Wilson in order to call for the dismantling of the great empires of the day (Hannum, 1993, pp. 2-4). In effect, the principle meant that ethno-linguistic groups – nations in the discourse – should be governed by consent rather than by overt imperial domination. By 1960, however, a shift in the both the meaning and the strength of application of the term had taken place, and the principle was enshrined as a right in the UN's Declaration on the Granting of Independence to Colonial Countries and Peoples ('Declaration on Colonial Independence') that year. Specifically targeting colonial countries, the Declaration laid out "the sovereign rights of all peoples and their territorial integrity" (Hannum, 1993, p. 12). The message is this: that the territory on which a state's sovereignty is enacted should correspond to that of an ethno-linguistic 'national' group, and that the legitimate wielders of that sovereignty are members of that group, not an imperial other. This discourse and its legalistic enshrinement by the UN drove the American and British governments to secrecy in their plans to supplant British imperial sovereignty with the imperial governmentality of the United States, rather than with the sovereignty of self-determining post-colonial nations. It also goes a long way towards explaining why governmentality was their new mode of choice for far-reaching state power. Sovereignty is an inherently public exercise of power, so the delegitimation of its imperial form made it truly untenable, especially for the state that had most explicitly promoted the discourse of self-determination. Governmentality, on the other hand, can be enacted in secret far more feasibly due to its manipulative nature and can operate in spaces where another state has sovereignty (though less easily).

Negotiations

We may now turn to a detailed examination of the case's history and the relationships between sovereignty and governmentality that it reveals. In 1960 – the year of the Declaration on

Colonial Independence – the US Navy clandestinely contacted the British government. The subject of the discussions was the construction of an American base on Diego Garcia, and the detachment of the Chagos archipelago from the colonial territory of Mauritius. This would directly contradict the Declaration, which condemned "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country" (Vine & Jeffery, 2009, pp. 186-187). The potential for UN condemnation is a direct manifestation of the threat of delegitimation faced by the Anglo-American governments as they attempted to manipulate Mauritian sovereignty. Seeing this action as a necessary tactic in achieving their desired ends, however, the governments proceeded with secrecy, concealing their plans from the UN. As we will see, the discourse of self-determination would be one of their biggest obstacles moving forward. What is especially worth noting here is that from the earliest stages of this case's history, sovereignty was treated as secondary in desirability to governmentality by Anglo-American governments. In fact, "from the outset, the intention was to create a territory under British administration where there would be few or no permanent inhabitants, thereby giving the US military maximum security of tenure and freedom from political pressure" (Gifford & Dunne, 2014, p. 38). This effectively means that US governments desired a space in which their state power could be exercised to the greatest extent possible according to governmentality, with minimal threat of impediment by sovereignty, whether in terms of enactment or legitimation. Both that desired end and the means being formulated to achieve it illustrate the dominance of governmentality and exemplify governmental logic – the aim here being the further propagation of governmental power and the means involving the manipulation of sovereignty.

Formal negotiations between the British, American and prospective Mauritian governments over the status of the Chagos Archipelago began in 1962. The United States government stated a requirement for "exclusive control (without inhabitants)" (Vine & Jeffery, 2009, p. 186), so the expulsion of the population was part of these negotiations from an early stage. A deal was eventually struck and $14 million were secretly discounted from an arms sale by the American government to the British in return for the tenancy for the base and the handling of the expulsion. £3 million of that sum was paid on to the prospective Mauritian government, which took the deal with the British under the threat of the cancellation of independence. On the 8th of November 1965, the British government formed the British Indian Ocean Territory (BIOT) and detached it from Mauritius (a few of the included islands were detached from Seychelles as well) (Snoxell, 2009, p. 130; Vine & Jeffery, 2009, p. 187). In order to avoid congressional, parliamentary, and public oversight and awareness, no treaty was made between the US and UK (Vine, 2004, p. 121), and the British government carried out the detachment using the obscure executive powers called Orders in Council (Poole, 2010, p. 149). Also known as, and previously mentioned as, the royal prerogative, this was the first but not the last time this tactic was employed by British governments in the Chagossian case. While the power itself is effectively legislative and therefore may be considered a manifestation of sovereignty, its transcendence of the legislature means it avoids many of the limitations usually associated with that mode. Its employment here to manipulate and rearrange sovereignty as a rational means to an end indicates that, in fact, it was being utilised as a tactic by the dominant governmentality.

Hiding the Chagossians

The 'British Indian Ocean Territory' is about as euphemistically neutral a name for the Chagos Archipelago under British sovereignty as can be imagined due to a careful avoidance of any ethnic connotation. The neutrality of the new name was part of a long and deliberate effort to present Chagos as having no permanent population – Chagossians were defined as itinerant seasonal workers (Vine, 2004, p. 123) and their numbers were suppressed by the use of restrictive definitions on a series of surveys carried out by the British state bureaucracy (Gifford

& Dunne, 2014, p. 44). Such techniques are characteristic of the second component of the "triangle, sovereignty-discipline-government, which has as its primary target the population" (Foucault, 2009, p. 142) and which Foucault identifies as characteristic of modern state power: discipline, which for the sake of brevity is not examined here. As well as to supress their numbers, the surveys were used to justify denying the Chagossians the British citizenship they would otherwise be legally entitled to (Gifford & Dunne, 2014, p. 43). Citizenship affords people the rights associated with the legal system, so the techniques of discipline were here also utilised as tactics in the manipulation of sovereignty according to governmentality. If sovereignty were the dominant mode of state power in this instance, the Chagossians would have received citizenship in accordance with the law. The suppression of their citizenship through various tactical means in order to facilitate the goal of their expulsion and exile therefore illustrates the dominance of governmentality.

We might be tempted to suppose that the reason for the suppression of Chagossian numbers and of their status as permanent inhabitants of the territory was the discourse of self-determination, which otherwise might well generate demands for an independent Chagossian state. However, Snoxell (2009) argues that "self-determination was probably not a real concern" for the British government, because "the Ilois [i.e. Chagossians] were just too few" (Snoxell, 2009, p. 134). While it surely will not have hurt that case to make it seem as though there were fewer Chagossians than there actually were, a more important factor is that if the denial of their generational attachment to the archipelago undermined Chagossian claims to national territory, then it also undermined potential Mauritian claims made on the basis of territorial integrity when those Chagossians were depicted as Mauritians, or indeed when they became Mauritian citizens after independence. This logic ultimately demanded that the Chagossians be 'sent back' from the territory that they were not 'from', lest their habitation prompt the use of self-determination discourse in such a way that Anglo-American goals would be interfered with.

Another factor surely contributing to the decision to deny and expel the Chagossians was that if they had remained in the territory, then they would clearly be British sovereign subjects. Functional British sovereignty, which would impede American governmentality, could be avoided if there were no subjects in the territory to whom it would apply. If the Chagossian removal had been made public, however, and the UN had taken notice, the threat of condemnation and de-legitimation would have also posed a serious impediment to the project – far better to deny that there were Chagossians at all. The rationality of the state therefore demanded the suppression of Chagossian existence and the people's expulsion and exile to Mauritius – eliminating the possibilities of Mauritian, Chagossian, and even functioning British sovereignty in the territory in a single manoeuvre – as well as the maintenance of that state of affairs. As discussed, such manipulations seem at this stage to have necessitated secrecy due to the insufficiency of governmentality's legitimation discourse in the face of violations or manipulations of sovereignty.

Expelling: 1965-1973

Slow to move in the wake of their deal and the formation of the BIOT, only in 1971 did the US government order the depopulation of Diego Garcia. Up to that point, the British government had been utilising a range of tactics to reduce the resident population, including the suppression of employment on the archipelago's plantations and the blocking of boats returning from Mauritius – due to the lack of healthcare access at home and the presence of friends and relatives on the island, Chagossians were known to frequently visit Mauritius (Gifford & Dunne, 2014, p. 42). The father of Olivier Bancoult – the prominent Chagossian legal activist – died from a seizure when informed that he would not be allowed to return to Peros Banhos after taking his daughter on a medical trip to Mauritius in 1968. He was not alone – by the time of the forced removals in 1971 and 1973, there was already a sizeable Chagossian population stranded in Mauritius, suffering "loss of cultural identity, property and self-esteem leading to

impoverishment, drug addiction, prostitution and increased morbidity and mortality", all issues that would come to blight the whole community over their decades of exile (Gifford & Dunne, 2014, p. 42). One terrorist tactic the colonial authorities employed was the rounding up of Chagossians' beloved pet dogs, which were then trapped in a shed and burned alive in front of their owners (Vine & Jeffery, 2009, p. 189). By November of 1971, following the American request for depopulation, British agents had forcibly transported every remaining Chagossian on Diego Garcia to two other islands in the archipelago – Peros Banhos and Salomon – and construction of the military base had begun (Vine, 2004, p. 123).

In 1973, despite there being no evidence that the government or military of the US had requested it (Snoxell, 2009), British agents forced everyone on Peros Banhos and Salomon onto cargo ships, which, after a long trip in dangerous and distressing conditions, dumped them on the dock in Mauritius (Vine, 2004, p. 124). The British government had paid a pitiful £650,000 resettlement fund to the Mauritian government in 1972, fully aware that this would have no substantial positive impact on Chagossian people's lives (Vine & Jeffery, 2009, p. 191). Including those denied re-entry to Chagos before the 1971 and 1973 deportations, somewhere between 1,560 and 1,754 people had been deliberately stranded in destitution, poverty, and exile by British governments (Gifford & Dunne, 2014). The violence of this action has continued until the present day.

Maintaining and Resisting: 1968-

Ever since the completion of their plans for the depopulation of the Chagos Archipelago in 1973, successive governments of the UK – of both major political parties – have actively maintained the exile of the Chagossians through the enactment of state power according to governmentality, drawing on a wide range of tactics. Chagossian people have been actively resisting their deportation and continued exile for even longer – as protest started among those stranded in Mauritius in 1968 and the final boat-load of people from Peros Banhos refused to leave the ship they were transported on for a week in 1973 (Vine & Jeffery, 2009, pp. 191-192). This section of my paper will analyse the opposing processes of the maintaining of, and the resistance to, the exile in parallel and search for their underlying logics. I will take the 2000 British High Court ruling declaring the illegality of the expulsion and Miliband's 2010 declaration of the BIOT Marine Protected Area (MPA) as turning points in the history of the case.

1975-1996: Protests and Frustrations

"Our ancestors were slaves on those islands, but we know that we are the heirs of those islands" – so read the declaration on a 1975 petition to the British government, the first by Chagossian people (Vine & Jeffery, 2009, p. 192). It appeals to the concept of nationhood through its reference to an ancestral, deep, and unique relationship with the territory of Chagos, and therefore directly resists British governments' efforts to deny them just that thing. Chagossians also organised protests in Mauritius and petitioned the state there, which did not have the same capacity to conceal them due to sheer proximity if nothing else. As a result of these actions, in 1978 the Mauritian government distributed a portion of the £650,000 the British government had paid them in 1972. The results were "hopelessly inadequate" (Vine & Jeffery, 2009, p. 192). In response, further protest and a hunger strike were organised (Vine & Jeffery, 2009, p. 193), perhaps in an appeal to the humanitarian discourse in Britain. In 1979, Thatcher's government concocted a permanent solution to such irritations, offering a total compensation package of £1.25 million for the renunciation of any and all claims on Chagos. Many Chagossians had not learned to read and were prompted to unknowingly 'sign' away their right to return by way of a thumb print. Fortunately for the cause, a support group in Mauritius intervened and the process was halted without any payments being made (Vine & Jeffery, 2009, pp. 193-194).

The deceitful use of legal documents against members of the population as a tactic in the pursuit of state interests suggests, once again, the manipulation of sovereignty according to governmentality. In this case, it was initially unsuccessful, but would still provide the basis for a future tactic asserting that compensation had already been offered and rejected. Real progress finally seemed to be on the cards for the Chagossians when 1980 and 1981 protests resulted in a three-way negotiation between representatives of the British government, the Mauritian government, and the Chagossian community over compensation and the right to return. The British government agreed to pay out £4 million and the Mauritian government to distribute land it valued at £1 million. However, there was little real improvement in living conditions for Chagossians over the next decade and in many cases the compensation was barely sufficient to clear debts that had been accumulated since people were made homeless, so, amid dissatisfaction with Mauritian representatives, the Chagossian Refugees Group (CRG) was formed to enable Chagossians to organise their own resistance (Vine & Jeffery, 2009, p. 194). After a full thirty years of struggle, Chagossian strategies reliant on Mauritian support had won very little by way of real change. The CRG marked the start of a new era.

1997-2009: Legal Action

The CRG and the Chagossian Social Committee (CSC) – the second Chagossian-run activist organisation to be established – brought real change to the Chagossian cause by pursuing legal action in addition to the protests that had characterised the first thirty years of resistance. In 1997, the CSC won UN classification of the Chagossians as an indigenous people, important in the contest to assert or deny attachment to territory, and the CRG began a lawsuit against the British Crown disputing the legality of the deportations (Vine & Jeffery, 2009, p. 195). This marked the beginning of a new phase in Chagossian resistance, one with a different set of frustrations. Legal action, to a certain extent, is a practical and realistic strategy for resisting governmental power, because it draws on sovereignty's robust legitimation discourse. It is effective because of the relationship between governmentality and sovereignty seen in this case, in which governmentality is dominant in terms of the enactment of state power, but in which that state power is still primarily accountable to the law for its legitimation rather than to the rationality of its means and ends. This has meant that legal action has brought great victories for Chagossians, but we must also address the fact that these victories have turned out to be incredibly insecure, as we will see. The issue arises from the fact that legal action has the capacity to revoke the legitimacy of past uses of state power, and even to modify its use moving forwards, but it presents no challenge to the existence of state power in itself. In fact, legal action means participating in the sovereignty discourse that legitimises state power through law by attempting to delegitimate its use through showing it to have been illegal. The best result that can be hoped for through this strategy is that state power is exercised on us legally – not an insignificant result in a position like the Chagossians' – not that it will not be exercised on us at all. That leaves a campaign dependent on legal action vulnerable to extra- or super-legal tactics such as the royal prerogative, which has been used violently against Chagossians in multiple crucial moments in their history.

Chagossian legal action has so far inconvenienced British governments, but the desired ends for the Anglo- American states – the military base on, and depopulation of, Diego Garcia – are being as successfully achieved now as they were in the 1970s. The inconveniences themselves, however, provide insight into the depopulation of Diego Garcia and the lengths that British governments have gone to in preventing its repopulation. I have argued that the deportation of the Chagossians was done specifically to produce a space in which US governmentality can operate with a minimal possibility of challenges to its enactment or legitimation being made on the basis of sovereignty, whether that sovereignty is American, British, Mauritian, or even Chagossian. This is, in fact, exactly what the UK has done with the creation of the BIOT, which "has blurred the lines of responsibility for human rights, arms

control, and a variety of environmental abuses, essentially constructing a legal arrangement that saddles the US military with a minimum of legal constraints" (Harris, 2013, p. 725). The British state exerts minimal sovereignty over the base because there are no subjects (i.e. Chagossians) in the territory to whom that sovereignty applies, while the sovereignty of the United States does not apply because the base is not in its territory. The potential inconveniences posed to governmentality by sovereignty, both in terms of enactment and of legitimation, are therefore also minimalised on Diego Garcia.

One of the greatest of the sovereignty-related inconveniences faced by the British state in this case came in November 2000, when the British High Court adjudicating the CRG lawsuit ruled in the Chagossians' favour, declaring their deportation and the denial of their citizenship to have been illegal. BIOT law was subsequently altered to permit Chagossians to go to and inhabit any of the islands of the archipelago *except Diego Garcia*. No financial compensation was issued to enable a move to Chagos or reconstruction work, so a second suit was launched with that in mind (Vine & Jeffery, 2009, p. 195). As a result of the High Court ruling, in 2002 the British Overseas Territories Act (BOTA) retroactively recognised the status of Chagossian people as British sovereign subjects. Anyone born in Chagos whose parents were also born in Chagos could now claim British citizenship and a passport; after protests, those born in exile to Chagossian parents were included as well (Jeffery, 2011, p. 37). There were, however, two key restrictions: first, British citizenship is only passed on by men to children born in wedlock – which excluded many Chagossians, whose post-slavery society featured characteristic low marriage rates and female-headed households (Jeffery, 2011, p. 37); second, according to the Act, Chagossians could only have been born in exile after the 26th of April 1969. As we have seen, Chagossians had been prevented from returning from Mauritius through various tactics before that date and it was common to be born in Mauritius anyway because of the lack of healthcare in Chagos (Jeffery, 2011, p. 38). Together, these restrictions therefore meant that many Chagossians, especially those who were born before 1969, were ineligible for citizenship.

The citizenship restrictions of BOTA effectively split the Chagossian community between those with British citizenship and those without. Because British citizenship enabled some Chagossians to move to the UK while its lack gave others no choice but to remain in Mauritius, BOTA also made the community geographically multipolar and has eroded political unity that existed before the Act. This has shifted the focus of much of Chagossian resistance toward negotiations over habitation in the UK and away from demands for repatriation to Chagos (Jeffery, 2010). Finally, the Chagossians' new status as British citizens has meant that sovereign power can legitimately be wielded against their cause through laws preventing access to parts, or all, of the BIOT. They are denied 'special treatment' as a group on the basis of universalist discourses that treat them as on an equal playing field with other British citizens (Jeffery, 'Unusual Immigrants', or, Chagos Islanders and Their Confrontations with British Citizenship, 2011, p. 42). The granting of citizenship in 2002 could therefore actually be seen as an effective tactic of the British state in combatting Chagossian return efforts. The implications of this tactic were put into effect against the 2000 High Court success by the use of Orders in Council – the powers that originally created the BIOT – by the Blair government in June 2004 to issue a law preventing access to BIOT islands by British citizens. The effect was to overturn the ruling and maintain the Chagossian exile (Vine, 2004, p. 26), in a cruel and instantaneous reversal of the results of decades of struggle. Blair's government was able to do such things because of its little-exercised sovereign power over BIOT, which could now be legitimately applied to the subject Chagossians – sovereignty, as we have seen, can be used by governmental power as a convenience, at the same time as being repressed as an inconvenience. This capacity reveals the danger of challenging governmentality's legitimacy, rather than its capacity to function – when the legality of its use is challenged, even successfully, new laws can be created to undo victories won.

2010-: The MPA and the Future of Chagos

Indigenous Environmentalism

In 2010, shortly before a General Election for which the Labour Party wished to boost its 'environmental legacy', the British government ordered the Commissioner of the BIOT to declare a vast Marine Protected Area (MPA) over the territory. Wikileaks published cables from a May 2009 meeting in which the BIOT Commissioner "asserted that establishing a marine park would, in effect, put paid to resettlement claims of the archipelago's former residents" (Jeffery, 2014, pp. 9-10). This was a utilisation of sovereignty according to governmentality, which incorporated environmentalism as a supporting discourse to bolster legitimation. The response from the CRG and others has been, in part, to assert that "we as Chagossians were the real guardians of the environment" (Jeffery, 2013, p. 303), in accordance with contemporary discourses on indigenous conservation. For my part, I see this as potentially counter-productive. The depiction of indigenous people as being closer to nature, and of having some semi-mystical understanding of their environment, could be taken as an instance of symbolic violence in which the West is constructed as more technologically adept, more rational, in effect more *culture* – superior and masculine – where the indigenous are more *nature* – inferior and feminine. By appealing to this discourse, I believe that indigenous people may implicitly endorse a subordinate position in the Western world-view. In the case of Chagos, the debate also distracts attention from the key issue, which is the exile – the Chagossian Conservation Trust (CCT) even published a response to Jeffery (2013) debating the indigenous conservation claims from a scientific perspective (Hughes, 2013). That discussion seems unlikely to win Chagossians their home territory back, so if Chagossian resistance can be re-oriented toward it, that could be a very effective tactic indeed on the part of the British state. Challenging the legitimacy of the MPA on purely legal grounds, however, is also a daunting task, especially as the British government has been pursuing a strategy of "neither confirm nor deny" in regard to the leaked cables (Jeffery, 2014, p. 10).

Mauritian Sovereignty Claims

A sovereignty-related inconvenience did arise in March 2015, when an international tribunal declared that the establishment of the MPA without consultation with the Mauritian government was illegal, as it violated Mauritian sovereignty in terms of fishing rights and so on (British Indian Ocean Territory, 2015). Amidst protests by the British government, the UN General Assembly in 2017 voted to refer the dispute over Chagossian sovereignty – since the 1980s the Mauritian government has been attempting to reclaim Chagos – to the International Court of Justice (ICJ) (BBC, 2017). The response of British government spokespeople – that BIOT "plays an important role in regional and global security, helping to keep the UK, US and other allies, including Mauritius, safe" (BBC, 2017) – marks the use of governmentality's legitimation logic with the supporting discourse of security. Based on the history of the case, this seems unlikely to be sufficient to override sovereignty's legitimation discourse, though the use of security discourse may make a difference. The future of Chagos is, therefore, currently unclear, which makes the future of Chagossians equally unclear. It is significant, however, that after so many decades of its manipulation, claims made on the basis of sovereignty's legitimation discourse still have the capacity to seriously undermine the enactment and propagation of Anglo-American governmental power – surely the most substantial demonstration of the motive for the depopulation of, and therefore for the effective stripping of sovereignty from, Chagos.

Reflections and Conclusions

Reflections

There are a number of ways in which the breadth of my analysis may have negatively impacted its depth. Foucault's concepts of sovereignty, governmentality, and discipline should really be understood together and, while I believe that I handled the first two of those concepts well, I gave discipline little more than a passing remark. The role of discipline in this case is certainly worthy of further research, as the British government has persistently used techniques of discipline as tactics – surveying, defining, and organising people and incorporating them into value systems such as universalism – and the impact on the Chagossian population is something that I have not scrutinised here. My attempt to incorporate the narrative and analysis as one body of text, may also have impeded the depth and clarity of my analysis. In the future, I would like to go into greater detail in examining the interplay of governmentality and sovereignty in the enactment and legitimation of Anglo-American imperial state power in this case.

Conclusions

The primary finding of this paper is that, in this case and in relation to Chagos, Anglo-American states have enacted power primarily according to governmentality, utilising and manipulating sovereignty when convenient, but ultimately trying to minimise its relevance in Chagos itself, especially on Diego Garcia. This end itself serves the purpose of enabling and propagating governmentality, as does the very building and maintaining of the US base. However, despite the *de facto* dominance of governmentality, the attempts to minimalise sovereignty also reflect the challenges it can pose to governmentality, primarily in terms of its legitimation. Acting illegally to further state interests is seen as an illegitimate use of power even when done rationally, though discourses such as nationalism, the Cold War, and the War on Terror provide support to the justification of 'reasons of state', the first through its identification of the state with the ethno-linguistic group and the others through the presentation of a threat to that group's security.

The dynamic in which state power is enacted largely according to governmentality but legitimated largely according to sovereignty can be seen in the successes and frustrations of the Chagossian resistance movement. By conducting resistance through the legal system, Chagossians have posed a significant threat to the historical legitimacy of British state power. Their victories, however, have not harmed the state's power in itself and have been consistently undone by the manipulations of governmentality. The military base on Diego Garcia is still operational and there are still no Chagossians on Chagos, so the evidence so far suggests that while sovereignty presents significant inconveniences to governmentality, it has the capacity to overcome those inconveniences. I have even argued that the entire Chagossian removal has been a tactic to avoid those inconveniences. If Chagossians lived in Chagos, they could do so under one of three scenarios: Chagossians as an autonomous nation, entitled to their own sovereignty and territorial integrity according to self-determination discourse; Chagossians as Mauritian nationals, entitling Mauritius to sovereignty over Chagos according to the same discourse; or Chagossians as British subjects, tying British governments to their own sovereignty over the archipelago. Each of these scenarios would have meant that US governmentality on the base would have been inconvenienced by sovereignty, motivating the expulsion of the population. Developments in self-determination discourse after World War II were therefore also important in securing the ascendancy of governmental imperialism over the old sovereign imperialism.

The future of Chagos is now unclear, with litigation over the MPA and Mauritian sovereignty meaning that British tenure over the archipelago is not secure. My own perspective, after conducting this research, is somewhat sceptical of the prospects for the closure of the Diego Garcia base. This is due to the consistent capacity and tendency for Anglo-

American state power to maintain its interest governmentally and adapt to the dynamic challenges posed to them by the use of sovereignty in resistance. Sovereignty's legitimation discourse may be the best tool that we have for resisting the violence of governmental state power, but it is highly limited and has achieved little substantial impact on the enactment of that power over the course of this case. Even the achievement of British citizenship for Chagossians – one of their resistance's greatest victories – is in truth a retroactive and restricted recognition of rights that the British state had previously worked to suppress and may in fact have enabled the deployment of new tactics against their cause.

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