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Maldivians for Chagos

The Maldives' Perspective on the Chagos Archipelago

Sovereignty and Self-Determination

Version. 2.0

Contents

Introduction	3
Colonial actions on Maldives	4
Maldives' Legitimate Pre-Colonial Claim	4
Illegitimate Colonial Acquisition and 'Terra Nullius	5
The Consistency Principle in Decolonization: Rectifying Original Wrongs	5
Traditional Naming Convention for Archipelagic Atolls in Maldives	7
Reclaiming Identity and Challenging Colonial Injustice	8
Enslaved people were not native to the Chagos Archipelago	8
The Fabricated 'Chagossian' Identity	9
The Non-Indigenous Status of the Displaced Chagos Population	9
Colonial scam and appropriation;	10
Challenging the Evolving Definition of Indigeneity	10
Acquiescence rule	12
Understanding the Acquiescence Rule:	12
Why Mauritius Cannot Successfully Apply Acquiescence Against Maldives:	13
Conclusion	14

Introduction

This paper, "*The Maldives' Perspective on the Chagos Archipelago: Sovereignty and Self-Determination*," offers a comprehensive and principled argument asserting the Republic of Maldives' inherent pre-colonial rights over the Chagos Archipelago. It critically examines the historical narrative surrounding the archipelago's acquisition and subsequent administrative transfers, challenging conventional interpretations of indigeneity and decolonization.

The document refutes the claim of "*Chagossian*" indigeneity, presenting it as a colonial construct lacking genuine historical and linguistic roots in the Indian Ocean, directly stemming from the forced movement of enslaved peoples and indentured laborers. It contends that France's 1715 acquisition of the archipelago (originally "*Foalhavahi*") was predicated on the legally discredited declaration of "*terra nullius*," thereby negating any pre-existing indigenous population and justifying a colonial land grab.

Furthermore, the paper robustly argues that the displaced Chagos population, being a consequence of forced labor and colonial policy, does not possess an inherent legal claim to the islands in the sense of aboriginal rights, experiencing a "*double displacement*" from their original native lands. It champions the Maldives' legitimate pre-colonial claim, rooted in its demonstrably indigenous population and shared geological and historical ties that precede any European colonial presence.

Crucially, the paper introduces "*The Consistency Principle in Decolonization*," arguing that if the detachment of Chagos from Mauritian sovereignty is deemed a historical wrong requiring rectification, then true decolonization necessitates addressing the even earlier and more fundamental wrong: the arbitrary acquisition and annexation of the archipelago from the Maldives. It critiques the application of *uti possidetis juris* when it prioritizes later colonial administrative boundaries over deeper pre-colonial connections, asserting that such an approach perpetuates, rather than rectifies, foundational injustices.

In essence, this paper advocates for the return of the Chagos Archipelago to Maldivian sovereignty as a necessary step for achieving genuine decolonization, ensuring the Maldives' complete territorial integrity, and providing historical rectification for original colonial wrongs.

Colonial actions on Maldives

The sequence of colonial actions would be:

1. Portuguese engagements on Chagos (Late 15th/Early 16th Century)
2. French presence in the Maldives (Mid-18th Century)
3. French acquisition of Chagos (Mid-18th Century / 1793)
4. Margining of Chagos with Isle de France (1715-1810)
5. Renaming Isle de France as Mauritius (1810)
6. Paris Treaty - British acquisition of Chagos (May 30, 1814)
7. Defeat of Napoleon (June 18, 1815)
8. British East India company's cartographic partitioning of Maldives (1839)
9. British Protectorate status of Maldives (1887)
10. Recognition of Maldives independence (July 26, 1965)
11. Detachment of Chagos from Mauritius (November 8, 1965)
12. BIOT creation on Chagos (November 8, 1965)
13. Mauritius independence (March 12, 1968)
14. Agreement signed for transfer of sovereignty on Chagos to Mauritius (May 22, 2025)

Maldives' Legitimate Pre-Colonial Claim

The Maldives, a pre-colonial state with a demonstrably indigenous population and shared geological and historical ties, holds a legitimate and inherent pre-colonial right over the Chagos Archipelago.

- a) **Genuine Indigeneity:** The Maldives' connection to the Chagos Archipelago precedes any European colonial presence. This inherent right cannot be superseded or invalidated by colonial actions or 'wrongs,' which are fundamentally illegitimate.
- b) **Slavery as a Colonial Tactic:** The introduction of enslaved people is viewed as a calculated colonial tactic to populate seized lands, exploit resources, and retrospectively legitimize territorial acquisitions, often at the expense of existing or potential indigenous claims.

- c) **Repatriation and Justice:** Enslaved people and their descendants should be repatriated to their original native lands at the cost of the colonial powers, without infringing upon the established rights of other genuine indigenous populations. Justice demands that colonial wrongs not be rectified by sacrificing the rights of innocent third parties or by perpetuating new injustices.

- d) **Critique of Uti Possidetis Juris:** The principle of *uti possidetis juris*, if applied to reintegrate the Chagos Islands into Mauritius based on colonial-era administrative borders, should logically lead to their reintegration into the Maldives based on undeniable pre-colonial connections. The ICJ's decision, or its application of international law, is flawed in its failure to uphold inherent justice and adequately recognize the historical, cultural, and indigenous rights of the Maldivian people, thereby undermining self-determination.

Illegitimate Colonial Acquisition and 'Terra Nullius'

France's 1715 acquisition of the Chagos Archipelago (originally 'Foalhavahi') was predicated on the declaration of '*terra nullius*' (empty land). This declaration inherently negated the existence of any pre-existing, indigenous population, serving as a legal fiction to justify a colonial land grab.

The Consistency Principle in Decolonization: Rectifying Original Wrongs

The discourse surrounding the Chagos Archipelago underscores a critical consistency in the application of decolonization principles. If the detachment of Chagos from Mauritian sovereignty, based on colonial-era administrative boundaries, is deemed a historical wrong requiring rectification, then a principled approach necessitates addressing the even earlier and more fundamental wrong: the arbitrary acquisition and annexation of the archipelago from the Maldives in the colonial era. Given the Maldives' demonstrable pre-colonial statehood and inherent historical, cultural, and geological connection to Foalhavahi (Chagos), true decolonization demands that the archipelago be returned to Maldivian sovereignty. To prioritize a later colonial administrative boundary over a deeper pre-colonial connection would perpetuate, rather than rectify, the foundational injustices rooted in concepts like *terra nullius* and thereby undermine the very essence of self-determination and the complete territorial integrity of genuine pre-colonial entities.

From the given timeline, it's clear that Mauritius is a post-colonial state shaped by colonial actions. From a Maldivian perspective, the continued sovereignty of Mauritius over the Chagos Archipelago is viewed as perpetuating historical colonial injustices.

Given the historical sequence of colonial and post-colonial actions, and acknowledging that decolonization is not a simple binary process, The potential transfer of the Chagos Archipelago to the Maldives warrants consideration within ongoing discussions regarding decolonization and regional integrity. *Applying the proximity principle, and considering Maldives' pre-colonial state and the indigenous rights of the Maldivian population*, the reintegration of Chagos is a necessary step to achieve true decolonization and self-determination for the Maldives, ensuring its complete territorial integrity and historical rectification, by disregarding, recognizing colonial administrative lines (which *uti possidetis juris* would do) address the fundamental historical wrong.

The Maldives expresses concerns that the transfer of the Chagos Archipelago to Mauritius could affect its historical claims and its ongoing decolonization objectives, despite achieving independence in 1965. Mauritius's history, like that of many nations in the region, was shaped by colonial actions, including practices such as the slave trade and forced labor. Therefore, such a transfer wouldn't rectify historical wrongs or fully decolonize the Maldives, which stands as the longest continuously surviving state in the Indian Ocean.

Traditional Naming Convention for Archipelagic Atolls in Maldives

Two key rules identified;

Rule 1:

Inclusion: A smaller natural atoll can be considered part of a larger, encompassing atoll (e.g., *Ihavandhippolhu Atoll within Thiladhunmathi Atoll*). This highlights a hierarchical or nested geographical relationship.

Rule 2:

Derivation from a Smaller Entity: The name of a larger geographical entity (an atoll) can be derived from a prominent smaller entity (an island) within it (e.g., *Hadhunmathi Atoll from Ihahdhoo Island, Huvadhu Atoll from Suvadhu Island*). This suggests a historical or cultural significance of the smaller entity to the larger one's naming.

Applying the Rules to the Entire Archipelago

By applying these two rules, the entire “Maldivian” archipelago (named as chagos by colonial interventions) could be named after Foalhavahi Island, if Foalhavahi Island is a significant island within the archipelago, following the pattern of a smaller entity giving its name to the larger one. This is a logical extension of the observed rules. If there's an island named Foalhavahi, and it holds a historical or geographical significance akin to Ihahdhoo or Suvadhu for their respective atolls, then naming the entire archipelago after it would be consistent with the system. It's worth noting that geographical naming conventions often have historical, linguistic, and cultural roots that can be complex and varied. The identified system offers a clear, consistent framework based on observed patterns within the Maldives.

In essence, we stress that the integrity of the whole (the archipelago, potentially named after a small part) is compromised by the colonization of any of its constituent parts, regardless of how small. This perspective emphasizes that even minor territorial infringements can be viewed as significant injustices when considered within a holistic framework of national identity and sovereignty.

Reclaiming Identity and Challenging Colonial Injustice

The core of the argument is that the **entire archipelago**, historically known as "Foalhavahi" (and colonially as "Chagos"), should rightfully reclaim its pre-colonial name, deriving its identity from Foalhavahi Island (colonially known as "Diego Garcia"). This matter extends beyond nomenclature to encompass the restoration of a historical identity that was impacted by colonial influences. We assert that the utilization of any selected islands by colonialists for **forced labor, slavery, or the slave trade** constitutes a colonial **wrong and injustice**.

These aren't isolated incidents; they're direct infringements upon the sovereignty and human rights of the indigenous population. Furthermore, we argue that the historical detachment of parts of the archipelago is considered to raise questions regarding sovereign integrity. This underscores the principle that the archipelago is an indivisible entity, and any fragmentation, regardless of its scale, undermines its territorial integrity. Therefore, **the French actions in 1715 are presented as a historical event infringing Maldivian sovereignty**. This historical truth demands recognition and rectification, as it represents a foundational injustice that continues to impact the nation's identity and territorial claims. This perspective highlights the deep connection between historical naming, territorial integrity, and the pursuit of justice for colonial wrongs.

Enslaved people were not native to the Chagos Archipelago

Since the late-1990s, were descended primarily from slaves brought to the island from Madagascar by the French between 1793 and 1810, and Malay slaves from the slave market on Pulo Nyas, an island off the northwest coast of Sumatra, from around 1820 until the slave trade ended following the Slavery Abolition Act of 1833. [*Slavery in the Chagos Archipelago*" (PDF). Archived from the original (PDF) on 19 January 2012. Retrieved 21 June 2012.] This clearly indicates that the enslaved people were not native to the Chagos Archipelago. They were forcibly uprooted from their homelands in Madagascar and Pulo Nyas, highlighting the brutal reality of the transatlantic slave trade and colonial exploitation.

Throughout their recorded history, the plantations of the Chagos Archipelago had a population of approximately 1,000 individuals, about two-thirds of whom lived on Diego

Garcia. A peak population of 1,142 on all islands was recorded in 1953. [*African Research Group (2000). Health & Mortality in the Chagos Islands (PDF). Research and Analytical Papers. Foreign and Commonwealth Office. Archived (PDF) from the original on 24 October 2007. Retrieved 27 September 2011.*]

If forced laborers or enslaved individuals are considered settlers, this act could be seen as cultural appropriation, potentially undermining the rights of the true indigenous people living nearest the archipelago.

The Fabricated 'Chagossian' Identity

The assertion of a '*Chagossian*' indigenous identity is a colonial construct lacking genuine historical and linguistic roots in the Indian Ocean.

1. **Linguistic Imposition:** French and French Creoles, though distinct in their evolution, are direct results of French colonial expansion. Neither standard French nor French Creole is indigenous to Asia or the Indian Ocean region. Their presence in the Chagos Archipelago stems from the forced movement of enslaved peoples and indentured laborers.
2. **Colonial Exploitation:** The term '*Chagossian*' attempts to confer a manufactured nativeness upon a population whose presence is unequivocally rooted in colonial exploitation and the deliberate creation of a labor force. This constitutes an act of cultural appropriation, designed to legitimize colonial claims rather than acknowledge or foster genuine native identity.

The Non-Indigenous Status of the Displaced Chagos Population

The population brought to the Chagos Islands after 1715 consisted of enslaved people. Their residence on the islands for nearly 250 years does not confer indigenous status. Their presence was a consequence of forced labor and colonial policy, not an organic, ancestral connection to the land.

1. **Forced Migration:** These individuals were not voluntary settlers but were forcibly removed from their true native lands elsewhere. Their presence on Chagos was an imposition, not a natural cultural evolution rooted in the archipelago itself.

2. **Double Displacement:** The displaced Chagos population experienced a double displacement: first from their original native lands and then from the Chagos Islands. Consequently, they, or their ancestors, do not possess an inherent legal claim to the islands in the sense of aboriginal rights. Their claim, while morally compelling due to humanitarian concerns, does not supersede pre-colonial claims.

Colonial scam and appropriation;

The colonial powers have brought individuals from parts of Africa and India, and settled in Chagos archipelago. They were not indigenous to the archipelago as creating indigenous population within 200 years is impossible. The powerful countries have historically used colonialism to settle populations in territories they control. These settlers are often granted certain rights and privileges, while the indigenous populations are often marginalized and dispossessed.

The issues:

1. **Self-determination for settlers:** While the principle of self-determination is generally applied to all people, the status of settlers can be complex. In many cases, settlers are considered citizens of the colonizing power and may not have the same historical or cultural ties to the territory as the indigenous population. This can lead to debates about whether settlers should be granted the same rights as indigenous people.

2. **Labeling settlers as indigenous:** Labeling settlers as indigenous can be a form of cultural appropriation and can erase the history and identity of the original inhabitants. This practice is often used to justify colonial claims and to marginalize indigenous populations.

Challenging the Evolving Definition of Indigeneity

While acknowledging the compassionate intent behind broadening the definition of 'indigenous,' applying it to the Chagossian case risks diluting the term's essence and inadvertently legitimizing colonial wrongs.

- a) **Dilution of Core Indigeneity:** True indigeneity refers to an aboriginal, pre-colonial, and unbroken ancestral connection to a specific land. The Chagossians' presence is a direct result of colonial imposition, forced migration, and the declaration of 'terra nullius.' To label such a population 'indigenous' risks implicitly validating the colonial methods that brought them there.
- b) **Cultural Formation vs. Inherent Connection:** The unique culture and Creole language developed on the islands occurred within a colonial framework on a territory declared empty. This differs fundamentally from a genuine indigenous culture that evolved in situ from ancestral roots. The 'imposition of French language' was part of this colonial construct, which cannot genuinely create an indigenous culture tied to the aboriginality of the land.
- c) **Undermining Genuine Indigenous Rights:** Broadening the definition of indigeneity to include groups whose presence is a direct consequence of colonial exploitation on 'terra nullius' lands inadvertently weakens the distinct claims of truly aboriginal peoples like the Maldivians, whose connection is rooted in demonstrable pre-colonial history and geological continuity."
- d) **'Self-Identification' and Historical Context:** While UNDRIP emphasizes 'self-identification,' it also speaks of 'historical continuity with pre-colonial and/or pre-invasion societies.' For the Chagossians, their 'pre-invasion' history ties them to their original native lands, not to the Chagos Archipelago. Applying self-identification without rigorous historical context can be problematic, especially when it concerns lands declared 'terra nullius' and then populated through forced labor.
- e) **Justice for Original Dispossession:** Justice demands addressing the original wrongs: enslavement and displacement from native lands, and colonial seizure of territories. Granting 'indigenous' status to the Chagossians in the Chagos Archipelago, while seemingly progressive, could be viewed as a deflection from the core issue of colonial powers' responsibility for original dispossession. Justice should prioritize rectifying these wrongs without infringing upon the pre-existing rights of others.

3. Colonial scams: Colonial powers acquired territories and resources through various means, including strategic maneuvering, military action, and economic leverage. The labeling of settlers as indigenous was one tactic used to legitimize colonial rule. While the principle of self-determination is important, it must be applied in a way that respects the rights and

histories of indigenous populations. In this case, it is known that Maldives is a pre-colonial state with indigenous population. The Giraavaru people are indigenous people of the Giravaaru islands that is part of Maldives. They are considered to be the earliest island community of the Maldives, predating Buddhism and the arrival of Indo-Aryan speakers in the archipelago. Their ancestors were ancient Tamil people who they referred to as 'Tamila'. [Clarence Maloney, *People of the Maldive Islands*, p.55]

The designation of settler populations as indigenous can lead to concerns regarding the historical/cultural identities and experiences of the original inhabitants. Examples of this include:

1. European colonization of the Americas: European settlers displaced indigenous populations and claimed the land as their own.

2. South Africa: Apartheid was a system of racial segregation that privileged white settlers over the indigenous population.

3. Israel-Palestine conflict: The establishment of the state of Israel involved the displacement of Palestinians. It's important to recognize that these historical injustices continue to have significant consequences for indigenous peoples today. The struggle for decolonization and self-determination remains ongoing in many parts of the world.

Acquiescence rule

The document *discusses* the 'acquiescence rule' within the context of the Maldivian claim, *interpreting* its applicability in a manner that *supports* the Maldivian position and *challenges* any potential Mauritian claim.

Here's an analysis:

Understanding the Acquiescence Rule:

The "**acquiescence rule**" in international law suggests that if one state openly and notoriously asserts a claim or exercises sovereignty over a territory, and another state, despite having knowledge of this, remains silent or fails to protest within a reasonable period, that silence or inaction can be interpreted as tacit acceptance or acquiescence to the claim. It's often summarized as "**silence where there was a duty to speak.**"

Why Mauritius Cannot Successfully Apply Acquiescence Against Maldives:

1. **Consistent and Continuous Assertion of Title by Maldivian Kings:** This argument emphasizes that "Maldivian kings have asserted consistently, and continuously the title which include Chagos within Maldivian sphere of influence." This directly counters any claim of Maldivian silence or inaction. Consistent assertion of title, even if not always through formal European diplomatic channels (which may not have been available or appropriate to a pre-colonial state), demonstrates a lack of acquiescence.
2. **Apprehension/Protests During the 1834 Moresby Survey:** The fact that "Maldivian have apprehension /protests the British mapping survey with fear of subjugation in 1834 is clear evidence that resist Mauritius to use of '**acquiesce rule**'." This is a critical point. A protest, even if based on apprehension or fear, is a clear act of *non-acquiescence*. It shows that the Maldivian authorities were aware of the colonial encroachment and did not accept it. (H.C.P. Bell, *The Maldive Islands: An Account of the Physical Features, History, People, Commerce and Resources of the Archipelago* (1883), pp. 36-37). This historical act of resistance, documented during the very period of colonial boundary-making, directly refutes any claim of tacit acceptance, while the principle of "**uti possidetis juris**" often assumes some degree of acceptance or lack of effective protest to colonial boundaries.
3. **Protest Despite Subjugation/Limited Agency:** As argued previously, the Maldives was under "British subjugation" (protectorate status between 1886(7)-1965). A state under colonial control or protectorate status has severely limited international agency and means to protest effectively on the global stage. International law is increasingly sensitive to the idea that acquiescence cannot be presumed from a state whose sovereign capacity to act was fundamentally constrained by colonial powers. Protests made under duress or apprehension, or the inability to protest effectively due to colonial control, do not constitute free and voluntary acquiescence.
4. **"Present acquiescence does not negate existence of past apprehensions":** This is a powerful and legally sound argument. Even if one were to argue (*incorrectly, given the historical record*) that post-1965 Maldivian governments showed some form of "**acquiescence**" in certain instances, it cannot retroactively validate the original colonial injustice or erase the historical protests and apprehensions from the early colonial period. The fundamental wrong occurred when the islands were first detached from the Maldivian sphere of influence, and this was met with resistance.
5. **Pre-Colonial Basis of Maldivian Claim vs. Post-Colonial Basis of Mauritian Claim:** The Maldivian claim is rooted in its pre-colonial sovereignty and continuous historical connection, which predates and transcends the inter-colonial transfers between European powers. Mauritius's claim, while valid in its own context, is based on the idea of completing the decolonization of a British colonial administrative unit. The "**acquiescence rule**" would be more relevant to disputes arising *between*

sovereign states in the post-colonial era, not to claims that seek to rectify the very initial acts of colonial dispossession from a pre-colonial sovereign entity.

6. **Discredited *Terra Nullius*:** The entire premise of the original French acquisition (and subsequent British inheritance) relies on *terra nullius*, which is fundamentally discredited, as the very legitimacy of the colonial act that would form the basis for “*uti possidetis juris*”. Acquiescence to an act based on an invalid legal premise cannot legitimize that premise itself.

Considering the historical record of Maldivian apprehension and protests during the colonial era, coupled with the inherent limitations on its sovereignty under British rule, and the pre-colonial foundation of the Maldivian claim, the application of the "acquiescence rule" by Mauritius to dismiss the Maldivian claim over the Chagos Archipelago would encounter substantial challenges. Historical documentation indicates that the Maldives expressed non-acquiescence during critical periods of colonial expansion.

Conclusion

The document thoroughly outlines the Maldives' perspective on the Chagos Archipelago, asserting a claim rooted in historical sovereignty, the principles of decolonization, and the rectification of colonial injustices. The historical timeline clearly demonstrates that Mauritius is a post-colonial state shaped by colonial actions, while the Maldives existed as a pre-colonial state with a continuous history in the Indian Ocean.

The Maldivian argument highlights that the colonial detachment of Chagos, historically known as "Foalhavahi" and culturally integral to the Maldivian archipelago, constitutes a fundamental infringement on its territorial integrity and historical identity. The traditional Maldivian naming conventions further support the idea of the entire archipelago, including Chagos, as a cohesive entity.

Furthermore, the document strongly refutes any claims of acquiescence on the part of the Maldives, citing consistent assertions of title by Maldivian kings and protests during British mapping surveys, even under duress and limited agency due to British subjugation. The argument stresses that past apprehensions and resistance cannot be negated by any perceived present acquiescence. It is also critical to recognize that the enslaved people brought to Chagos were not indigenous to the archipelago, and labeling settlers as indigenous constitutes a "colonial scam" designed to legitimize colonial rule and marginalize true indigenous populations.

In conclusion, the potential transfer of the Chagos Archipelago to Mauritius is viewed by the Maldives as perpetuating historical colonial injustices rather than rectifying them. Applying the proximity principle and considering the Maldives' pre-colonial state and the indigenous rights of its population, the reintegration of Chagos is deemed a necessary step for achieving true decolonization, ensuring the Maldives' complete territorial integrity, and providing historical rectification. The Maldivian claim is rooted in its pre-colonial sovereignty, transcending the inter-colonial transfers between European powers that form the basis of Mauritius's claim (*Uti possidetis juris*). Therefore, the Maldivian perspective advocates for the return of the Chagos Archipelago to its historical and geographical integrity as part of the Maldives.

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