

From Chagos to Greenland to Nigeria: Modern Colonialism, Strategic Sovereignty, and Constitutional Lessons for Post-Colonial States

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ABSTRACT

This paper integrates historical, anthropological, and legal scholarship on Chagos to illustrate that contemporary colonialism endures not through formal empire, but through strategic security arrangements and legal fragmentation. It places recent political actions, especially Kemi Badenoch's opposition to the UK-Mauritius settlement and Donald Trump's proposal for Greenland, within a larger trend of "transactional sovereignty. The Chagos Archipelago conflict exemplifies the adaptation of colonial authority to modern international law via territorial separation, population displacement, executive exceptionalism, and technocratic administration. The paper conducts a comparative analysis of Nigeria as a former British colony, deriving constitutional insights related to land tenure, federalism, mineral ownership, and security governance as established by the 1999 Constitution. It contends that Chagos serves as a jurisprudential caution for Nigeria: when security discourses overshadow community rights and elite negotiations supplant participatory governance, colonial dynamics resurface in novel legal frameworks. The paper concludes that sovereignty in the modern world order must be redefined not merely as territorial control, but as constitutional accountability to the populace.

Keywords: *Chagos Archipelago, modern colonialism, mineral ownership, federalism, Greenland and displacement*

INTRODUCTION

The dispute over the Chagos Archipelago is one of the longest-lasting and most informative conflicts in modern international and constitutional law. Chagos exemplifies a subtle form of colonial persistence: territorial detachment at the time of decolonisation, population displacement justified by strategic necessity, and the use of executive legal instruments not

subject to normal democratic limits. The forced removal of the Chagossian people from 1967 to 1973, done to make room for a joint UK-US military base on Diego Garcia, remains one of the most shocking examples of state-sponsored displacement by a Western democracy in the late 20th century.¹

As Vine's (2011) historical reconstruction shows, the Chagossians were a settled Creole people who had lived on the islands for generations as plantation workers and forced migrants, not temporary workers with no ties to the islands.² They were erased through administrative and legal measures, including changing the definition of residency, limiting access to supplies, hiding population data, and passing exclusionary laws.³ Snoxell documents the centrality of Anglo-American strategic cooperation, showing that depopulation was treated as a prerequisite for defence infrastructure rather than an unintended consequence.⁴

What makes Chagos especially important is that these events coincided with Mauritius' independence. In 1965, the UK detached Chagos from Mauritius and created the British Indian Ocean Territory (BIOT), what Hardy later called a "colonial anachronism" in the post-colonial world.⁵ Jones has demonstrated that framing Chagos as population removal or incomplete decolonisation changes the relevant legal standards, shifting analysis from domestic administrative law to international principles of self-determination and territorial integrity.

Chagos became clear in *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No 2)*⁷, when the House of Lords upheld an Order in Council preventing resettlement on defence grounds. Frost and Murray characterise this jurisprudence as the advent of a modern "law of empire" in which executive prerogative and national security institutionalise colonial governance. Gifford warned that Chagos was a place "where human rights hardly ever happened" and that rights discourse is weak when it meets strategic needs. Subsequent Supreme Court proceedings re-examined evidentiary issues but preserved the core structure of exclusion.¹⁰

Mauritius internationalised the dispute after domestic failure. The 2015 UNCLOS arbitration on the Chagos Marine Protected Area held that the UK breached procedural obligations owed to Mauritius.¹¹ Sand's examination of conservation governance and Aksensova and Burke's work on the law of the sea show how technical regulation can solidify geopolitical dominance.¹² Guilfoyle argues that strategic litigation produces historical knowledge by stabilising narratives of colonialism and decolonisation.¹³ This culminated in the United Nations General Assembly's 2019 resolution calling for completion of Mauritius' decolonisation following an advisory opinion of the International Court of Justice.¹⁴

Scott places this evolution within a critique of "twenty-first century colonisation," arguing that ongoing territorial control legitimated by security alliances is a deliberate policy

decision rather than a remnant of history.¹⁵ Jeffery emphasises the persistent social consequences of displacement in Mauritian and British Diasporas, showing that Chagos is an ongoing human rights issue.¹⁶

Following a UK-Mauritius sovereignty agreement maintaining a long-term lease over Diego Garcia, Chagos returned to UK politics. Kemi Badenoch opposed the settlement, calling it "stupidity" and "self-sabotage," echoing Donald Trump's criticism.¹⁷ Trump linked his criticism of Chagos to his proposal that the US should acquire Greenland for strategic reasons.¹⁸ Greenlandic Inuit leaders rejected commodification of land, stressing collective stewardship over ownership.¹⁹

These interventions illustrate a discourse of "transactional sovereignty," where territory is treated as an asset to be transferred, leased, or acquired through elite negotiation with insufficient consideration for impacted populations. This paper treats Chagos as a paradigm for contemporary colonialism and applies its lessons to Nigeria. Nigeria, like Mauritius, inherited constitutional structures influenced by imperial rule: the Land Use Act entrenched in the Constitution, federal control of minerals under section 44(3), and centralised policing and security powers within a formally federal system.

The main point is normative and descriptive: sovereignty in the twenty-first century should be understood as constitutional accountability to the people, not only control over land. Chagos shows what follows when that shift is not made, and Nigeria's constitutional future hinges on deriving lessons from it.

Chagos in Historical and Legal Perspective

The Chagos Archipelago had no permanent population until the late eighteenth century, when French colonial officials brought enslaved Africans and later indentured workers to establish coconut plantations. Over time, these groups formed a distinctive Creole society. Vine's archival and ethnographic reconstruction counters the portrayal of Chagossians as temporary labourers, showing identity formed through generations of residence, kinship, religious practice, and cultural continuity consistent with settled peoplehood.²⁴

After 1814 Chagos was administered as a dependency of Mauritius. Plantation labour systems persisted, connecting Chagos to wider Indian Ocean regimes of coerced mobility and extraction. Carter situates the archipelago within imperial economic networks and racialised labour hierarchies.²⁵ Hill shows how imagery of island "Edens" obscured exploitative production and facilitated colonial possession narratives.²⁶

As Mauritius neared independence, the UK detached Chagos to create BIOT, removing it from decolonisation. Hardy describes BIOT as a "colonial anachronism" created when international law had consolidated norms against territorial fragmentation during decolonisation.²⁷ Jones shows that this sequencing preserved strategic flexibility by insulating Diego Garcia from Mauritian self-determination.²⁸

Between 1967 and 1973, British authorities implemented depopulation through restrictions on supplies and travel, culminating in forced relocation to Mauritius and Seychelles. Vine documents official minimisation of population counts to support the legal fiction that no indigenous population existed.²⁹ Snoxell corroborates Anglo-American communications treating depopulation as operational necessity for Diego Garcia.³⁰ Jeffery documents the enduring consequences: intergenerational poverty, fragmented families, precarious legal status, and diasporic mobilisation.³¹

Constitutional Litigation and Executive Power in the United States

The dispute entered British courts in the early 2000s and culminated in *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No 2)*³², where the House of Lords upheld an Order in Council under the royal prerogative declaring no right of abode in BIOT. Frost and Murray argue that the decision enabled colonial governance under contemporary constitutional structures by privileging executive security assessments over rights.³³ They highlight how courts relied on official narratives about resettlement feasibility and strategic necessity.³⁴ Gifford warned that domestic public law struggles to address colonial harms where prerogative and security converge.³⁵ Later Supreme Court proceedings revisited disclosure and feasibility but left the exclusionary architecture intact.³⁶

Environmental Governance and the Globalisation of the Dispute

Mauritius internationalised the dispute, especially after the UK declared a Marine Protected Area in 2010. In the 2015 UNCLOS arbitration, the tribunal found that the UK breached consultation and undertakings obligations.³⁷ Sand argues this shows environmental law can be used against human rights, converting ecological protection into territorial consolidation.³⁸ Aksensova and Burke show maritime disputes increasingly serve as proxy forums for decolonisation claims.³⁹ Guilfoyle frames the litigation as producing authoritative historical narratives shaping perceptions of sovereignty and self-determination.⁴⁰ This contributed to the UN General Assembly's 2019 resolution calling for completion of Mauritius' decolonisation.⁴¹

Chagos and Colonialism in the Twenty-First Century

Scott argues that continued control of Chagos is a form of twenty-first century colonisation and that strategic alliances do not justify maintaining colonial territories where alternative basing is feasible.⁴² Hardy, Hill, and Carter emphasise the structural incompatibility of BIOT with modern norms and the deeper political economy of island governance.⁴³ In coda, the literature identifies four linked methods: territorial fragmentation during decolonisation, population displacement, executive exceptionalism, and technocratic governance through

environmental and maritime regulation. These mechanisms underpin the comparative analysis that follows.

Modern Colonialism as a Legal Method

The Chagos experience illustrates contemporary colonialism as institutional design: strategic territorial detachment, population management, executive legal exceptionalism, and technocratic governance that obscures political choice. Scott treats Chagos as deliberate maintenance of colonial frameworks as policy tools, not historical residue.⁴⁴ Hardy likewise describes BIOT as a post-colonial colony sustained by strategic utility rather than democratic legitimacy.⁴⁵

Territorial Fragmentation and the Timing of Decolonisation

Detaching Chagos in 1965 insulated Diego Garcia from Mauritian sovereignty. Jones shows timing is decisive: detachment before independence allows reclassification as residual dependency rather than part of the decolonising state.⁴⁶ Guilfoyle notes litigation often adjudicates consequences rather than origins, making fragmentation durable once institutionalised.⁴⁷

Population management involves physical displacement and juridical absence. Vine documents minimised population counts, denial of permanent settlement, and euphemisms erasing indigeneity.⁴⁸ Jeffery shows displacement persisted through fragmented legal identities, insecure status, and delayed recognition.⁴⁹ Frost and Murray frame invisibilisation as an imperial trend enabling governance without accountability.⁵⁰ Carter shows plantation systems depersonalised labour as mobile input rather than rights-bearing subject.⁵¹

Security Deference and Executive Exceptionalism

Bancoult (No 2) demonstrates security deference: defence considerations were treated as overriding rights without substantive proportionality analysis.⁵² Frost and Murray describe a "jurisprudence of empire" restoring prerogative under national security.⁵³ Gifford highlights limits of rights constitutionalism against executive necessity claims.⁵⁴

Technocratic Governance: The Environment, Maritime Law, and Depoliticization

The Marine Protected Area illustrates technocratic legitimation: presented as environmental, it entrenched control and constrained resettlement; the UNCLOS tribunal exposed breaches of procedural obligations.⁵⁵ Sand argues conservation narratives can depoliticise displacement by pitting environment against rights.⁵⁶ Aksensova and Burke show law-of-the-sea mechanisms operate as surrogate decolonisation forums.⁵⁷ Guilfoyle argues international adjudication legitimises certain colonial histories and territorial futures,

often marginalising displaced communities.⁵⁸ This framework serves as the analytical conduit to Nigeria. The subsequent sections apply these techniques to land acquisition, mineral ownership, federalism, and security governance under the Nigerian constitution.

Greenland and Transactional Sovereignty: A Strategic Territory in the Modern World Order

Trump's proposed acquisition of Greenland provides a comparative lens: territory is framed as a strategic commodity whose value is assessed through security and geopolitical utility.⁶² Inuit leaders rejected commodification, emphasising collective stewardship.⁶³ Badenoch's alignment with Trump's criticism of the UK-Mauritius Chagos agreement reinforces the transactional framing of sovereignty as a zero-sum asset.⁶⁴

Greenland lacks Chagos' forced depopulation, but both cases show how strategic necessity can compress complex social realities into calculations of control. For post-colonial states, the danger is not overt recolonisation but the resurgence of Chagos-like dynamics: elite bargaining over land and resources, executive exceptionalism justified by security, and technocratic governance that alienates local communities.

Kemi Badenoch and the Recontextualization of Chagos in Modern British Politics

Following the UK-Mauritius sovereignty accord, Badenoch denounced the agreement as "stupidity" and "self-sabotage," aligning with Trump's criticism and placing Chagos within a narrative of Western strategic decline.⁶⁵ Financial and security concerns, especially regarding Diego Garcia, dominated the critique, sidelining displacement and decolonisation findings.⁶⁶

The episode illustrates how sovereignty rhetoric can be domesticated for electoral objectives and how displaced communities can be obscured in elite political discourse. For post-colonial states, it shows that sovereignty issues remain vulnerable to reinterpretation amid shifting global power narratives.

Nigeria in Comparative Context: Constitutional Framework, Colonial Legacy, and Current Vulnerabilities

Nigeria's constitutional framework embodies both post-independence ambitions and colonial legacies. The 1999 Constitution entrenches federalism in structure but centralisation in substance, especially for land, mineral rights, and coercive authority. Chagos demonstrates that colonial governance seldom vanishes; it transforms. Nigeria's susceptibility lies in executive discretion, security demands, and extractive political economy.

Land Acquisition and the Land Use Act: Centralisation Concealed as Trusteeship

Land governance is dictated by the Land Use Act 1978, entrenched in the Constitution, vesting land in governors "in trust" with revocation for overriding public purpose.⁶⁷ Judicial deference is illustrated by *Nkwocha v Governor of Anambra State*⁶⁸, confirming broad gubernatorial powers and subordinating private interests.

The risk mirrors Chagos: elastic "public purpose" can erode participatory rights, particularly for development and security projects. Nigeria requires stronger procedural safeguards: consultation, livelihood restoration, and proportionality review.

Mineral Ownership and Section 44(3): Extractive Sovereignty and Local Exclusion

Section 44(3) vests ownership and control of minerals, oil and gas in the Federal Government⁶⁹. The Supreme Court affirmed centralisation in *Attorney-General of the Federation v Attorney-General of Abia State (No 2)*⁷⁰, entrenching a model in which producing communities have no proprietary claim to resources beneath their territory.

This reproduces extractive sovereignty insulated from local consent, intensifying environmental harm and conflict. Debates on derivation, host community rights, and environmental constitutionalism can be understood as anti-colonial constitutional reconstruction. Policing and military powers are constitutionally centralised under sections 214-217.⁷¹

The consequences include limited local accountability in counter-insurgency and internal security, with displacement and curtailed civic space. The constitutional lesson from Chagos is that security must be democratically integrated through oversight and justiciable safeguards.

Environmental Governance and the Threat of "Green" Dispossession

Nigeria's conservation and carbon initiatives must avoid green dispossession. Sand's analysis of Chagos demonstrates how conservation can entrench exclusion when divorced from rights-based co-management.⁷² Guilfoyle shows litigation generates authoritative history; Mauritius' forum strategy illustrates the value of coordinated legal diplomacy and archival governance.⁷³

Nigeria displays analogous structural features to Chagos: land centralised under executive trusteeship, minerals controlled by the federation, security centralised, and environmental policy expanding without comprehensive rights frameworks. These similarities reflect shared colonial lineages. Sovereignty is maintained by participatory institutions, decentralised power, and legal acknowledgement of impacted communities.

Insights from the Modern Global Order: Security Rivalry, Resource Geopolitics, and Constitutional Robustness

Trump's Greenland proposal reflects renewed territorial reasoning framed through national security, echoing longstanding justifications for Diego Garcia.⁷⁴ For post-colonial states, infrastructure finance, counter-terrorism cooperation, and energy-transition funding are increasingly linked to geopolitical expectations. The lesson is that sovereignty must be internalised in domestic legal frameworks capable of resisting externalisation of decision-making. Nigeria faces analogous pressures in resource governance; constitutional centralisation of mineral ownership under section 44(3) promotes market integration while marginalising producing communities.⁷⁵

The Chagos MPA shows environmental governance can become a mechanism of control; Sand describes this as a collision between conservation and human rights.⁷⁶ Guilfoyle's analysis of Chagos shows how forum movement can transform a bilateral dispute into a global decolonisation narrative.⁷⁷

Executive Authority in an Era of Continuous Crisis

Modern government is increasingly defined by permanent emergency. Chagos represents an extreme form; Nigeria experiences a milder variant. The constitutional challenge is preventing emergency from becoming ordinary through legislative monitoring, judicial review, and protection of displaced persons.

Constitutional resilience in Nigeria requires decentralisation of land and resource management, participation in development and conservation decisions, strengthened oversight of security authority, institutionalised strategic international litigation, and safeguarding evidence sovereignty via archival management.

Constitutionalize Participation in Land and Resource Governance

Participation should be elevated to constitutional principle. Nigeria's Land Use Act and section 44(3) mineral regime permit dispossession through broad "public purpose" concepts.⁷⁸ Reform should mandate free, prior, and informed consultation; livelihood restoration as entitlement; and proportionality review of compulsory acquisition. Nigeria should transition from solely centralised ownership of natural resources. A restructured framework via improved derivation, community equitable involvement, and environmental constitutionalism would convert extractive sovereignty into stewardship.

Integrate Democratic Supervision of Security Governance

Sections 214-217 concentrate coercive authority.⁸⁰ Legislative approval for prolonged deployments, judicial oversight of emergency protocols, and enforceable rights for internally displaced persons are crucial. Sand's caution regarding conservation and human

rights remains pertinent.⁸¹ Nigeria's climate transition should formalise co-management, benefit-sharing, and redress for impacted livelihoods. Nigeria must invest in historical knowledge production and evidence sovereignty.⁸² Sovereignty relies on narrative authority and territorial integrity. The constitutional future of Nigeria need not follow Chagos; avoiding it requires purposeful reconfiguration of colonial legacies in land law, mineral rights, security governance, and environmental policy.

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 38. Sand (n 12).
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 41. UNGA Res 73/295 (n 14).
 42. Scott (n 15).
 43. Hardy (n 5); Hill (n 26); Carter (n 25).
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 46. Jones (n 28).
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 48. Vine (n 1).
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