FEATURE

The Partial Promise of Rules-Based Order in the Indo-Pacific

A Case Study of the Chagos Archipelago

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Abstract

Will the emerging *rules-based* order in the Indo-Pacific insulate the region's small island states from the vicissitudes of great-power competition? In this article, the author uses evidence from the Chagos dispute between Mauritius and the United Kingdom to argue that the Indo-Pacific's norms, rules, processes, and institutions (such as they exist) are demonstrably insufficient to protect the interests of small island states. Rather, the Indo-Pacific order is just like any other international order, past or present: a bundle of unevenly applied rules and institutions. Even if it is imperfect, however, the Indo-Pacific's rules-based order still has some potential to redound to the benefit of small island states, if navigated strategically. The case of the Chagos Archipelago highlights the limitations and the partial promise of the Indo-Pacific order.

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It is conventional wisdom that the states of the Indo-Pacific megaregion inhabit a *rules-based* international order. At least, the foreign policy pronouncements and codified strategy documents of resident and external powers alike frequently invoke the twin ideas that (1) a rules-based order in the Indo-Pacific exists and (2) this order must be defended.[1] However, the precise content of the nominal rules-based order is not always well articulated. After all, to say that an international order is *rules-based* is to say very little about that order, given that all orders have rules as a primary constituent element.[2] The question is whether the Indo-Pacific's rules (and the institutions and processes for upholding those rules) are just, equitable, and reflective of a broad-based regional consensus, or else biased, selectively applied, and the product of power politics. The latter type of order has been the norm throughout international history and, indeed, describes today's international order as it operates at the global level. Only the former type of order would make the Indo-Pacific order something new and different.

This article argues that some of the most prominent (self-proclaimed) guarantors of the Indo-Pacific's rules-based order have already failed to distinguish their vision of regional order from the international orders of the past and the global

level international order of the present. In short, the Indo-Pacific order is nothing special: it is an instance of "organized hypocrisy" rather than an equitable system for applying just rules.[3] To illustrate the argument, the article provides a case study of Mauritius' claim to sovereignty over the Chagos Archipelago, a group of around 60 small islets that are the subject of a territorial dispute between the United Kingdom and Mauritius. The former administers the islands as the British Indian Ocean Territory (BIOT), but an overwhelming majority of the world's governments and several international courts have backed Mauritius' claim to sovereignty. However, even legal rulings in favor of Mauritius that have drawn upon longstanding and uncontested rules regarding decolonization have not persuaded London to relinquish control of the Chagos group. Instead, the United Kingdom clings to the islands so that it might continue to furnish its ally, the United States, with military access to the largest of the Chagos Islands, Diego Garcia.

The Chagos case shows that even cardinal international norms such as sovereignty, self-determination, territorial integrity, and anticolonialism are currently being applied in a selective fashion in the Indo-Pacific. Moreover, the most legitimate mechanisms for resolving international disputes—the United Nations system and international courts—have proven impotent. All the while, powerful actors have demonstrated an ability to pick and choose where and when to apply the most basic rules of international conduct. In other words, evidence from the Chagos case suggests that the Indo-Pacific order is just like any other instance of international order, past and present. One implication is that small island states such as Mauritius cannot count on the rules-based order as a bulwark against the vicissitudes of great-power politics. This is not to say that the rules-based order holds no promise from the perspective of small island states, but its potential to safeguard the interests of small island states should be regarded as limited. To unlock the benefits of rules-based order, small island states must be strategic in navigating and invoking the order's strictures.[4]

Small (Island) States and International Order

At a global level, the current international order is supposed to depend upon certain core principles such as state sovereignty, territorial integrity, and nonintervention. In the common telling of international political history, these tenets of world order date to the Peace of Westphalia, which ended the Thirty Years' War in Europe and established a basic understanding that European leaders could not legitimately interfere in their counterparts' domestic affairs.[5] Over time, the European rulebook for international relations was exported across the world via the processes of conquest, colonization, decolonization, and state making.[6]

However, as Stephen Krasner once argued, norms such as sovereignty are best understood as "organized hypocrisy" rather than ironclad laws of world politics.[7] Under conditions of anarchy, there are no hard or automatic constraints on what powerful actors can do to weaker states and nonstate actors. States only follow international rules when they perceive a clear self-interest in doing so—for example, when they expect that rule-breaking will lead to serious repercussions. Absent such incentives to follow international rules, the strong can be expected to exploit the weak with relative impunity. This leads to international rules being ignored and abused on a regular basis.

Yet as Krasner argued, it is not that international rules are wholly meaningless or ineffective. On the contrary, empirical studies have shown that formal and informal institutions can structure state behavior in significant ways.[8] International rules on colonization are instructive in this regard. It used to be the case that the colonization and subjugation of non-European peoples was an accepted part of the European-made international system.[9] European states held formal conferences to regulate colonization—i.e., the Congress of Berlin—and developed a recognizable corpus of international principles (such as the doctrine of "effective occupation") to govern their imperial conquests. Now, however, formal colonization is prohibited in international politics. The UN Charter recognizes the right of self-determination, and in 1960 the UN General Assembly adopted Resolution 1514 (XV), which identified colonization as an abuse of human rights, called for decolonization to proceed apace, and established certain rules to guide the process of imperial dismantlement. For the most part, the world's states follow these new norms against colonization. Certainly, the existence of formal empires in world politics is now regarded as repugnant to the core ideals of the international community.

Like the cardinal norms of the Westphalian system, however, more recent international rules such as the norm against colonization—which has been grafted onto the Westphalian substrate—should be viewed through the lens of organized hypocrisy.[10] That is, the norm against colonization is not *always* followed, even if it is *mostly* followed. The most powerful states in the international system have found ways to exempt themselves from adhering to international rules on decolonization such that some colonized territories are still non-self-governing.[11] The point is that international rules are not automatic. Their efficacy depends, among other things, upon the power relationships that determine whether actors have leeway to abrogate rules that they find inconvenient.[12]

What does all this mean for small island states in the Indo-Pacific? The answer to this question depends on whether the Indo-Pacific order is anything like the ordinary sort of international order described above. If the Indo-Pacific order is

merely an iteration of this larger type of order, then small island states have reasons to be wary. The leaders of such states must pay keen attention to the configuration of international order—and to which actors are doing the configuring—and be mindful that their ability to shape their external environment is strictly limited by their inferior power. If the Indo-Pacific order is different from the stylized organized-hypocritical version of international order, however, then the region's small island states might have reason to conclude that they have been liberated from the constraints of traditional realpolitik, raising the prospect of a more peaceful, prosperous, predictable, and secure future.

The Rules-Based Order as a Site of Great-Power Competition

The question, then, is whether the Indo-Pacific order is like the traditional type of international order described above, or whether it represents something new and different. In this section it is argued that reports of a unique rules-based order in the Indo-Pacific are greatly exaggerated. It is true, of course, that the Indo-Pacific order is *rules-based* if this means only that rules are a primary constituent unit of the order. As noted in the introduction, this is true of all international orders—none of which lack rules altogether. However, proponents of a rules-based order in the Indo-Pacific go beyond claiming that rules are merely present in the Indo-Pacific. They also imply that the region's rules are especially enlightened, equitable, and, thus, worthy of a vigorous defense. These more ambitious claims about the Indo-Pacific order are not supported by the empirical record.

First, consider the specific rules that are meant to constitute the Indo-Pacific's rules-based order. For the most part, they are the rules that have long existed in world politics at the global level—that is, the norms of sovereignty, territorial integrity, and noninterventionism discussed above. More than anything else, the United States and its allies are calling for the maintenance of these Westphalian norms in the Indo-Pacific.[13] Other regional powers deviate slightly, but only insofar as they want an even more state-centric version of Westphalia to apply in the Indo-Pacific ("Eastphalia").[14] Whenever there have been contests over the precise nature of the Indo-Pacific order, it has been Westphalian or Eastphalian norms that have prevailed.[15] Certainly, norms such as democratic government and universal human rights are not being made part of the emerging Indo-Pacific order.

From this view, there is not much of a difference between the Indo-Pacific order and the generic international order that is supposed to govern all international interactions at the global level. There is, however, a vigorous contest over who should get to invoke and enforce the rules, and via which mechanisms. In other words, the geopolitical contest in the Indo-Pacific is best understood as being about leadership, power, and influence, with the United States and its Quad

allies—plus aligned states—pitted against China; it is not a contest over rules *per se*.[16] Even the concept of the Indo-Pacific as a unified megaregion owes its significance to the existence of great-power rivalry. The United States, in particular, has pushed the idea that the states of the Indian Ocean littoral and Asia-Pacific share common interests because of their mutual anxiety about China's rise.[17]

Small island states are being put in greater jeopardy as their region becomes a theater of great-power competition. This will obviously be true if the region descends into a hot war involving large military powers. However, small island states' security will be worsened even if the rivalry between the United States and China remains a so-called cold war. This is because, if current trends continue, the region's biggest powers can be expected to bolster their political, economic, and diplomatic clout by first expanding their military footprints. Indeed, the drive for greater military power—especially in the naval sphere—is already evident in the security policies of the United States, China, India, Japan, Australia, and others. In turn, investment in naval capacities by large and middle powers will inexorably lead to small island states being pressured into providing basing rights—something that will compel them to take sides and will increase the risk of being dragged into a great-power conflagration.

Small island states may wish to extricate themselves from the emerging great-power competition, but history and geography suggests that this will be difficult for them to achieve. This is because small island states' geographic potential to serve as military, communications, and logistics hubs will be impossible for great powers to ignore.[18] To be sure, it is feasible that island states will find ways to turn geopolitical realities to their advantage—for example, by leveraging their geographic endowments to extract concessions from dueling great powers who desire military basing rights and other forms of political, economic, and security cooperation. However, even if they succeed in this regard, small island states will only have proven that they can survive in a world defined by realpolitik. There seems to be little chance of small island states using an impregnable rules-based order as a shelter from great-power politics. To survive and thrive in an era of great-power competition, small island states will have to secure patronage from great powers or else pursue some other adroit diplomatic strategy.

The one set of rules that might be considered specific to the Indo-Pacific is that concerning maritime security and freedom of navigation. While these rules are not unique to the Indo-Pacific (they have global application), the urgency with which they are being touted in the Indo-Pacific is a defining characteristic of the supposed regional order. In the South China Sea, for example, China's alleged violation of maritime law has become something of a clarion call for regional states who wish to uphold the rule of international law. The United States and its

supporters have been eager to insist that certain rules apply in the maritime realm—the UN Convention on the Law of the Sea,[19] to be sure, but also the juridical infrastructure that exists to rule on questions of maritime law (such as the Permanent Court of Arbitration). Concern for maritime law and security is something that binds together the United States, its Quad allies, and their regional partners.

On its face, this emphasis on maritime rules in the Indo-Pacific has the potential to benefit small island states. As argued below, however, the selective application of those rules in the region undermines anything positive about the hyperattention being given to maritime law. For while Western powers are highly critical of China's foreign policies toward the South China Sea, not all of them are as robust in their criticisms of other instances of rule breaking. Nowhere is this clearer than in the case of the Chagos Archipelago.

The Chagos Case: A Brief History of Two Wrongs

The Chagos Archipelago is a group of around 60 tiny islets in the central Indian Ocean. The islands amount to just 56 km2 of land, with the largest island of Diego Garcia accounting for nearly 60 percent of this total (32.5 km2). Between 1810 and 1965, the British Empire governed the Chagos Archipelago as part of its colony of Mauritius.[20] In 1965, however, London detached the Chagos group from colonial Mauritius and made the archipelago part of a new island territory, the BIOT, along with three island groups that were formerly part of the Colony of the Seychelles: Aldabra, Farquhar, and Desroches. London's purpose for creating the BIOT was to retain control of strategic islands in the Indian Ocean even after its colonies of Mauritius and Seychelles gained their political independence (which they did in 1968 and 1976, respectively).[21] In the event, only Diego Garcia was turned into the site of a military base. Aldabra, Farquhar, and Desroches were returned to Seychelles upon the occasion of Seychellois independence. Every island of the Chagos Archipelago other than Diego Garcia (the so-called "Outer Chagos Islands") has been left untouched by the US and UK militaries. From relatively humble beginnings as a communications facility, the base on Diego Garcia was expanded in the 1970s and 1980s to become a military installation of critical value to the US Navy and Air Force.[22]

The United Kingdom broke two sets of laws—domestic and international—when it created the BIOT ahead of the construction of the base on Diego Garcia.[23] First, the United Kingdom illegally expelled the indigenous inhabitants of the islands—the Chagossians, who numbered around 1,500 in 1973[24]—so that the territory could avoid supervision by the UN's special committee on decolonization (the Committee of 24).[25] In 2000, the High Court in London ruled that the legal instru-

ment used as the basis for the expulsions (a 1971 Immigration Ordinance) was incompatible with UK law and, thus, illegal and unenforceable. The then–Foreign Secretary, Robin Cook, chose not to contest the High Court's ruling, which meant that the Chagos Islanders were technically free to return to the islands—or, at least, were not legally prohibited from doing so under UK or BIOT law.

In 2004, however, the United Kingdom reimposed the islanders' exile by promulgating new orders in council—forms of primary legislation that are issued via Royal Prerogative. The Chagossians challenged these orders, securing several legal victories before ultimately losing an appeal before the Law Lords—then the highest court of appeal in the UK legal system—in 2008.[26] Subsequent attempts to have the case heard by the European Court of Human Rights came to nothing, meaning that by 2012 the Chagossians had exhausted the domestic legal avenues for remedy.[27] But even though the government has been able to defend the 2004 exile of the islanders in domestic courts, it is important to stress that the original (1971) expulsion order is still regarded as having been incompatible with UK law. Nobody—not even the UK government—contests the fact that London broke the law when it expelled the Chagossians in 1965–1973.

Second, London erred by detaching the Chagos group from colonial Mauritius and creating the new political entity of the BIOT. This is because, at the time that the excision took place, it was illegal under international law to dismember colonized territories—a rule set out in the UN General Assembly (UNGA) Resolution 1514 (XV). Anamika Twyman-Ghoshal calls this an instance of "recolonization," and the United Kingdom and the United States "state co-offenders."[28] The government of Mauritius has long argued that the detachment of the Chagos Archipelago was illegal under international law. In 2019, Mauritius gained international recognition for its view when the International Court of Justice issued an advisory opinion that ruled the original creation of the BIOT to have been unlawful.[29] In 2021, a tribunal constituted under the auspices of the UN Convention on the Law of the Sea ruled that the contents of the World Court's advisory opinion could be considered binding.[30] More than 60 percent of the world's governments have voted in favor of the Mauritian position in the UN General Assembly, with fewer than 3 percent of the UN's 193 member states voting alongside the United Kingdom.[31]

In sum, it is the overwhelming opinion of the international community that Mauritius is the rightful sovereign authority over the Chagos Islands (including Diego Garcia) and that the United Kingdom is an illegal occupier. This is the view of most of the world's states, the UN General Assembly, and the International Court of Justice—and it is a view that is now codified in international case law. The UK government disagrees that it is guilty of violating international rules on decolo-

nization, of course, arguing that Mauritius has never been sovereign over the Chagos Archipelago. However, even the United Kingdom accepts that it broke domestic law when expelling the Chagos Islanders from their homes in the 1960s and 1970s.

The Failure of the Indo-Pacific Order

By any measure, the rules-based order has failed in the case of the Chagos Islands dispute. First, the indigenous Chagos Islanders have still never been able to resettle the islands from which they were illegally expelled in the 1960s and 1970s. Second, it is a gross violation of international law that Britain steadfastly refuses to decolonize what is (according to the International Court of Justice and a supermajority of the world's governments) a portion of Mauritius' sovereign territory. In this section, the article elaborates on these two primary ways that the Indo-Pacific order has failed in the Chagos case.

First, it is clear that the present incarnation of rules-based order in the Indo-Pacific offers no recourse for indigenous peoples like the Chagos Islanders, who have no state of their own, to advance their rights and interests. There is nothing like the European Convention on Human Rights in the Indo-Pacific. There are no regional compacts, charters, or courts to uphold minority or indigenous rights. Nor is there even an incipient movement to create such an architecture. Rather, the Indo-Pacific order is just like the rest of the international order in the sense that nonstate actors—especially indigenous peoples—generally rely upon states to advocate on their behalf. The Chagossians, therefore, have been forced to spend time and resources lobbying the Mauritian and UK governments to respect their rights.[32] Because their efforts at changing the policy of the United Kingdom (which administers Chagos) have come to naught, the islanders have been mostly shut out of international conversations over their homeland.[33] The international order offers no access points for the Chagossians; they have no treaty-based rights, no legal personality, and cannot avail themselves of international courts and tribunals. This is a lacuna in the rules-based order.

Second, even Mauritius—a sovereign state belonging to the Indo-Pacific region—has been badly served by an international order that has permitted the United Kingdom and United States to ignore the international community's successive political and legal judgments with regards to the Chagos Archipelago. This second weakness of the rules-based order is perhaps the most flagrant violation, because it is an injustice even according to the rules-based order's own internal logic. That is, few pretend that international rules exist to serve indigenous people such as the Chagossians. However, there is a pretense that the rules-based order exists precisely to protect the interests of small states such as Mauritius. That lit-

eral colonialism persists in the twenty-first-century Indo-Pacific is, therefore, a severe blow to the idea that an effective rules-based order is in operation.

Why has Britain never decolonized the Chagos Archipelago despite widespread international condemnation? It is for the same reason that China has never accepted the rulings of the Permanent Court of Arbitration in the South China Sea: because it does not have to. Britain is powerful enough that it can withstand pressure from Mauritius and its allies without fearing significant repercussions. To be sure, world governments have imposed reputational costs upon the United Kingdom (such as by condemning London in the UN General Assembly), but they have otherwise been muted in their criticisms. Even regional powers such as India are reluctant to turn the Chagos question into a major international dispute. The selective application of rules in the Chagos case is therefore a violation for which the United Kingdom (and United States) have mostly gone unpunished.

Presumably, London is content to accept the reputational costs that come along with being seen to violate international law because the United Kingdom derives some sort of benefits from doing so. Indeed, the charitable explanation for UK foreign policy is that London regards it as necessary to break one international law—the prohibition against colonization—in defense of other international rules. This is the argument made by Conservative MP Daniel Kawczynski (Shrewsbury and Atcham), who has argued that London and Washington are justified in breaking international rules in the Chagos case so that they can better defend the larger edifice of rules-based order.[34] According to Kawczynski, the US military base on Diego Garcia, Britain's stewardship of the island, and the bilateral agreement that governs the Anglo-American relationship are all necessary to guard against Chinese expansion in the Indo-Pacific; the joint presence of the United Kingdom and United States is essential to upholding a broader rules-based framework. From this view, the Chagos case is just another instance of organized hypocrisy in action—unideal, perhaps, but not altogether unusual—and certainly not an indictment of the Indo-Pacific order.

There are some problems with this defense of Britain's actions and the larger regional order. First, even if it was true that the United Kingdom's occupation of the Chagos Archipelago is being done with the aim of upholding the broader international order, it is nevertheless the case that Mauritius—a small island state that belongs to the Indian Ocean region—disagrees with Britain's judgments. That the United Kingdom can prevail over Mauritius is an unambiguous blow to the idea that an order exists in the Indo-Pacific to protect small states against the powerful. It is, instead, evidence that, in the central Indian Ocean, the strong do what they can, while the weak will suffer what they must—hardly a recipe for rules-based international interactions. Second, the obligation to decolonize is

higher than the obligation to fulfill treaty obligations to the United States and any other obligation that the United Kingdom might be claiming to carry out with its occupation of the Chagos Archipelago. It would make some sense for a state to break lesser international laws in service of upholding more important rules, but it does not make sense for states to violate cardinal norms to uphold lesser rules. Third, proponents of UK righteousness—that is, the argument that London must retain control of the archipelago so that the United States can perform its role of protecting the wider rules-based order—must explain why Mauritius is incapable of hosting a US military base for the same purpose. To date, they have not.[35]

London is entitled to espouse the view that its officials have correctly interpreted international law and the rest of the world has erred. At the same time, however, it is also right that other governments and international institutions provide their assessments of the rules-based order. Those institutions that have examined the Chagos dispute have concluded that Mauritius is sovereign over the archipelago. No court, tribunal, or international organization has ever found in favor of the United Kingdom. Most of the world's governments accept this reality. London can be expected to dissent—but its dissent is a distinctly minority opinion.

Implications of the Chagos Case

The Chagos case holds several implications for small island states in the Indo-Pacific. First, the case suggests that the idea of a regional rules-based order represents a restatement of Westphalian or Eastphalian principles more than it captures the emergence of a new and different type of international order.[36] There is no contest over the rules in the Indo-Pacific—certainly, there are no moves afoot to widen or deepen the application of "liberal" norms such as democratic government and universal human rights—although there is an emerging contest over who gets to enforce the rules. This means that small island states should recognize that they exist within a regional order characterized by great-power politics, organized hypocrisy, and unevenly applied rules.[37] To survive and thrive in such a context, it is important that small island states continue to develop strategies such as leveraging their geographies, joining together as a group,[38] striking pragmatic compromises,[39] and seeking external patrons.

This leads to a second implication: that the United States and other Western powers cannot be relied upon to serve as impartial enforcers of any rules-based order. This is not to say that China or any other great power would make for a better or more reliable patron. However, the United Kingdom and United States are actively colonizing Mauritian sovereign territory. This is a gross violation of the supposed rules-based order that cannot easily be ignored.

Finally, however, it is important to stress that the current international order does offer partial promise from the perspective of small island states. The organized hypocrisy of the present system is just that: organized, not arbitrary. This means that there are institutions and procedures in place that can serve as opportunity structures for small island states. Indeed, Mauritius offers a good case study in how small island states can challenge powerful actors and score some important victories: its triumphs in the UN General Assembly and international courts are non-trivial successes, which have heaped embarrassment upon the United Kingdom and United States. Of course, Port Louis has not yet succeeded at using the rules-based order to secure the decolonization of the Chagos Islands. However, Mauritius has shown that the rules-based order does afford leaders of small island states some options for using international rules to advance national interests.[40]

Conclusions

If there is a rules-based order in the Indo-Pacific—and if this order is meant to promote justice and equity in regional politics—then it has shown only partial promise in the case of the Chagos Archipelago. According to most members of the international community, the United Kingdom's occupation of the Chagos Islands is an ongoing violation of basic principles of international law. By extension, this means that Naval Support Facility Diego Garcia—one of the most important US military bases in the world—has been housed inside an illegal jurisdiction for the entirety of its existence. These are damning indictments of the rules-based order and serve to severely undermine the credibility of Washington and London as guarantors of anything approaching a just and equitable international system.

At the same time, however, it might be too early to conclude from the Chagos case that the rules-based order is irredeemable. After all, Mauritius might yet triumph in its efforts to oust London from the Chagos Archipelago, in which case its engagement with international rules will be remembered as a success story. The reality is that, in an anarchic world, all international orders are characterized by organized hypocrisy. It is just that they vary in terms of how organized and how hypocritical they are. The Indo-Pacific order might yet provide the necessary opportunity structures for a small island state like Mauritius to prevail over two of the most powerful states in the world. To be sure, the regional order is not an automatic shield against injustice; it is but one set of instruments in the diplomatic toolbox of small states, which can be manipulated with greater or lesser skill. Through its actions during the Chagos dispute, Mauritius has shown that adroit diplomacy can deliver some legal and political successes. Whether Port Louis ultimately triumphs over London (and Washington) will give important clues as to what else might be possible under the rules-based order. ✪

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Notes

1. *See*, for example, *Indo-Pacific Strategy of the United States* (Washington, DC: White House, February 2022), https://www.whitehouse.gov/; *A Free and Open Indo-Pacific: Advancing a Shared Vision* (Washington, DC: Department of State, 4 November 2019), https://www.state.gov/; Louisa Brooke-Holland, "Research Briefing: Integrated Review 2021: The Defence tilt to the Indo-Pacific," 11 October 2021, https://commonslibrary.parliament.uk/; and *France's Indo-Pacific Strategy* (Paris: February 2022, https://www.diplomatie.gouv.fr/.

2. Peter Harris, "Introduction: Can Human Rights Survive in the Indo-Pacific Order?," *Indo-Pacific Perspectives*, February 2022, https://media.defense.gov/.

3. Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).

4. Jeanne A.K. Hey, ed., *Small States in World Politics: Explaining Foreign Policy Behavior* (Boulder, CO: Lynne Rienner, 2003); Miriam Fendius Elman, "The Foreign Policies of Small States: Challenging Neorealism in its Own Backyard," *British Journal of Political Science* 25, no. 2 (1995): 171–217; Andrew F. Cooper and Timothy M. Shaw, *The Diplomacies of Small States: Between Vulnerability and Resilience* (Basingstoke: Palgrave Macmillan, 2009); and Ali Khaleel, "Foreign Policy Orientation of Small Island States An Evaluation of the Foreign Policies of Vanuatu and the Maldives" (PhD dissertation, University of Canterbury, 1995).

5. James A. Caporaso, "Changes in the Westphalian Order: Territory, Public Authority, and Sovereignty," *International Studies Review* 2, no. 2 (2000): 1–28.

6. Daniel Philpott, "Westphalia, Authority, and International Society," *Political Studies* 47, no. 3 (1999), 572. *See also* Hendrik Spruyt, "The End of Empire and the Extension of the Westphalian System: The Normative Basis of the Modern State Order," *International Studies Review* 2, no. 2 (2000): 65–92.

7. Krasner, *Sovereignty*.

8. Lisa L. Martin and Beth A. Simmons, "Theories and Empirical Studies of International Institutions," *International Organization* 52, no. 4 (1998): 729–57.

9. So much so, in fact, that new entrants to the European-led international system (such as Japan) were socialized into pursuing their own policies of imperial conquest. *See* Shogo Suzuki, "Japan's Socialization into Janus-Faced European International Society," *European Journal of International Relations* 11, no. 1 (2005): 137–64.

10. Krasner, *Sovereignty*.

11. The United Kingdom, United States, France, the Netherlands, Denmark, Finland, New Zealand, and Australia all govern nonsovereign (island) territories with populations ranging from a few dozen (Pitcairn Islands) to more than 3 million (Puerto Rico). *See* Malcolm Ferdinand, Gert Oostindie, and Wouter Veenendaal, "A Global Comparison of Non-Sovereign Island Territories: The Search for 'True Equality,'" *Island Studies Journal* 15, no. 1 (2020): 43–66.

12. This is true of all orders, not just the Western-led contemporary international order. *See*, for example, Stephen D. Krasner, "Organized Hypocrisy in Nineteenth-Century East Asia," *International Relations of the Asia-Pacific* 1, no. 2 (2001): 173–97.

13. *Indo-Pacific Strategy of the United States*; and *A Free and Open Indo-Pacific*.

14. Sung Won Kim, David P. Fidler, and Sumit Ganguly, "Eastphalia Rising? Asian Influence and the Fate of Human Security," *World Policy Journal* 26, no. 2 (2009): 53–64.

15. Brendan M. Howe, "Challenges to and Opportunities for International Organisation in East Asia," *Global Society* 35, no. 4 (2021): 501–21.

16. To be sure, some states have abjured the taking of sides (such as most ASEAN members), but the most important protagonists in the Indo-Pacific "great game" generally do not try to hide the fact that geopolitics in the Indo-Pacific today is defined by a contest between the United States, China, and their respective allies and partners.

17. Peter Harris, "The Indo-Pacific Power: The United States, the Quad, and the Making of a Megaregion," in *Indo-Pacific Conundrum: Strategic Views*, ed., Srabani Roychoudhury (London: Routledge, forthcoming).

18. See the logic outlined in Ruth Oldenziel, "Islands: The United States as a networked empire," in *Entangled Geographies: Empire and Technopolitics in the Global Cold War*, ed., Gabrielle Hecht (Cambridge: MIT Press, 2011), 13–37.

19. The United States is not a state party to the UN Convention on the Law of the Sea, but Washington does recognize the terms of the convention as constituting binding customary law.

20. Britain seized the Chagos Islands (along with Mauritius) in 1810 during the Napoleonic Wars, but it was only in 1815, with the Treaty of Paris, that the islands were formally transferred from French to British sovereignty.

21. David Vine, *Island of Shame: The Secret History of the U.S. Military Base on Diego Garcia* (Princeton, NJ: Princeton University Press, 2009).

22. It remains an important strategic outpost today. *See* Samuel Matthews Bashfield, "Mauritian Sovereignty over the Chagos Archipelago? Strategic Implications for Diego Garcia from a UK-US Perspective," *Journal of the Indian Ocean Region* 16, no. 2 (2020): 166–81; and Samuel Matthews Bashfield, "Military Security Obstacles to Decolonizing the Chagos: A Reply to Harris," *Journal of the Indian Ocean Region* 17, no. 2 (2021): 230–34.

23. The following discussion draws upon Peter Harris, "Britain's ownership of the Chagos islands has no basis, Mauritius is right to claim them," *The Conversation*, 20 February 2022, https://theconversation.com/.

24. Richard Gifford and Richard P. Dunne, "A Dispossessed People: The Depopulation of the Chagos Archipelago 1965–1973," *Population, Space and Place* 20, no. 1 (2014): 37–49.

25. David Vine, *Island of Shame*; Laura Jeffery, *Chagos Islanders in Mauritius and the UK: Forced Displacement and Onward Migration* (Manchester: Manchester University Press, 2013).

26. David Vine, "Decolonizing Britain in the 21st Century? Chagos Islanders Challenge the Crown, House of Lords, 30 June–3 July 2008," *Anthropology Today* 24, no. 4 (2018): 26–28; and Laura Jeffery, "Chagossians Refused Right to Return Home: A Sequel to Vine," *Anthropology Today* 25, no. 1 (2009): 24–26.

27. Peter Harris, "Dead End or Crossroads? The Chagossians Fail in Strasbourg," *Anthropology Today* 29, no. 3 (June 2013): 26. In 2016, the UK Supreme Court ruled that it would not look again at the 2008 Law Lords decision. *See* Owen Bowcott, "Chagos islanders lose supreme court bid to return to homeland," *The Guardian*, 29 June 2016, https://www.theguardian.com/.

28. Anamika Twyman-Ghoshal, "State Co-offending: The Case of the Recolonization of the Chagos Archipelago and the Forced Eviction of the Chagossians," *Critical Criminology* 29, no. 2 (2021): 311–28. *See also* David Snoxell, "Anglo/American Complicity in the Removal of the Inhabitants of the Chagos Islands, 1964–73," *Journal of Imperial and Commonwealth History* 37, no. 1 (2009): 127–34.

29. Laura Jeffery, "The International Court of Justice: Advisory Opinion on the Chagos Archipelago," *Anthropology Today* 35, no. 3 (2019): 24–27.

30. Natalie Klein, "Chagos: A boundary dispute tips over a sovereignty ruling," *The Interpreter*, 8 February 2021, https://www.lowyinstitute.org/.

31. Owen Bowcott and Julian Borger, "UK suffers crushing defeat in UN vote on Chagos Islands," *The Guardian*, 22 May 2019, https://www.theguardian.com/.

32. Laura Jeffery, "'Unusual Immigrants', or, Chagos Islanders and Their Confrontations with British Citizenship," *Anthropology in Action* 18, no. 2 (2011): 33–44; Richard Gifford, "How Public Law Has Not Been Able to Provide the Chagossians with a Remedy," in *Fifty Years of the British Indian Ocean Territory: Legal Perspectives*, ed., Stephen Allen and Chris Monaghan (Cham: Springer, 2018), pp. 55-84.

33. Laura Jeffery "Historical Narrative and Legal Evidence: Judging Chagossians' High Court Testimonies," *PoLAR: Political and Legal Anthropology Review* 29, no. 2 (2006): 228–53.

34. Daniel Kawczynski, "Don't let China in! Beijing will pounce if UK sacrifices islands," *Daily Express*, 20 June 2020, https://www.express.co.uk/. *See also* Peter Harris, "China will NOT be allowed in! British overseas base safe from Beijing," *Daily Express*, 3 July 2020, https://www.express.co.uk/.

35. Peter Harris, "A Footprint of Unfreedom: The Future of Naval Support Facility Diego Garcia," *Journal of Indo-Pacific Affairs* 3, no. 2 (Summer 2020): 78–97.

36. Tom Ginsburg, "Eastphalia as the Perfection of Westphalia," *Indiana Journal of Global Legal Studies* 17, no. 1 (2010): 27–45.

37. Of course, it would be wrong to overstate the importance of the Chagos case. However, the experiences of other small island states would seem to confirm these points: France has refused to recognize Comoros sovereignty over Mayotte and Mauritian sovereignty over Tromelin; China has refused to accept a high-profile arbitral tribunal's ruling about the South China Sea; and Indonesia and Australia are in dispute over the Ashmore and Cartier Islands. In each case, weaker states have been unable to leverage international rules as effective defenses against more powerful adversaries.

38. Katie Verlin Laatikainen, "The Alliance of Small Island States at the UN: The Promise and Pitfalls of Single-Issue Groups in Multilateral Negotiations," in *Group Politics in UN Multilateralism*, ed., Karen Smith and Katie Verlin Laatikainen (Leiden: Brill, 2020), pp. 135-155.

39. The Tromelin model—whereby Mauritius and France have agreed to co-management of the disputed island—can be considered one such pragmatic compromise.

40. In February 2022, a delegation of Mauritian diplomats, Chagossian leaders, scientists, and journalists made landfall on the Outer Chagos Islands and hoisted the Mauritian flag above the Chagos Archipelago for the first time in history. The visit went unopposed by UK officials, who likely feared that detaining the Mauritian delegation would have led to further international embarrassment and perhaps even the prospect of having to defend such detentions in domestic or international courts. This was a major symbolic victory for Mauritius and a demonstration of how small island states can assert their agency—and the legitimacy of international rules—in creative ways. *See* Owen Bowcott and Bruno Rinvolucri, "Exiled Chagos Islanders return without British

supervision for first time," *The Guardian*, 8 February 2022, https://www.theguardian.com/; and Owen Bowcott and Bruno Rinvolucri, "Mauritius formally challenges Britain's ownership of Chagos Islands," *The Guardian*, 14 February 2022, https://www.theguardian.com/.