



EMERGING CHALLENGES (LAWFARE) February 2019

USA vs China: what is at stake is in the Indian Ocean

On the 25th of February 2019, the International Court of Justice (ICJ) ruled that the UK has to return the Chagos Islands (hence called Islands) to Mauritius as soon as possible since the British jurisdiction would not be consistent with the United Nations statute.

The President of the ICJ – the Somali Adbdulqawi Ahmed Yusuf – argued that the separation of the Islands in 1965 was a “*wrongful act*” and that “*the UK has an obligation to bring to an end its administration of the Chagos archipelago as rapidly as possible and that all member states must co-operate with the UN to complete the decolonization of Mauritius*”.

In the aftermath of the independence of Mauritius in 1968, the UK retained possession of the Islands where a US strategic airbase is located (Diego Garcia) to exercise control over a large area stretching from Africa to the west and the Asian Continent to the east across the Indian Ocean. Without Diego Garcia the two Gulf wars carried out against Iraq would have been much more difficult.

The reasons the ICJ has given for such a ruling are undisputable from a legal standpoint especially with regards to the article 1, paragraph 2 of the UN Charter which establishes “*the respect for the principle of equal rights and self-determination of peoples*”.

However, the Islands’ case is not the only one in the international scenario regarding overseas sovereignty, like the fact that, just to name one example, the Netherlands have retained the control of the Caribbean islands after the dissolution of the “Dutch Antilles” in 2010.

The UK itself maintains control over several territories among which the Virgin Islands in the Caribbean Sea where the policies as to the fiscal transparency differ from the ones adopted in the mainland UK.

Indeed – besides a ruling that is not binding – the ICJ has put a great deal of effort into this case, as highlighted by the words of the President of the Court.

On the other hand, the ICJ is now being run by a Somali President and a Chinese Vice-president: the ties between the two countries (Somalia and China) are notorious and one example of such a special

relationship is the agreement signed in 2007 between the giant energy company China National Offshore Oil Corporation and the Somali Government.

While the USA and China are still negotiating a trade deal, more is at stake as far as covering issues concerning global security. By contrast, this year Russia and China are celebrating the 70th anniversary of their diplomatic ties signing agreements on free trade and military co-operation.

London, weakened by a seemingly endless controversy over Brexit and its pretended new global role, should try to assess objectively what has become its charismatic leadership after the end of the Cold War.

Maurizio Gardenal