# Inter-University Consortium on Security and Humanitarian Affairs Mellon Fellowship

Exile in the Indian Ocean:
Documenting the Injuries of Involuntary Displacement

# **TABLE OF CONTENTS**

Preface and Acknowledgements	3
1. Introduction and Overview	4
2. The Exile of the Chagossians	9
3. Reviewing the Literature on the Chagossians	13
4. The Quantitative Methodology: Documenting Injuries to Land and Property, Incand Social Welfare Benefits	come,
5. The Qualitative Methodology: Documenting Other Injuries to Culture, Community, Education, Health, Psychological and Emotional Well-being, and Injuries from Deaths and Discrimination	
6. Conclusion	51
Endnotes	52
Works Cited	53

### **Preface and Acknowledgements**

The lead author wrote the text for this report. The other authors are listed on the title page to indicate their roles in the planning of the research and the development of the ideas discussed in the report. Dr. Philip Harvey teaches at the Rutgers University School of Law with degrees in economics and law. Dr. Wojtek Sokolowski is a sociologist in the Institute for Policy Studies at Johns Hopkins University. Shirley Lindenbaum, Professor of Anthropology at the Graduate Center, City University of New York, also supervised and contributed to the work of the lead author. Though the report represents the culmination of my research for the IUCSHA Mellon Fellowship, the methodology described in the report may undergo further revision in the future as my research with the Chagossians proceeds. I had hoped to be able to present more of our research findings in this report, including results from a quantitative survey of almost 300 Chagossians, but have been unable to because of unanticipated delays in the completion of the survey.

My deep thanks to the Ralph Bunche Institute and the Mellon Foundation for supporting my research with this fellowship. Thank you also for our spring and fall seminars, which provided me with important insights and inspiration for my work. It was a pleasure to meet such an exciting, thoughtful, and warm group of scholars, and I especially appreciate the comments of my discussants, Beverlee Bruce and Roy Williams.

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David Vine

### 1. INTRODUCTION AND OVERVIEW

Between 1965 and 1973, the indigenous people of the Indian Ocean's Chagos Archipelago were forced from their homes so the United States could build a strategic military base on Chagos's largest island, Diego Garcia. The people, known as Chagossians, or *Ilois*, were left exiled more than 1,100 miles away in the western Indian Ocean nations of Mauritius and Seychelles.

Before 1965, the Chagossians enjoyed a life in Chagos with guaranteed work, a regular if small salary paid in cash and food, good housing, education for children, pensions for retirees, regular vacations, and basic health care. During their exile, the Chagossians' land was taken. The Chagossians' homes were taken. Their jobs were taken. Most of their property was taken. Access to the graves of their ancestors was taken. The Chagossians' entire way of life was taken and around 1,200 people were dumped in Mauritius and Seychelles, jobless, often homeless, and with no right to refusal, compensation, or resettlement assistance. The Chagossians quickly found themselves living in poverty.

Three decades later, most Chagossians remain deeply impoverished. As a group
Chagossians face high very low incomes of unemployment. Many live in homes cobbled
together out of scraps of corrugated iron and wood or under otherwise degraded housing
conditions with poor or nonexistent water and sanitation services. Many suffer from poor health
and low levels of education. Many have been the victims of ethnic discrimination from
Mauritians and Seychellois and have suffered through other forms of daily harm and humiliation
that accompany life at the absolute bottom of Mauritian and Seychellois societies. Even harder
to comprehend is the individual and communal pain Chagossians face every day from being
forcibly separated from their homelands. (Meanwhile the base at Diego Garcia has become

home to billions of dollars of military weaponry used recently in the attacks on Iraq and Afghanistan.)

### 1.1. The Chagossians' Lawsuits

Almost all living Chagossians are now part of two lawsuits in U.S. and UK courts demanding the right to return to Chagos and compensation for the displacement and for reconstruction of Chagossian society. Two Chagossian organizations, the Chagos Refugees Group in Mauritius and the Chagos Social Committee in Seychelles, are the primary plaintiffs bringing the suits on behalf of most Chagossians. The Chagos Refugees Group is a political, social, and cultural organization in Mauritius that represents and advocates for the rights of approximately 5,000 people either born in Chagos or the descendant of one or more people born in Chagos. The Chagos Social Committee performs similar work for a smaller group of around 600 Chagossians living in Seychelles.

The Chagossians are suing the British Government as the sovereign in Chagos, which forms the British Indian Ocean Territory, <sup>1</sup> and for carrying our the removals themselves. In November 2000, Chagossians won a landmark case in the British High Court finding that their expulsion from Chagos had been illegal under British law. Three years later, they lost a subsequent phase of the trial to determine if an award of compensation was likely. Lawyers are now in the process of appealing the ruling.

After their 2000 victory, lawyers for the Chagossians filed a class action lawsuit in U.S. Federal District Court for the District of Columbia against the U.S. Government, several Government officials, including Robert McNamara and Donald Rumsfeld, involved in the construction of the base, and companies like the Halliburton Corporation that helped build the

base (*Bancoult*, et al v. McNamara, et al). The suit accuses the U.S. Government and the other defendants of committing acts including forced relocation; racial discrimination; cruel, inhuman, and degrading treatment; and genocide. The case has not yet come to trial.

# 1.2. Documenting Chagossians' Injuries

Since August 2001, the authors have been conducting research on behalf of the lawyers representing the Chagossians. (We are not and have never been employed or paid by the lawyers for our work. The lawyers reimbursed most of our research expenses in the year prior to the IUCSHA Mellon fellowship.) We have been asked to document the injuries suffered by the Chagossians since the expulsion and, to the extent possible, to estimate the value of those injuries monetarily. The lawyers in the United States intend to use our work to calculate the compensation they will ask for in their lawsuit.

Many observers have already documented and described the many injuries experienced by the Chagossians since their displacement (e.g. Ottoway 1975; Siophe 1975; Sylva 1980; Madeley 1985; Dræbel 1997; Anyangwe 2001; Winchester 2001). None, though, have thoroughly and systematically documented the full range of injuries—physical, economic, material, psychological, social, cultural, and others—that Chagossians have experienced.

To provide this documentation, the lead author has conducted more than two years of original quantitative and ethnographic research on the injuries suffered by the Chagossians, representing the largest and broadest body of academic research on the Chagossians to date. All three of the authors designed the research, combining quantitative and qualitative techniques.

The major components of the research have been a 91-question quantitative survey of almost 300 Chagossians in Mauritius and Seychelles, designed in collaboration with a Chagossian research

advisory team; ethnographic participant observation by the lead author in Chagossian communities in Mauritius and Seychelles over four months in 2001-2002; 9 formal qualitative interviews and 14 genealogical interviews with Chagossians; scores of informal conversations and visits to Chagossian households; extensive research consultation with the Chagossian advisory team; and archival and library research in Mauritius, Seychelles, Great Britain, and the United States yielding thousands of pages of documentary evidence about the Chagossians. The research in Mauritius and Seychelles was facilitated by the Chagos Refugees Group (Mauritius) and the Chagos Social Committee (Seychelles).

Data processing of our quantitative survey and analysis of this research is ongoing and a final presentation of our findings documenting the injuries experienced by the Chagossians is forthcoming. Clearly there are many injuries that one cannot adequately describe, let alone value monetarily in any meaningful way. This is the case with genocide, and so it is with the pain and psychological damage of being exiled from one's homeland. Our approach to documenting Chagossians' injuries then is only to estimate the value of those injuries that can be reasonably valued and to use qualitative, often ethnographic description to capture those injuries that are unquantifiable.

In this report, we propose two methodologies for the documentation of our research findings: First, we propose a *quantitative methodology* for estimating the monetary value of those injuries experienced by the Chagossians that can be reasonably quantified. These include land and property lost in Chagos, income lost as a result of the expulsion, and lost social welfare benefits. Second, we propose a *qualitative methodology* for using ethnographic and other qualitative descriptive techniques to document those injuries that are far harder to quantify and value monetarily. These include injuries to culture, community, family, education, health,

psychological and emotional well-being, and injuries resulting from deaths and discrimination. We will also use this qualitative methodology to demonstrate the complicated dynamics behind the quantifiable injuries to land and property, income, and social welfare benefits, whose complexity cannot be understood through quantitative measurement alone. Once our ongoing data analysis is complete, we will use these two methodologies to organize our research findings and present a final report documenting Chagossians' injuries since their expulsion from Chagos.

### 2. THE EXILE OF THE CHAGOSSIANS

Humans first settled permanently in Chagos after France claimed the islands around 1783. French entrepreneurs sailing from Mauritius (then known as Isle de France) established coconut oil plantations on Diego Garcia, the Peros Banhos and Salomon atolls, and on other islands in the Chagos Archipelago. (Chagos became part of the British colony of Mauritius after France ceded most of its Indian Ocean territories to England in 1814). From the outset, the French transported enslaved people to Chagos to build and work the coconut plantations (the enslaved people, or their ancestors, of course having been forcibly exiled from homes mostly in East Africa and Madagascar). These enslaved people along with indentured laborers later brought to the islands from India became the ancestors of most of today's Chagossians.<sup>2</sup>

After emancipation, women and men continued to work on the coconut plantations, receiving regular, if small, salaries in cash and food, as well as medical care, vacations to Mauritius, housing, retirement pensions, and, later, schooling. The workday was generally completed before noon, allowing the islanders to work paid overtime or tend to their gardens, to perform household tasks or enjoy the abundant fishing opportunities around the islands.

Life transformed for the Chagossians in 1965. After several years of surveys and negotiations, the U.S. Government convinced the British Government to take the unprecedented step of forming a new colony in the era of decolonization. The explicit purpose of the colony was to provide potential sites for island military bases. This new colony, the British Indian Ocean Territory (BIOT), was formed by excising the Chagos Archipelago and three distant island groups from not-yet-independent Mauritius and Seychelles respectively (a manoeuvre in violation of at least two United Nations declarations proscribing the dismemberment of colonies during the decolonization process). The U.S. Government secretly paid as much as \$14 million

toward the costs of establishing BIOT and removing the population from Chagos, a requirement ordered by the United States and agreed upon by the British (for more on this part of the history, see Bandjunis 2001; Madeley 1985; U.S. Congress 1975).

After 1965, any Chagossians leaving Chagos for vacations or medical treatment in Mauritius were denied return passage to their homes and left stranded in Mauritius—often without their families and all their possessions. Some report being tricked or coerced into leaving in the late 1960's. At the turn of the decade when the British restricted the number of regular supply ships visiting Chagos, others left as food, medicine, and other necessities dwindled dangerously low.

In 1971, agents of the British Government acting on orders from the U.S. Government, and with at least some assistance from U.S. soldiers already on Diego, forced the remaining inhabitants of Diego Garcia to board overcrowded cargo ships and leave their homes forever. The ships deposited some of the Chagossians about 150 miles away in Chagos's Peros Banhos and Salomon atolls and others more than 1,100 miles away on the docks in Mauritius and Seychelles. In the process, agents of the British Government, with the help of U.S. soldiers, first poisoned, then shot, and finally gassed and burnt the islanders' pet dogs *en masse* in a sealed shed where the dogs had been lured.

Two years later, in 1973, the United States delivered the final orders that all the islands should be cleansed of inhabitants. Agents of the British Government forced the remaining inhabitants from Peros Banhos and Salomon onto the *M.V. Nordvær*, an overcrowded cargo ship owned by the British Government, and dumped them in Mauritius and Seychelles.

In Mauritius and Seychelles, the Chagossians have remained in exile, prohibited from returning to Chagos. Little to no attempt was made to help resettle the Chagossians. Some in

Seychelles were taken to live temporarily in a prison; others in Mauritius were given dilapidated shacks amidst pigs, cows, and other farm animals. Some in Mauritius received small compensation payments from the British Government five and then ten years after the last removals. These payments came after most Chagossians had already fallen deeply into poverty. They were generally only enough to help some Chagossians escape from large debts accumulated in the interceding years or to provide them with what was often their first proper home, in the slums of Mauritius's capital, Port Louis.

The base at Diego Garcia has only grown in size and significance since its creation in 1971. It is now one of three major U.S. air bases from which the U.S. can strike virtually any target in the world. Diego Garcia is home to many of the B-1, B-2, and B-52 nuclear-weapon-capable bombers that pummeled Iraq and Afghanistan. The 12,000-foot runway is also a take-off point for reconnaissance, cargo, and in-air refueling planes. Diego Garcia is a satellite tracking station and a base for military surveillance and communications. The lagoon at Diego Garcia accommodates nuclear submarines and an aircraft carrier task force. As importantly for the U.S. military, Diego's calm waters safeguard skyscraper-sized ships ready for rapid regional troop deployment with enough tanks, weaponry, ammunition, and fuel to equip tens of thousands of U.S. soldiers for 30 days.

There is widespread agreement among scholars, journalists, and other observers that the Chagossians as a group have been deeply impoverished since their forced expulsion from Chagos. Some have documented the high rates of unemployment and poverty among Chagossians (Siophe 1975; Sylva 1981; Dræbel 1997). Some have documented their degraded housing conditions (Siophe 1975; Prosser 1976; Botte 1980; Sylva 1981; Dræbel 1997). Others have documented their many health problems and educational difficulties (Siophe 1975; Botte

1980; Dræbel 1997). Carlson Anyangwe summarizes the findings of others and his own recent fact-finding mission among the Chagossians, describing the immediate and long-term effects of the Chagossian expulsion:

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

In the following section we review all of the literature that has sought previously to document the injuries experienced by Chagossians as a result of their expulsion.

### 3. REVIEWING THE LITERATURE ON THE CHAGOSSIANS

Prior to the expulsion, there was little written about the Chagossians. The only major works were a survey of the small dependencies of Mauritius by its former colonial governor, Robert Scott (1976[1961]) and the writings of a Catholic priest, Roger Dussercle (e.g. 1934). Since the expulsion, a small body of journalistic accounts, professional reports, and bachelor's and master's-level theses has developed describing the exile, the Chagossians' impoverishment, and other ways in which Chagossians' lives have been injured since the expulsion.

Journalistic accounts have been most frequent. David Ottoway's 1975 Washington Post article—the first in the Western press to break the story—is representative in describing the "abject poverty" Chagossians faced in Mauritius after the removals (Ottoway 1975). Almost thirty years later, Anyangwe's fact-finding report found severe immediate and long-term injuries resulting from the expulsion (2001). Within this literature, however, there has been relatively little academic analysis systematically detailing the state of Chagossians' lives. There has also been almost no attention paid to Chagossians in Seychelles. Importantly, no doctoral dissertations or academic monographs have been written about the Chagossians (the only booklength treatment is a short novel: Benson 1989).

### 3.1. Journalistic Accounts

Writing just two years after the final removals, Ottoway explained how the Chagossians "seem lost souls, living for the first time in a money economy where rent, food and clothing are priced far above their meager incomes and where they are either unsuited for the available jobs or discriminated against by employers who favor local Mauritians" (1975:103). Ottoway cited statistics showing that only 17 percent of family heads had full-time employment. He explained

that the Chagossians "seem doomed to find only menial jobs, unless the local government undertakes some kind of special retraining program for them" (1975:103).

The *Sunday Times of London* outlined a similar landscape in "Diego Garcia, the Islanders Britain Sold," published 12 days after Ottoway's report (1975). The article found that following the expulsion, the Chagossians were "as a result considerably poorer." The *Times* described cramped deportations from Chagos, arrivals in Seychelles involving temporary housing in a Seychelles prison, and the withholding of money for resettlement. In Mauritius, the Chagossians "have been living in squalor." The article continued, "The fact remains that the islanders have to go begging to survive and live in shacks which are little more than chicken coops" (1975:94).

Probably the most widely known work on the Chagossians is John Madeley's report, "Diego Garcia: A Contrast to the Falklands," commissioned by the London-based Minority Rights Group. Madeley describes the history and experience of the Chagossians within the context of the Cold War and the supposed end of British colonialism. In a concise summary of their experience, Madeley wrote, "Between 1965 and 1973 the British government went about the systematic removal of its own subjects from Diego Garcia; it deposited them in exile in Mauritius without any workable resettlement scheme; left them in abject poverty, gave them a tiny amount of compensation and later offered more on condition that the islanders renounced their rights ever to return home" (1985:3). Generally Madeley focused on documenting the history of the expulsion. He provided little original research about the Chagossians' post-expulsion lives, primarily citing the work of others, including a survey by the Comité Ilois Organisation Fraternelle (Ilois Committee Fraternal Organization) reporting 9 Chagossian suicides and 26 families "that had died together in poverty" (1985:6).

# 3.2. Survey Research

The most comprehensive studies of the Chagossians' post-removal conditions are those of Hélène Siophe, A. R. G. Prosser, and Herve Sylva. In late 1974 and early 1975, Siophe, a social worker working with Chagossians, conducted a survey for the Mauritian *Institut pour le Developpement et le Progres* (Institute for Development and Progress). Siophe surveyed 1,183 Chagossians displaced to Mauritius (representing most of the population). Of 292 total families, Siophe found that only 78 heads of family had permanent work (27 percent), with another 100 working part-time (34 percent). The vast majority of those working at all were employed in low-paid work as dockers, maids, fishermen, and truck loaders (1975:112-113). Most families depended on a monthly salary of less than 160 Mauritian rupees (1975:121). Education for the Chagossians was similarly poor: At the time, only 10 Chagossian adults surveyed—or 2 percent—could read a little ("un peu lire"). More than one-quarter (27 percent) of children 6 to 16 years old were not attending school. And according to Siophe, only three Chagossian families owned their own homes, while 58 percent of families lived in houses in bad condition ("maison en mauvais etat") (1975:115-116, 118-119).

A year later, in 1976, A. R. G. Prosser, a representative of the UK Ministry of Overseas Development, visited the Chagossian community in Mauritius on behalf of the British and Mauritian governments. In what became known as the "Prosser Report," Prosser evaluated the conditions of the Chagossians and proposed a resettlement plan using the £650,000 Britain gave Mauritius for that purpose.

In his report, based on seven days of research, Prosser found that "the most intractable problem" for the Chagossians is housing, especially in the wake of a 1975 hurricane, which exacerbated an already severe housing shortage in Mauritius. Ultimately the conclusions of the

report are contradictory. On the one hand, Prosser asserted "the fact that the majority of Ilois are reasonably well settled in Mauritius" (1996:3). On the other hand, after proposing a resettlement plan combining housing, occupational training, and welfare services, he concluded his report, saying "the fact is that the Ilois are living in deplorable conditions which could be immediately alleviated if action is taken on the lines I have suggested" (1976:6). Prosser's initially positive assessment of the Chagossians in Mauritius is unlike that of any other observer. It seems appropriate to read it and the contradictory findings in light of Prosser's position as a representative of the British and Mauritian governments, who at the time were defending themselves against criticisms of their treatment of the Chagossians.

In 1981, the Mauritius Ministry of Social Security commissioned Herve Sylva, who had been a teacher among the Chagossians for ten years, to conduct a survey of Chagossian living conditions. Sylva sketched a rough sociological overview of Chagossian life in Mauritius. Surveying nearly all people born in Chagos and displaced to Mauritius, Sylva provided a useful set of ten data tables rivaled only by Siophe's survey in 1974-75.

Like Prosser, Silva found that "housing is the most pressing problem that must be tackled for the proper resettlement of the Ilois." Sylva reported significant overcrowding, families living in "refugee camps," more than a quarter of families (27 percent) doubling up with other families, and others "living in ramshackle houses and in dire conditions" (1981:3). From Sylva's employment tables, one can calculate male unemployment at 41 percent and female unemployment at 58 percent (1981:11-13). Of the few Chagossian families who own land and a house and have "satisfactorily remunerated jobs," Sylva wrote, most are Chagossians married to Mauritians who arrived in Mauritius prior to 1960. "It is a fact," Sylva stated simply, "that many Ilois are badly in need of money" (1981:2-3).

### 3.3. Academic Theses

The findings in Francois Botte's BA thesis, "The 'Ilois' Community and the 'Ilois' Women," accord strongly with the work of Sylva, Prosser, and Siophe, although the quality of Botte's scholarship and writing is less reliable than her predecessors. Botte focused on the place of women in Chagossian society and on qualitative sociological description, but provided additional statistical data from a survey she conducted as part of her thesis. Like the others, Botte found the Chagossians living in "poor housing conditions in the sub-urban slums of Port Louis," the Mauritian capital (1980:29). She reported that, 82.8 percent were living in two or three room "hovels" in the suburbs, generally with two or three families living together and sharing the rent (1980:30).

"The economic situation of the Ilois community," Botte continued, is characterized "by low wages, unemployment, [and] underemployment" for people with skills ill-suited for the Mauritian labor market (1980:27). Botte found 85.8 percent of male Chagossians underemployed and 46.3 percent of women unemployed. This in a community where 53.8 percent of families depended on women as the primary money earner and 62.8 percent of women were unmarried (1980:28-29, 31-32). Botte's thesis further detailed a range of problems faced by the Chagossians, including illiteracy, unemployment, prostitution, teenage crime, housing deficiencies, discrimination, and indebtedness. In general, Botte seems to alternate between empathy and admiration for Chagossians and a tendency to pathologize the problems faced by the community (perhaps stemming from the theoretical influence of Daniel Patrick Moynihan's *On Understanding Poverty*, the only theoretical work in her bibliography).

Iain Walker's master's thesis is the only formal work of ethnography in the Chagos literature, based on four months of research in Mauritius. Walker adds little to our understanding

of the general socio-economic condition of Chagossians. He described the Chagossians broadly as living under "conditions of extreme poverty" and drew instead on the original work of Sylva, Botte, Prosser, and others. Walker thus reported statistics showing 11 Chagossian deaths by suicide, 42 other deaths, and 15 Chagossian psychiatric admissions shortly after their arrival in Mauritius (1986:14).

Although Walker's focused on "the problem of integration of the Ilois into Mauritian society" (1986:2), he demonstrated some of the ways Chagossians have experienced discrimination in Mauritius. He showed how Chagossians are discriminated against especially at school and work, where they are easily identified as Ilois (1986:21-22). Walker described how Chagossians are widely subject to negative stereotyping by Mauritians as a group characterized by heavy drinking, antisocial and immoral behavior, and undisciplined spending habits. In an informal survey of non-Chagossian shopkeepers, Walker found a range of reactions to Chagossians, "varying from savage and uncivilized troublemakers to pleasant and honest victims of circumstances" (1986:23-24).

### 3.4. Recent Studies

In 1997, the World Health Organization (WHO) prepared a comprehensive report of the social conditions and needs (focused particularly on health and education) of the Chagossian community in Mauritius. The report is based on eight weeks of data collection revolving around interviews and a survey of 90 Chagossians (though only 15 of the respondents were male). The WHO described the Chagossians as a community where most live a marginal and precarious existence, significantly below the quality of life enjoyed by most others in Mauritius. Chagossians are, the report explained, "still housed in tin shacks, in the working-class slums of

Port Louis, without fixed incomes and without real and practical access to education or health care" (Dræbel 1997:4).<sup>4</sup>

More specifically, among those surveyed, the WHO found that Chagossian households had an average of 6.5 individuals. The average Chagossian home had 2.5 rooms (in addition to a kitchen and toilet and bathing facilities) and generally lacked electricity and running water (Dræbel 1997:13-14). The average monthly household salary stood at Rs2,933.60—or \$111.54 using the December 31, 1997, exchange rate (www.exchangerate.com). And those Chagossians who were working, the WHO explains, were doing so in jobs at the bottom of the Mauritian pay scale and with considerable job insecurity (Dræbel 1997:16).

In the area of health, the evaluation reported elevated levels of chronic colds, fevers, respiratory diseases, anemia, and poor nutrition, as well as problems with cardio-vascular diseases, diabetes, hypertension, and youth alcohol and tobacco abuse. Other significant health problems included work accidents as well as grief and other psychological problems related to being exiled from Chagos (Dræbel 1997:19-21, 25).

Of the state of education among Chagossians, the WHO reported that more than half of the adults surveyed (34 of 60) had never attended school, and another 30 percent left school before obtaining the Certificate of Primary Education (Dræbel 1997:13). With illiteracy and semi-illiteracy widespread among Chagossian parents the report found that few children grow up in an environment conducive to successful learning (Dræbel 1997:59). In line with other research about educational inequalities facing poor students in Mauritius (Bunwaree 1998), the evaluation documented strong feelings among Chagossians of having unequal access to a quality education, of being disempowered in their relationship with the Mauritian educational system, and of being discriminated against by teachers. Although education is formally free in

Mauritius, the WHO explained how hidden costs of schooling—from paying for uniforms, books and supplies, transportation, snacks, and the private tutoring especially crucial to educational success—become barriers to success among Chagossian children. The result for many adolescents, said the WHO, has been dropping out of school without being able to read or write (Dræbel 1997:36).

Though far less detailed than the work of the WHO, Botte, or Walker, Carlson Anyangwe's fact-finding report for the Southern African Human Rights NGO Network (SAHRINGON), "Question of the Chagos Archipelago," provides a broad overview of the condition of the Chagossians. Anyangwe drew on an array of historical materials and contemporary interviews, primarily with political leaders, conducted over less than two weeks in Mauritius. Anyangwe described the expulsion and its effects as an array of trauma, destruction, and harm. Though he offered little new evidence to document these harms, Anyangwe's report is a concise summary of accumulated knowledge about the Chagossians. In addition to his summation quoted earlier in this paper, Anyangwe concluded that,

The forcible eviction impacted negatively on the lives and livelihood of the evictees in other ways: individual and social impoverishment; physical, psychological and emotional trauma; insecurity for the future; loss of livelihood; loss of emotionally, spiritually and culturally significant sights; loss of personal possessions they were forced to relinquish. [2001:43]

Anyangwe's fact-finding report and the work of the scholars and journalists who preceded his study present an almost 30-year-long body of evidence upon which to build our research. Before presenting the intellectual methodology we will employ for documenting Chagossians' injuries, it is important to point out what our work ignores. Our work and that of many of the other authors in the literature reads like a list of misery and suffering. Clearly the Chagossians have experienced severe difficulties since their expulsion. And yet, like any group

that has experienced suffering, their injuries are only part (though a big part) of their experience. The Chagossians' lives since the expulsion have also been ones of resilience, resistance, and struggle to survive in very difficult circumstances. Their lives are still rich in moments of joy and celebration, the maintenance of cultural traditions, and individual efforts to find everyday and lifelong fulfillment. Because our task is to document Chagossians' injuries, we do not capture these other areas of their experience. Because we focus on their problems, however, one should not forget the full complexity of Chagossian lives that extends far beyond the injuries they have suffered.<sup>5</sup>

# 4. THE QUANTITATIVE METHODOLOGY: DOCUMENTING INJURIES TO LAND AND PROPERTY, INCOME, AND SOCIAL WELFARE BENEFITS

Now that we have examined previous studies about the Chagossians, we present our methodology for documenting and valuing monetarily the injuries Chagossians have suffered. We begin in this section with a quantitative methodology that we will use to document those injuries that can be reasonably quantified and valued monetarily. These include land and property lost in Chagos, lost income since the expulsion, and social welfare benefits lost as a result of leaving Chagos. In the following section, we present our qualitative methodology to be used to document those harms that are more difficult to quantify and value monetarily. These injuries include injuries to Chagossians' culture, community, family, education, health, psychological and emotional well-being, and injuries resulting from deaths and discrimination. Finally, we will describe how we intend to document the immediate injuries suffered by Chagossians during the removal process itself.

### 4.1. Land and Property Losses

We begin our quantitative methodology by examining land and property lost in Chagos. Human settlement began in the Chagos Archipelago in 1783-1784. Over the next almost 200 years, a diverse group of people, of primarily African, Malagasy, Indian, and European descent, formed a new society in Chagos. By the time of the expulsion, many Chagossians traced three to five or more generations of ancestors in Chagos (Todd 1969:19; Ottoway 1975; *Sunday Times* 1975; U.S. Congress 1975:79-80; Scott 1976:23; Walker 1986:9; Powe 1996:640; Winchester 1985:39).

Families in Chagos before the expulsion lived on land that had often been passed down in their families for generations. Land and houses were provided to people in Chagos by the owners of the coconut plantations as part of regular work compensation. Both before and after emancipation, property almost always included land for gardens and raising farm animals.

Given the longevity of their tenancy, Chagossians appear to have strong property rights to the land they occupied in Chagos under both English and French law. When they were expelled from Chagos, Chagossians lost not just this land, but also lost their houses, their gardens, their farm and domestic animals, and most of their personal property, which they were forced to leave in Chagos.

All of these material items that the Chagossians lost can be quantified and valued monetarily. Because of its relative value, the most important valuation will be of the land Chagossians lost. We will use two methods to estimate the value of this land. The first method estimates the fair market value of the land at the time of the expulsion. The present value of this amount will be calculated using an appropriate interest rate. The second—and, we believe, more accurate—method assumes that Chagossians continue to own the land from which they were forcibly removed. This method estimates the fair market value of their land today. This calculation, also known as the imputed rental value method, thus accounts for the increased value of the land since the expulsion as a result of the presence of the military base at Diego Garcia.

In making any valuation of the land in Chagos, we must note the difference in value between land covered with coconut palms and the Chagossians' residential and small-scale agricultural land. We believe it reasonable to assume that, on the whole, personal property improvements Chagossians made to their land, in building houses, buying personal property, 6 tending gardens, and raising farm animals, were equivalent in value to the commercial property

improvements found throughout most of the rest of the land in Chagos, in the form of coconut palms, guano, and groves of harvestable wood. We do not then make a separate estimate of the value of Chagossians' houses, gardens, personal property, and farm animals. The value of these items is estimated as part of the value of their lost land, allowing us to make a single land value estimate for entire atolls rather than distinguishing between the value of residential and commercial land and making relatively small calculations of the value of animals, houses, clothing, furniture, and the like.

# 4.1.1. Land Losses Method I: Fair Market Value at Expulsion

Our first method estimates the value of Chagossian land holdings around the time the expulsions began in 1965. We take the fair market value of land in Chagos at the beginning of the expulsions from the purchase price paid by the British Government for the entire archipelago in 1967. In 1965, the British Government transferred sovereignty over the islands from a dependency of colonial Mauritius to an overseas possession of the United Kingdom and part of the British Indian Ocean Territory (BIOT). Two years later, the British Government bought out the then owners of Chagos and its plantations, Chagos-Agalega Ltd., for £660,000. With 60 square kilometers of total land area in Chagos, the British Government paid £1.10 per square meter. Multiplying this price by the average Chagossian land holding will provide the estimated value of Chagossians' lost land. We will calculate the present value of Chagossians' average holdings by applying an appropriate interest rate to the 1960's value.

### 4.1.2. Land Losses Method II: Current Fair Market Value

The second method estimates Chagossians' land losses based on today's current fair market value of their land. This method assumes that the Chagossians retain ownership over the land taken from them. By measuring the current fair market value of the land, the method accounts for the increased value of the land since the expulsion as a result of the presence of the military base at Diego Garcia. We believe this to be a more accurate estimate of the financial loss suffered by the Chagossians in losing their land because it accounts for the land value that would have accrued to the Chagossians had they not been displaced from Chagos.

The difficult part of this method is estimating the current fair market value of land in Diego Garcia and the rest of Chagos, as a result of the presence of the military base. Estimating the value of land in Chagos is difficult because Chagos is now an entirely military colony where there have been no land sales or transactions since the British Government bought out the owners of the archipelago in 1967. To estimate the value of land in Chagos then, we must find a way to project the value of land in the archipelago indirectly. We do this by using comparison cases similar to Chagos. The comparisons must feature an isolated military base and a relatively small civilian population, like the Chagossians, living next to the base where one can find the current fair market value of land. The comparison in effect uses other locations to project what Chagos would look like economically had it not been for the expulsion.

# 4.1.3. Comparison Cases

For our comparison cases, we selected the Kwajalein Atoll, in the Republic of the Marshall Islands, and the U.S. territory of Guam.<sup>7</sup> We made our selections after creating a general set of

criteria to determine the most appropriate comparison cases. The criteria were not absolute requirements but general guidelines for selection.

The comparison case criteria were: 1) a relatively small civilian population living adjacent to an isolated western-power military base; 2) a base relatively similar in scale and, less importantly, in function, to the Diego Garcia base and that grew substantially after it was originally established; 3) a U.S. military base outside the 50 states, or secondarily, a British or French base outside their European territories; 4) a location in the southern hemisphere and in a less-developed nation or territory; 5) a location ideally on an island (or otherwise geographically isolated) to limit migration and strong external economic effects; 6) availability of data about the local population and the military facilities; and much less importantly 7) a less developed local economy that is dominated by the military facilities. In addition to Kwajalein Atoll and Guam, other comparison cases considered were Andros Island, Bahamas (UK); Mayaguana, Bahamas (UK); Enewetak Islands, Republic of the Marshall Islands; Vieques, Puerto Rico (US); Terceira Island, Azores (Portugal); North West Cape, Australia; Pine Gap, Australia; Thule, Greenland (Denmark); Ascension, St. Helena (UK); Tahiti, French Polynesia (France); and New Caledonia (France).

We selected the Kwajalein Atoll as home to a U.S. Army base and a major ballistic missile testing range, known as U.S. Army Kwajalein Atoll/Kwajalein Missile Range. The base is leased by the United States from the Republic of the Marshall Islands (RMI). RMI was a United Nations trust territory administered by the United States until RMI's independence in 1986 and maintains close ties with the United States under a compact of free association.

The base, like Diego Garcia, serves as a site for space surveillance and operations but its primary function is for the testing, development, and demonstration of U.S. intercontinental and

other ballistic missiles. It is at this range that the Department of Defense has tested "Star Wars"-type missile interceptors designed to create a defensive missile shield for the United States. Like Diego, the base has grown significantly, with the Department of Defense investing more than \$4 billion in the facility (Federal News Service 1999). The Bechtel corporation and Lockheed Martin are currently operating the base under a 4-year, \$626 million contract.

Most of the base is located on Kwajalein Island, the largest island in Kwajalein Atoll.

Missile testing is generally performed in the atoll's lagoon. Employment is similar in size to the base at Diego: About 1,200 logistics and engineering contractors and military personnel live on the base with a similar number of their dependents (French 2001). Another 1,200 or so Marshallese work on the base, commuting primarily from the nearby island of Ebeye (PCRC 2001:40). The total population in the atoll is around 10,000, which is again comparable to what the population might be in Chagos had the Chagossians not been removed. The local economy in Kwajalein Atoll and in the Marshall Islands as a whole is dominated by the base, which accounts for around 25 percent of Marshallese Gross National Product (World of Information 1999).

Using Kwajalein as a comparison is complicated by the history of removals in the atoll and throughout the Marshall Islands. The inhabitants of Kwajalein Island and other islands in the atoll were removed in the early 1960s in preparation for the construction of the base. Most were relocated on nearby Ebeye. Other atolls in the Marshalls, including Bikini, Enewetak, Rongelap, and Utirik, experienced forced displacements as a result of U.S. nuclear testing in the region. Some of these displacees also relocated to Ebeye.

While these removals and several compensation payments made by the United States for some of the removals insert distortions into our comparison, they may in some ways provide an

even closer parallel to Chagos. The base at Kwajalein Atoll represents a case where people were displaced within the atoll rather than to other nations more than 1,000 miles away. The people of Kwajalein were allowed to remain in the atoll and to seek employment on the base from their homes on nearby islands. This then becomes a picture of what life in Chagos might look like if the Chagossians had been allowed to remain in at least parts of Diego Garcia and the rest of Chagos to live and work in the vicinity of the base.

We selected Guam as home to several U.S. Air Force and Navy installations, including Anderson Air Force Base and Apra Harbor, and its position as one of the most important U.S. military bases outside the 50 states. Guam is a territory of the United States and has been home to a naval base since Spain ceded the island in 1898. The military function of Guam, where the military controls nearly one-third of the land, is similar to Diego Garcia. Guam and Diego are the two critical "forward-deployed" bomber locations in the Asia-Pacific region. Likewise, Guam's deep-water harbor is a major pivot of U.S. naval power in the western Pacific Ocean, just as Diego is for the Indian Ocean (GlobalSecurity.org 2003a; GlobalSecurity.org 2003b). And like Diego, Guam serves as a base for fuel storage, sealift ships, and submarines.

Guam's bases are significantly larger and older than the facilities at Diego Garcia or Kwajalein. In this year alone, the Department of Defense is investing nearly \$500 million in construction projects. Currently, around 9,000 U.S. military personnel live in Guam—more than double the personnel in Diego—in addition to their family members and civilian employees (Brooke 2003). At times during the 1970s and 1980s, the military population has been even larger. The greater size of the military facilities and their employment are offset by the larger overall population of Guam, which totaled 154,805 as of the 2000 U.S. Census (U.S. Census Bureau 2003). The most significant difficulty in using Guam as a comparison is the size of its

non-military economy, where tourism and other industries have more economic impact than the military. Finally, it is important to note that the U.S. Government also seized land from people in Guam for military use, later paying a settlement of around \$39.5 million.

No comparison case is perfect and no case can project perfectly what Chagos might look like had it not been for the expulsion. We believe however that Kwajalein Atoll and Guam provide the best comparisons from which to draw conclusions about what the Chagossians' lives might have been had they not been removed from Chagos. (See Notes 8 and 9 for more on the selection of Kwajalein and Guam.)

# 4.1.4. Projecting Chagos Land Values

To estimate the value of the land lost by the Chagossians, we use the comparison cases to show us how land values are affected by the presence of a major military base. We use land values in Kwajalein Atoll and Guam to project the current fair market value of land in Chagos were there a functioning market there for the buying and selling of land.

To compare land values across disparate geographic areas, we set up a ratio of land values in island locations with a military base relative to land values in similar island locations without a base. For Chagos, we use the ratio of the unknown land value in Chagos relative to current land values in another small Indian Ocean location controlled by a major Western power and without a major military base: the French possession of Mayotte in the Comoros Islands. For Kwajalein, we use the ratio of land values in Kwajalein Atoll relative to current land values for another similar Pacific Ocean location without a major military base: the rest of the Republic of the Marshall Islands. For Guam, we use the ratio of land values in Guam relative to current

land values for another similar Pacific Ocean location without a major military base: American Samoa.

We compare the Chagos ratio to the Kwajalein Atoll and Guam ratios to derive two estimates of the current fair market value of land in Chagos (see Graphic 1 below). Knowing the average land holding among Chagossians prior to their expulsion, we can then estimate the current fair market value of their land holdings and thus the value of their losses under this method.

Graphic 1: Estimating Current Fair Market Value of Land in Chagos

Chagos Current Land Value (Unknown)	Kwajalein Atoll Current Land Value
Mayotte Current Land Value	Rest-of-Marshall Islands Current Land Value
Chagos Current Land Value (Unknown)	Guam Current Land Value
Mayotte Current Land Value	American Samoa Current Land Value

Before moving to calculate Chagossian income losses, we must remember what this economic estimate ignores. Both of the two methods above are financial estimates of losses. Neither accounts for or captures the complicated sociocultural and individual relationships that Chagossians had and have with their homelands. These relationships are impossible to quantify and will be documented using our qualitative methodology. Financially speaking, however, it is important to note that the relationships Chagossians had with their land would have influenced the land's purchase price had anyone properly compensated Chagossians for their land during the removal process.

### 4.2. Income Losses

We next calculate injuries to Chagossians' income. As with civilian populations living next to military bases around the world, if the Chagossians had not been removed from their homes and had been allowed to live near the base at Diego Garcia, their lives would almost assuredly look considerably different as a result of the economic impact the base would have had on society in Chagos. Like people in Kwajalein Atoll and Guam, and people living next to military bases in the continental United States, many Chagossians would be working and earning income from civilian jobs on the base. (These jobs have generally been held by Mauritians and Filipinos. They have been denied to people of first or second-generation Chagossian ancestry.) Other Chagossians would be participating in a range of industries providing services to the base and to its military and civilian employees. In all, Chagossians would be deriving significant income from living in the vicinity of the Diego Garcia base, income they have been denied as a result of the expulsion.

In this part of our quantitative methodology, we estimate the full value of this lost income. First we perform this estimate, under a *No-Removal Income* method, by comparing the Chagossians' income since their removal to the income of residents of our comparison cases, Kwajalein Atoll and Guam, over the same period. We again use the comparison cases because the people of Kwajalein and Guam are living in situations comparable to what the Chagossians' lives would look like had they not been removed. Income statistics for Kwajalein and Guam thus help project what Chagossians' earnings would be had they not been removed—thus providing an estimate of their lost income since the expulsion.

As we will explain, the income of residents in Kwajalein Atoll and Guam has been depressed by various forms of discrimination and by other failures on the part of the sovereign power in both locations to guarantee the full range of human rights protected under existing international human rights covenants. The comparison populations in Kwajalein and Guam are thus inadequate for most accurately estimating what Chagossians' income would have been had the Chagossians not been removed and had their human rights been fully secured by the sovereign in Chagos, the United Kingdom.

Because of the ways in which income in Kwajalein Atoll and Guam has been depressed, we make a second estimate of Chagossians' lost income under a *No-Removal, Full Compliance* method. With this method, we estimate Chagossians' losses assuming that the United Kingdom, as sovereign, would have come close to complying fully with international human rights standards for the protection of all social, economic, cultural, civil, and political rights.

We estimate the effect of this "full compliance" on Chagossians' potential income had they not been removed by first examining the effect that a government offering nearly full compliance, found in nations like Norway and Sweden, has on its citizens' income. We then apply this effect to the initial *No-Removal* estimate of Chagossians' income to project their *No-Removal*, *Full Compliance* income and thus derive a more accurate estimate of their losses.

### 4.2.1. Documenting the Chagossians Income and Earnings History

To calculate the losses Chagossians have suffered to their income, we must first understand what their actual earnings have been since the expulsion. Prior to our own survey of Chagossians in Mauritius and Seychelles, two studies have reported on Chagossian income in Mauritius (none have done so with the Chagossians in Seychelles). In late 1974 and early 1975, Hélène Siophe

surveyed nearly all the Chagossians living in Mauritius, totaling 1,183 respondents. Siophe asked detailed questions about average monthly income during the first part of her survey, conducted in 1974 and surveying 857 individuals in 200 families (72 percent of the total surveyed; she appears not to have asked these questions in the second part of her survey). From her survey, Siophe reports estimated monthly family earnings (see Table 1 below). More than half of the families surveyed had monthly salaries of less than 160 Mauritian rupees. Sixty-nine percent earned salaries of 250 rupees or less (Siophe 1975:121).

Table 1: Estimated Monthly Earnings of Chagossian Families in Mauritius, 1974

MONTHLY EARNINGS IN RUPEES	NUMBER OF FAMILIES*
0-40	20
41-80	27
81-100	9
101-120	5
121-140	30
141-160	15
161-180	13
181-200	4
201-250	18
251-300	14
301-350	20
351-450	15

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<sup>\*</sup> It is unclear why Siophe's table totals 202 families in a survey of 200 families.

451-550	3
551-650	3
651-700	6

[Siophe 1975:121]

Two decades later, in 1997, the World Health Organization (WHO) prepared a comprehensive report of the social conditions and needs of the Chagossian community in Mauritius. The WHO found an average monthly household salary for Chagossians of Rs2,933.60 (Dræbel 1997:16), or about \$111.54 a month (using the December 31, 1997, exchange rate (www.exchangerate.com)). From our survey of almost 300 Chagossians in Mauritius and Seychelles during 2002-2003, we will produce a third estimate of Chagossians' current income. Together with Siophe's and the WHO's findings, we will be able to generate a reasonable projection of Chagossians' income since the expulsion.

### 4.2.2. Income Losses Method I: No-Removal Income

The income of Chagossians would have been considerable different had they not been removed from Chagos during the construction of the base at Diego Garcia. Military bases have significant economic impacts on neighboring communities. They provide not just civilian base employment but also numerous secondary economic opportunities as a result of businesses established to service the base and its employees. It is reasonable to expect that these sorts of opportunities would have been available to the Chagossians had they not been removed. Any estimate of their income losses must account for this lost potential income.

We can estimate the economic effect of living next to a significant U.S. military base and thus of life in Chagos without the expulsion by looking again to our comparison cases. With

their isolated U.S. military bases and relatively small adjacent civilian populations, the Kwajalein Atoll and Guam are the best comparison populations to approximate what life would have been in Chagos without the displacement. Income data for Kwajalein and Guam residents since 1965 then provides us with ways to estimate the income Chagossians lost. Subtracting our best estimate of Chagossians' actual earnings since 1965 from their projected no-removal income under this method gives us an estimate of their total income losses.

To estimate Chagossians' no-removal income with our Kwajalein and Guam comparison populations, we again compare ratios involving the Chagossians and the comparison cases. For each, we use a ratio of the per capita income of residents living in a location with a major military base relative to the per capita income of residents living in a similar location without a base.

For the Chagossians, we use a ratio of Chagossians' no-removal income (still unknown) relative to the per capita income in our similar Indian Ocean location without a base, Mayotte. For Kwajalein Atoll, we use the ratio of Kwajalein Atoll per capita income relative to the per capita income in our similar Pacific Ocean location without a base, the rest of the Republic of the Marshall Islands. For Guam, we use the ratio of Guam per capita income relative to the per capita income in our similar Pacific Ocean location without a base, American Samoa.

We then compare the ratio involving the Chagossians with the Kwajalein Atoll and Guam ratios to derive two estimates of the per capita income among Chagossians (see Graphic 2 below). By subtracting our estimate of the Chagossians' actual income since the expulsion from this value, we estimate the total value of Chagossians' income losses under this method.

Graphic 2: Estimating Chagossians' No-Removal Per Capita Income

Chagossians' Per Capita Income (Unknown)

Mayotte Per Capita Income

Chagossians' Per Capita Income (Unknown)

Chagossians' Per Capita Income (Unknown)

Mayotte Per Capita Income

American Samoa Per Capita Income

# 4.2.3. Income Losses Method II: No-Removal, Full Compliance Income

The first method for calculating Chagossians' income and earnings losses would be adequate except for systemic ways in which the use of the Kwajalein Atoll and Guam comparison populations underestimates Chagossians' probable income had they not been removed. The income of residents in Kwajalein and Guam has been depressed by discriminatory practices and by other failures on the part of the sovereign power in each location to guarantee the full range of human rights protected under guiding international human rights covenants. In Kwajalein, a series of forced displacements severely disrupted communities and the economic well-being of inhabitants. Most of Kwajalein's residents now live on the severely overcrowded island of Ebeye, widely known as the "ghetto of the Pacific." In Guam, according to recent statistics, 23 percent of the population is living below the official U.S. poverty line, while unemployment has been almost triple the U.S. national average at 15 percent (Central Intelligence Agency 2004).

The per capita income figures we use in our first income losses method are thus lower than they might be in the absence of these kinds of discrimination and failures to protect residents' human (especially economic) rights. As a result, our first method underestimates the projection of Chagossians' per capita income had they not been removed.

We adjust this first estimation, to more accurately project Chagossians' lost income, with our second *No-Removal, Full Compliance* method. Under this method, we assume that had they not been removed, the Chagossians would not have experienced the same kinds of incomelowering discrimination and human rights violations found in Kwajalein and Guam. We assume that by contrast to Kwajalein and Guam, the sovereign power in Chagos, the United Kingdom, would have approached relatively "full compliance" with guiding human rights covenants protecting economic, social, cultural, political, and civil rights.

Under this method, we adjust the per capita income figures from our first method by estimating the effect that near full compliance has on people's income. The nations closest to the full compliance standard are nations like Norway and Sweden. In these nations, we can measure the effect that the governments' achievement of near full compliance has on their citizens' wages and income. We use this effect to adjust the per capita income figures for Kwajalein Atoll and Guam (see Graphic 3). This then adjusts the estimates of Chagossians' per capita income had they not been removed and had they been able to enjoy the near-full compliance standard of human rights protections. This new estimate of Chagossians' income then provides us with a new, more accurate estimate of Chagossians' total income damages after once again subtracting Chagossians' actual income.

Graphic 3: Estimating Chagossians' No-Removal Per Capita Income

	Kwajalein Atoll Full-Compliance-Adjusted
Chagossians' Per Capita Income (Unknown)	Per Capita Income
Mayotte Per Capita Income	Rest-of-Marshall Islands Per Capita Income

Guam Full-Compliance-Adjusted
Chagossians' Per Capita Income (Unknown)

Mayotte Per Capita Income

Guam Full-Compliance-Adjusted
Per Capita Income

American Samoa Per Capita Income

# **4.2.4.** Consequential Damages

Either of the above methods for estimating Chagossians' income losses still underestimates the full damages suffered by the Chagossians. As a result of the income they lost, Chagossians suffered other consequential damages of both a monetary and non-monetary nature. That is, not having this income led to consequential injuries other than the lost income, including injuries to their health, education, and psychological well-being. The same is true of the social welfare benefits denied Chagossians that will be discussed in the following section: not having these benefits led to other consequential harms beyond the lost benefits alone.

We will document these consequential damages in the qualitative component of our final report. We will not attempt to estimate a highly imprecise monetary equivalent of these consequential damages. Instead we will estimate total income damages by multiplying the losses estimated with the methods above by a "Consequential Damages Factor" reflecting the severity of their consequential damages.

This method has been used by the U.S. Congress to estimate consequential damages attributable to violations of the United States Fair Labor Standards Act. The Act allows for an award of "Liquidated Damages" in addition to an award of lost wages to successful plaintiffs whose rights were "willfully violated" by their employers (see *Overnight Motor Transportation Co. v. Missel* and *Brooklyn Savings Bank v. O'Neil*). The liquidated damages award is intended to compensate employee plaintiffs for consequential harms suffered in addition to lost wages.

Liquidated damages up to an amount equal to employees' lost wages can be awarded, and actual liquidated damages awards are almost always set at this level (i.e., a factor of 2.0). We propose using this mechanism for estimating consequential damages in recognition of the difficulties involved in trying to estimate consequential damages for both individual Chagossian's cases and for the population as a whole.

Since the consequential damages Chagossians suffered as a result of their income losses will be shown to be far more serious than those suffered by victims of minimum wage violations or employment discrimination in the United States, an appropriate Consequential Damages Factor is likely to be substantially more than 2.0. Multiplying this Consequential Damages Factor by each of the two estimates of lost income then yields two final estimates of the Chagossians' total income damages.

# 4.3. Social Welfare Losses

# 4.3.1. Social Welfare Losses Method I: No-Removal Social Welfare Benefits

In addition to the losses Chagossians suffered to their land, property, and income, the Chagossians lost a range of social welfare benefits that they would have enjoyed had they not been removed from Chagos. Because the United Kingdom excised Chagos from colonial Mauritius in 1965 and made Chagos part of the British Indian Ocean Territory (BIOT), people living and thereafter born in Chagos became residents and, in many cases, citizens of an overseas territory of the United Kingdom. Like the people of Bermuda, the Falkland Islands, the British Virgin Islands, and other UK Overseas Territories (UKOTs), many Chagossians have for years carried passports indicating their status as citizens of a UK territory. After recent changes to British citizenship laws, in May 2002, many have become eligible for full British citizenship

(though they are citizens ironically prevented from returning to the birthplace that gives them this status in the first place).

The citizens of the other UKOTs have received a variety of social welfare benefits, including health care, education, housing benefits, and other entitlements, as a result of being citizens of a UKOT. With the exception of their passport rights, Chagossians have received none of these UKOT benefits since their expulsion. It is reasonable to assume that Chagossians would have received these social welfare benefits had they not been removed, just as the citizens of Bermuda, the Falklands, the British Virgin Islands, and the other UKOTs have received such benefits. These benefits can be calculated as an average bundle received across the UKOTs. The value of this bundle is the value of the social welfare benefits denied the Chagossians.

The Chagossians have received some social welfare benefits since the beginning of their expulsions in 1965. The Chagossians received dwindling health, education, and housing benefits in Chagos between 1965 and the final removals in 1973. They received some social welfare benefits in Mauritius and Seychelles. (It is important to note though that many Chagossians were denied such services in Mauritius and Seychelles, including entry into schools and housing benefits, because of discrimination faced as Chagossians.) We subtract the value of these benefits received from the value of the UKOT benefits denied for an overall estimate of the Chagossians' social welfare benefit losses (see Graphic 4). As with their income losses, the Chagossians suffered additional consequential damages as a result of being denied UKOT benefits. These consequential damages will be documented using our qualitative methodology. We again use the consequential damages factor described above to estimate the value of Chagossians' total social welfare benefits damages.

# Graphic 4: Estimating Chagossians' Social Welfare Benefits Denied

UKOTs' Per Capita Social Welfare Benefits Bundle

- Per Capita Social Welfare Benefits Received in Chagos, Mauritius, Seychelles
- = Social Welfare Benefits Denied

# x Consequential Damages Factor

= Total Social Welfare Benefits Losses

Some Chagossians also received compensation payments from the British Government in 1978 and 1982, valued at £650,000 and £4 million respectively (though Chagossians did not necessarily receive the full value of the payments). Rather than including these payments in the social welfare losses calculations, we will treat this compensation as advance payment on the total estimated damages from all sources, subtracting their present value from our final estimate of damages.

# 4.3.2. Social Welfare Losses Method II: No-Removal, Full Compliance Social Welfare Benefits

The above method for calculating Chagossians' social welfare losses again underestimates

Chagossians total losses in this area. The social welfare bundle received by people in the UK

Overseas Territories does not reach the level of the nations most fully compliant with

international human rights standards like Norway and Sweden. Like all peoples in the world, the

Chagossians have the right to expect their sovereign to protect guiding international human

rights guarantees. If they had not been removed from Chagos, the Chagossians should have been

able to expect the British Government to live up to these standards of full compliance.

Thus a more accurate estimate of Chagossians' social welfare benefits losses given full compliance with all human rights standards comes from an estimate of the per capita social

welfare benefits received by people in the most fully compliant nations. This is the full value of the bundle of social welfare benefits Chagossians should have been able to expect from the UK. We then estimate total Chagossian losses by taking this bundle of social welfare benefits received in the most fully compliant nations and subtracting from it the actual social welfare benefits Chagossians received since 1965. Finally, we again multiply this estimate by a Consequential Damages Factor to produce our final estimate of total Chagossian social welfare benefit losses.

# Graphic 5: Estimating Chagossians' Full Compliance Social Welfare Benefits Denied

Social Welfare Benefits Bundle Received across Most Fully Compliant Nations

- Social Welfare Benefits Received in Chagos, Mauritius, Seychelles
- = Full Compliance Social Welfare Benefits Denied
- x Consequential Damages Factor
- = Total Social Welfare Benefits Losses

# 5. THE QUALITATIVE METHODOLOGY: DOCUMENTING OTHER INJURIES TO CULTURE, COMMUNITY, FAMILY, EDUCATION, HEALTH, PSYCHOLOGICAL AND EMOTIONAL WELL-BEING, AND INJURIES FROM DEATHS AND DISCRIMINATION

The previous quantitative methodology is useful for estimating the value of some of the injuries Chagossians have suffered since their expulsion. Other injuries—like those to culture, community, family, education, health, psychological and emotional well-being, and injuries resulting from deaths and discrimination—are more difficult to value monetarily. Rather than attempting to value these injuries monetarily, we will use qualitative description and analysis augmented by appropriate statistical data to document these types of injuries. Qualitative tools will provide us moreover with a way to capture the complicated dynamics behind those injuries documented in the quantitative methodology, but which the emphasis on monetary valuation overlooks.

A considerable body of literature on the phenomenon of involuntary displacement provides useful models and guidance for understanding and documenting the full range of injuries suffered by Chagossians. Former World Bank sociologist Michael Cernea's "Impoverishment Risks and Reconstruction" model in particular provides the basic framework for our qualitative methodology. We will use this model and its set of eight subprocesses of displacement-related impoverishment to structure our descriptive, qualitative documentation of Chagossians' injuries. The contributions of other scholars in the field will help to deepen and strengthen our use of Cernea's model.

Within the field, the term *involuntary displacement* has generally referred to the involuntary movement of populations related to large development projects, like dam construction. *Involuntary displacement* generally has not referred to involuntary migrations involving the application of force and military occupation, as was experienced by the

Chagossians. Many scholars in the involuntary displacement literature, however, have started to join their work with that of scholars studying refugees and other forced migrants to understand the significant similarities between involuntary displacees (as they are called) and forced migrants of all kinds (see e.g., Cernea 1993, 2000). With attention to the ways in which the Chagossian expulsion may differ from other examples of involuntary displacement and forced migration, this growing literature is a useful tool in qualitatively documenting many of the injuries suffered by Chagossians.

# **5.1.** Understanding Involuntary Displacement

For many, Michael Cernea has made the largest and most significant contribution to systematically understanding the harmful effects of involuntary displacement. Cernea has been influential in international development policy and social science alike by accumulating evidence from hundreds of cases of involuntary resettlement caused by major development projects and modeling the risks of involuntary resettlement in a generalizable way. As the international development community became increasingly aware of the harmful effects of major development projects, Cernea shaped the World Bank's first policies to prevent and mitigate the harms of involuntary resettlement. His work inspired the adoption of similar policies by other major international development institutions. In academic anthropology and sociology, Cernea has been the major force in establishing important subfields and bodies of literature on involuntary resettlement. He has also led the way in creating theoretical linkages with literature on harms suffered by refugees and other displaced populations.

Cernea's work over the past 20 years has been a major advance over earlier attempts to understand and model the dangers of involuntary displacement. Seminal works by Oliver-Smith

and Hansen (1982), Scudder and Colson (1982), and others focused largely on the stresses of displacement and the subsequent coping responses of affected peoples. While stress remains a topic of investigation for some like Chris de Wet (1988), the earlier works are in retrospect overly mechanistic and generalized. Each theorizes an automatic stressor-coping mechanism relationship that predicts little about what kind of coping responses displacees are likely to develop and says even less about which types of stresses are likely to be generated by involuntary displacement.

Cernea's greatest contribution, by contrast, has been to develop a comprehensive, generalizable model of involuntary resettlement's likely effects, the "Impoverishment Risks and Reconstruction" model. Drawing from a wide range of empirical evidence internationally, Cernea theorizes that a variety of displaced peoples have fundamentally similar experiences (1993). At base, involuntary displacement puts people at risk of impoverishment. This is not simply a coincidental or accidental outcome, says Cernea. Impoverishment is a full-fledged "pathology of development," an outcome causing material, social, psychological, and cultural damage to affected peoples, which is to be expected without proper preventative steps (1997:1569).

Cernea writes that the core concept of the model is a set of eight concrete "risks" or "subprocesses" of impoverishment. Each of the eight is significant on its own; together, the eight are interconnected and have a cumulative effect that produces overall impoverishment.

Cernea identifies the risks as: landlessness; joblessness; homelessness; marginalization; increased morbidity and mortality; food insecurity; loss of access to common property resources; and the shattering of community ties, social capital, and communal life. Each risk will have

varying intensities depending on the context, Cernea adds, and each will have differing impacts on groups (e.g. women and children) within populations (Cernea 1997).

Cernea also outlines four major functions of his model, all of which prove useful in understanding specific cases of involuntary displacement, like that of the Chagossians. The model is first, diagnostic and explanatory in identifying the major harms caused by existing development projects; second, it is predictive and preventative in identifying the likely effects of future projects that should be planned for; third, it is research-oriented in guiding data collection and helping to formulate future hypotheses; and fourth, it is rehabilitative in providing a reconstruction strategy built around reversing the effects of the eight risks (1997).

In recent years, Cernea has increasingly sought to extend his model to populations other than those displaced by development projects—most importantly, to people made into refugees by events like war and famine. Whether one is an "oustee" from a development project or a refugee, Cernea argues, one is a member of a "displaced population," with eminently, if not entirely, comparable experiences (1993, 2000).

# 5.2. Applying Cernea's Framework: The Qualitative Methodology

Cernea's model and its eight subprocesses will provide the framework around which we will qualitatively document the Chagossians' injuries. This is precisely the diagnostic and explanatory function Cernea intends for his model. We will use the eight subprocesses as the basis for our analysis and eventual presentation of Chagossians' injuries, drawing on the cumulative insights from Cernea's examination of involuntary displacement worldwide. For each subprocess, we will discuss how and the extent to which Chagossians' lives have been

affected in that realm. Comparative findings about other displaced populations from Cernea and other scholars will deepen our understanding of Chagossians' injuries.

Like most models, however, Cernea's is relatively inflexible and only provides an introductory framework for understanding the effects of displacement suffered by the Chagossians or any other group. More focused examinations of each of Cernea's eight subprocesses (see Downing (1996) on "social disarticulation," Fernandes (2000) on "marginalization," and Nayak (2000) on "landlessness") and suggestions of other subprocesses (e.g. losses to education, public services, and civil rights) have helped to deepen and complicate scholarly understandings of involuntary displacement's effects. We will therefore extend our methodological framework beyond Cernea's eight subprocesses to other ones important to in Chagossians' experience, most importantly educational losses. And our methodology will draw heavily on scholars' more focused examinations of each subprocess to deepen our understanding of Chagossians' injuries beyond Cernea's relatively cursory treatments of the subprocesses.

Two scholars in the refugee literature provide other perspectives missing from Cernea's model (others in the refugee literature are adopting his framework—see Cernea and McDowell 2000). Alistair Ager (1999) proposes understanding the experience of forced migration through a framework of distinct phases, moving from pre-flight to physical violence, to political oppression, to flight, to reception, to settlement, to resettlement, and, finally, to intergenerational conflict. Even though Ager acknowledges that this model is only a starting point and that it pathologizes refugees as helpless victims, it does provide an important sense of time and the *process* of involuntary displacement missing from Cernea's model.

We will use Ager's insight to emphasize in our documentation ways in which most of the injuries suffered by Chagossians have not been static. Most (e.g. injuries to emotional well-

being) have varied considerably in intensity and by individual over time. Our qualitative methodology will thus emphasize and demonstrate how injuries have changed over time for different segments of the Chagossian population. In this way, our methodology will not treat Chagossians as an undifferentiated group (Cernea does mention this (1997)). Throughout our documentation of injuries, we will document how subgroups within the population (e.g. Chagossians in Mauritius, those in Seychelles, *natifs* (natives) born in Chagos, *enfants* (children) of the natifs, women, and men) have experienced injuries differently from one another.

Ager's emphasis on "process" also leads us to devote an entire section of our qualitative methodology to injuries suffered during the expulsion process itself, a period almost entirely ignored in Cernea's model. Here we will document the history of the removals and specific injuries experienced at different stages of the process. For the Chagossians, being forcibly removed from Chagos was a traumatic and painful experience that had immediate as well as long-term effects. This section on the *injuries of expulsion* will document these immediate injuries, like malnutrition in the final years in Chagos, overcrowding and disease on the transport ships, and miscarriages possibly attributable to the removals and the deteriorating conditions in Chagos.

David Haines (1999) adds another methodological contribution that serves as a counterbalance to the emphasis on relatively rigid models. From Haines's suggestions for better understanding the experiences of many migrant groups, our qualitative methodology will employ four of anthropology's disciplinary strengths: "sense of place" in describing people's material surroundings; "sense of story," in presenting people's testimonies before, during, and after migration; "sense of society," in emphasizing dynamics of social interaction; and "sense of inclusion," in focusing on the details and diversity of experiences and not just on larger patterns.

Incorporating these elements into our qualitative methodology will again deepen the complexity of our documentation beyond the level of Cernea's model.

Ager's emphasis on process and Haines's emphasis on the rich complexities of involuntary displacement point to two other weaknesses in Cernea's model. Although Cernea has in recent years sought to expand the applicability of his model from its original context of involuntary resettlement in development projects to refugees and other displaced peoples, this extension seems relatively undertheorized. Cernea's model has not accounted for the specific dynamics of refugee and other forced migration flows, often involving physical violence and other traumatic migration events, like what the Chagossians experienced. For this reason, again, we will dedicate a section of our methodology to documenting injuries of the expulsion itself. While it is a powerful step to stress the similarities between the experiences of various displaced groups and the wider applicability of his model, Cernea seems not to have explored the important differences between the groups, beyond stating that there are differences (1993, 2000).

These limitations further warn against any automatic application of Cernea's model to the Chagossian case (which we have clearly rejected). Indeed, research on the Chagossian experience will provide a new case study to gauge the applicability of Cernea's model beyond involuntary resettlers and to better theorize the extension of the original model to other groups. But, as Ranjit Nayak says, the point will not simply be to create a more detailed and nuanced set of risks and subprocesses. Instead, the point will be to examine each of Cernea's risks through in-depth case-specific research to understand the harms more deeply than any cross-case model could. Only through ethnographic research, in particular, Nayak argues, can one tease out the specificity and complexity of the risks (2000:106-107). In this light, Cernea's model and other scholars' revisions and complementary models will serve not as an end point of understanding

about the Chagossians but as frameworks and catalysts for the analysis and eventual explanation of the complex ways in which the Chagossians have been injured, ways that often defy easy quantification.

#### 6. CONCLUSION

As we have shown, a small but not insignificant literature on the Chagossians has demonstrated that the group has suffered significant injuries since its expulsion from Chagos. The overall quality of this research, however, has been less than exemplary and no scholars have provided thorough and systematic documentation of Chagossians' injuries.

On behalf of lawyers working for the Chagossians, we have conducted more than two years of the most comprehensive research on the Chagossians to date to provide this missing documentation. Our analysis of this research is ongoing and will be completed in early 2004. In this report, we have presented two methodologies for structuring our documentation and for estimating the value of Chagossians' injuries monetarily. The first is a quantitative model that documents those injuries that can be reasonably quantified with an estimate of Chagossians' monetary losses. The second is a qualitative model that will document other injuries that are far harder to quantify and value monetarily. This model will also explain the dynamics behind the injuries documented in the quantitative methodology that quantitative techniques largely ignore.

In the upcoming months we will combine this methodology with our research findings to present an overall report documenting Chagossians' injuries. As we complete our analysis and assemble this report, elements of our methodology may change. For the most part, however, we believe the fundamental concepts behind our methodology provide a strong framework for documenting Chagossians' injuries and, to the extent possible, estimating the value of some of their injuries monetarily.

#### **ENDNOTES**

<sup>&</sup>lt;sup>1</sup> Mauritius disputes Britain's claim to Chagos.

<sup>&</sup>lt;sup>2</sup> Some Chagossians have European and Chinese ancestry.

<sup>&</sup>lt;sup>3</sup> Botte does not indicate if all of the women she describes as "unemployed" are in search of employment. She also distinguishes between "employed" and "unemployed" females, whereas her distinction with males is between those "employed" and "underemployed" (Botte 1980:28).

<sup>&</sup>lt;sup>4</sup> "Ses membres sont toujours logés dans des constructions en tôle, dans des faubourgs défavorisés de Port Louis, sans revenus fixes et sans accès réel et practique à l'éducation ou aux soins de Santé."

<sup>&</sup>lt;sup>5</sup> I hope to capture more of the complexity of their lives in an upcoming Ph.D. dissertation continuing my research with the Chagossians.

<sup>&</sup>lt;sup>6</sup> In addition to their houses and domestic and farm animals, Chagossians' personal property included boats, furniture, tools, musical instruments, kitchen utensils, clothing, and other items.

We are still evaluating these selections and may choose to remove or replace either as our analysis continues. We anticipate that the basic methodology outlined will remain the same no matter what comparison cases we use.

<sup>&</sup>lt;sup>8</sup> The cases of Mayaguana, Bahamas; North West Cape, Australia; Ascension, St. Helena; the Falkland Islands; Tahiti, French Polynesia; and New Caledonia, were rejected primarily because of the limited size of military facilities relative to those at Diego Garcia. Andros Island, Bahamas; Vieques, Puerto Rico; Terceira Island, Azores; and Pine Gap, Australia, were rejected primarily because they lack the geographic and economic isolation to limit migration and economic effects external to the military facilities. Enewetak, Republic of the Marshall Islands, and Thule, Greenland, were rejected because both experienced significant forced displacements of local populations.

<sup>&</sup>lt;sup>9</sup> As the generally high incidence of prostitution around military bases shows, this impact would not have been unambiguously positive.

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