

How a Territorial Dispute Made the Universal Postal Union Declare Stamps Illegal



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The Universal Postal Union (UPU) made philatelic history in August 2021 by taking the unprecedented step of declaring the stamps of the British Indian Overseas Territory (BIOT) illegal and requiring the 192 member countries to no longer register, distribute or forward postage stamps issued by the “British Indian Ocean Territory.” BIOT must instead use stamps issued by Mauritius in recognition of Mauritian sovereignty.

The decision was made at the UPU’s 27th Universal Postal Congress in Abidjan, Côte d’Ivoire, which concluded on August 27, 2021, one day before a joint press release announcing the decision was released from Abidjan and UPU headquarters in Berne, Switzerland (August 28). I have not found the date when the decision was made but assume it was on the final day of Congress, August 27, since the press release came the next day. Participating member countries voted 77 for and 6 against, with 41 abstentions. The decision reflects the latest step taken by the United Nations (U.N.) recognizing Mauritian sovereignty over the Chagos Archipelago. However, the United Kingdom (UK) has administered the Chagos Archipelago as the British Indian Ocean Territory (BIOT) since 1965, resisting Mauritius’ efforts – supported by recent U.N. mandates – to reclaim sovereignty. The wording of the UPU press release implies the decision is effective immediately, reflecting the determination of most U.N. members to have the United Kingdom comply with earlier resolutions and decisions supporting Mauritius. Of the UPU’s decision, Mauritian Prime Minister Pravind Jugnauth said “This is another big step in favor of the recognition of the sovereignty of Mauritius over the Chagos.”

Historical Precedence

I have found no other instance of the UPU taking this action against a member. The most similar examples have occurred when states – rather than the U.N. – imposed sanctions that explicitly or implicitly make postage stamps from another country illegal or invalid. For example, the UK deemed stamps from Rhodesia invalid as a

response to the Rhodesian’s government Unilateral Declaration of Independence (UDI) in 1965. This made Rhodesia a rebel British colony in the eyes of the UK government and the UK Commonwealth. Mail bearing Rhodesian stamps arriving in the UK was delivered with postage due marks and stamps from the UK Post Office (Figure 1). The UK government called on other countries to take similar action. In 1966, the U.N. passed a resolution, sponsored by the UK, for sanctions against Rhodesia. Those sanctions did not target postage stamps issued by Rhodesia. Rhodesia remained as an unrecognized and sanctioned state until the transition to majority rule in 1979. Rhodesia became Zimbabwe in 1980.

As another example, the U.S. maintains economic sanctions against Cuba dating from the Kennedy administration in 1962. Direct postal service between the U.S. and Cuba was suspended between 1963 and 2018. During that period, mail between the two nations went via other countries such as Canada, Mexico and Panama. There was a blanket ban on imports from Cuba that included postage stamps. Collectors interested in buying and selling stamps from sanctioned nations are advised to use trusted dealers to avoid inadvertently violating economic sanctions. Another reason to use trusted dealers is that you may not be aware that your area of interest includes sanctioned nations.

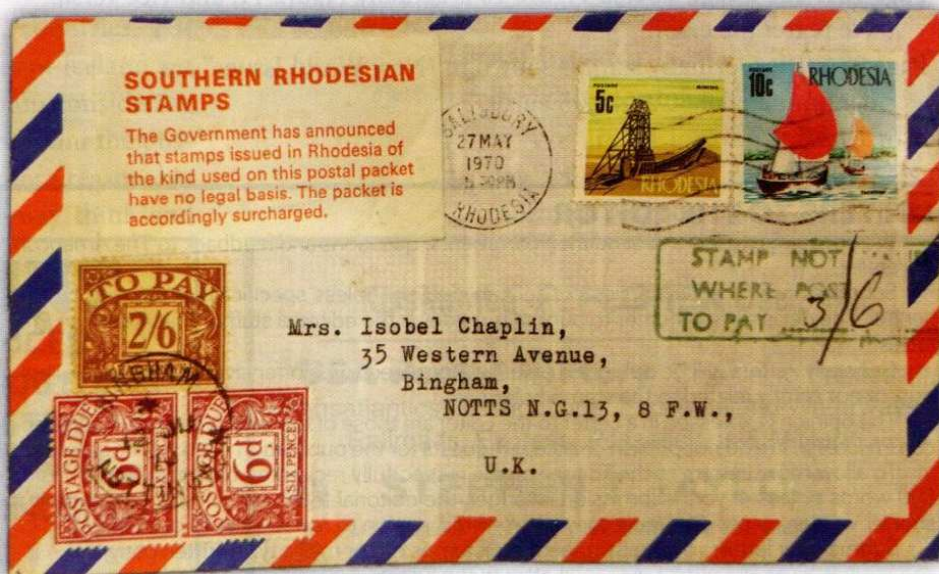


Figure 1. This May 27, 1970, cover was sent from Rhodesia to the UK with Rhodesian stamps, which were deemed illegal by the UK. Postage due stamps were affixed.



Figure 2. BIOT stamp (Scott 18) denominated in Mauritian cents with Diego Garcia postmark, February 28, 1969, BIOT Scott 1. Courtesy of Commonwealth Stamps Opinion.



Figure 3. Seychelles 5 cent stamp with BIOT overprint issued on January 17, 1968.

The United Kingdom's Claim over BIOT

The UK acquired Mauritius and its dependencies comprising the Seychelles and the Chagos Archipelago from France in 1814 under the Treaty of Paris (Map 1). In 1965, three years before Mauritius would declare its independence from the United Kingdom, the UK paid 3 million pounds sterling (\$3.9 million) to excise the Chagos Archipelago from Mauritius to form BIOT, with the purpose of creating a joint military base with the United States (Map 2). BIOT stamps were first issued in January 1968 and were denominated in Seychelles rupees and cents (Figure 2). The first BIOT stamps were from the Seychelles, which was a British colony until 1976, and bore a BIOT overprint (Figure 3). The denomination changed to British pounds in 1992.

The largest atoll in BIOT is Diego Garcia, which the UK currently leases to the U.S. as a military base. Diego Garcia has the nickname "Footprint of Freedom," based on the shape of its outline. It is located just south of the equator in the central Indian Ocean. The island is about 38 miles from tip to tip with an area of 6,720 acres.

Between 1965 and 1973, the UK forcibly relocated the entire Chagossian population of around 2,000 people to Mauritius and the Seychelles in order to transition Diego Garcia for use as a joint British and U.S. military base. A Foreign Office memorandum of guidance from May 1964 reads

"These steps [i.e., the depopulation] should be ordered and timed to attract the least attention and should have some logical cover where possible worked out in advance."

The UK government strategy for depopulating the Chagos islands was to present Chagossians as contract workers. One official stated in an internal memo,

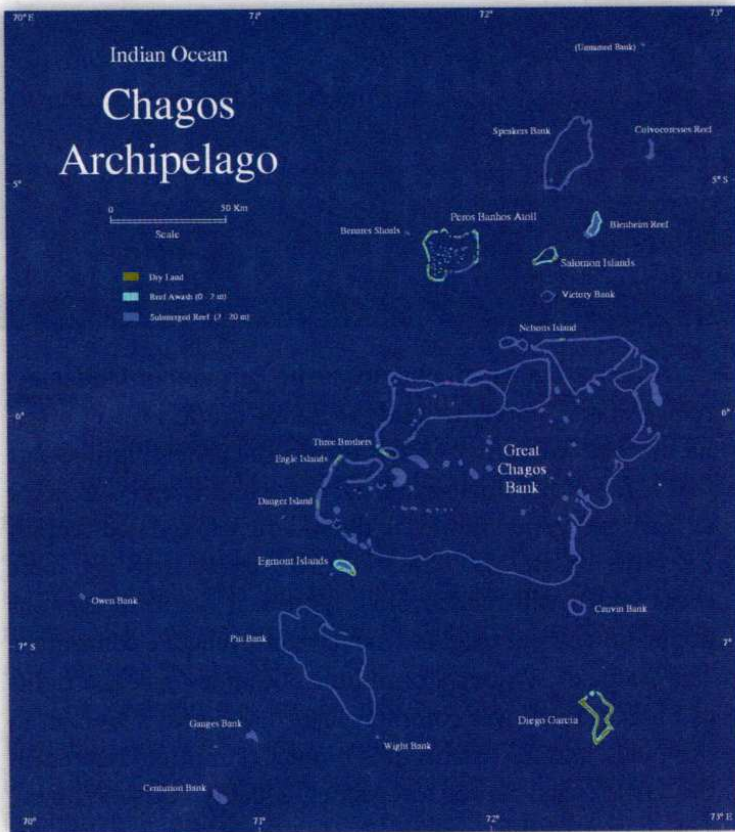
"The Colonial Office is at present considering the line to be taken in dealing with the existing inhabitants of the British Indian Ocean Territory (BIOT). They wish to avoid using the phrase 'permanent inhabitants' in relation to any of the islands in the territory because to recognize that there are any permanent inhabitants

will imply that there is a population whose democratic rights will have to be safeguarded and which will therefore be deemed by the UN to come within its purview. The solution will be to issue them with documents making it clear that they are 'belongers' of Mauritius and the Seychelles and only temporary residents of BIOT. This device, though rather transparent, would at least give us a defensible position to take up at the UN."

A secret file dated 1966 from the Permanent Undersecretary at the Foreign Office includes the following statement: "We would not wish it to become general knowledge that some of the inhabitants have lived on Diego Garcia for at least two generations." A diplomatic cable dated August 24, 1966, reads "The object of the exercise is to get some rocks which will remain ours; there will be no indigenous population except seagulls who have not yet got a committee. The Status of Women Committee does not cover the rights of Birds." "Bird" was common British slang for a woman in the 1960s, and the "Status of Women Committee" references the U.N. organization for gender equality, U.N. Women. The author of the cable, P. R. H. Wright, implies with his pun that there is no group at the U.N. that will defend the Chagossians. Denis Greenhill, head of the Colonial Office, added the following handwritten note, "Unfortunately along with the Birds go some few Tarzans or Men Fridays whose origins are obscure, and who are being hopefully wished on to Mauritius etc." Mr. Greenhill follows Wright's pun to say the men will be removed with the women. These memos, declassified in the 2000s, demonstrate the UK government's plan of presenting the Chagossians not as an established local population but as uncivilized and unskilled temporary contract laborers brought in from Mauritius, the Seychelles and



Map 1. Location of the Chagos Islands, courtesy of *The Times* (UK).



Map 2. The Chagos Archipelago.

other locations.

In reality, Chagossians are descended from Malagasy and Mozambiquan slaves brought by the French starting in the 1780s and indentured laborers from India who started arriving in the 1840s when the territory was under British rule.

Chagossians and their descendants continue to campaign for reparations and repatriation. The UK government has awarded compensation to Chagossians and allowed one week heritage visits on about an annual basis to Diego Garcia for groups of up to 25 people but continues to resist repatriation, citing a lack of infrastructure and resources as barriers to successfully re-establishing a local population. The UK government provided funds to Mauritius to assist in the resettlement of Chagossians and passed the British Overseas Territory Act in 2002 awarding British citizenship to Chagossians and their children born between 1969 and 1982.

Diego Garcia Today

Today, Diego Garcia has no local population and no U.S. military dependents. Access to Diego Garcia and the Chagos Archipelago is highly restricted, requiring permits to be submitted up to six months in advance. There is no commercial transportation to or from Diego Garcia. The Royal Navy and the Royal Marines form the bulk of the British presence, including providing the personnel for the Royal Over-

seas Police Officers (ROPO). A commissioner, deputy commissioner and an administrator govern the territory from London. The senior Royal Navy officer has the designation of British Representative (Brit Rep) for the British Foreign Commonwealth Office, which places him or her in charge of civilian affairs including policing and customs. The Brit Rep is also the officer commanding British Forces in BIOT. The Brit Rep's roles include postmaster, magistrate, coroner and registrar of marriages.

The U.S. presence consists mainly of Navy and Air Force personnel. The U.S. military facility includes a harbor that can accommodate an aircraft carrier and a two-mile runway that can accommodate B-1, B-2 and B-52 bombers. The facility supports military operations in Asia and the Middle East. The facility's location is strategically placed to monitor and respond to military activity in the Indo Pacific region.

The BIOT post office functions both as a civilian post office and a British Forces Post Office (BFPO). Sure, a telecommunications company, runs the BIOT post office in addition to providing internet and cell phone service. U.S. military and government personnel also have access to the Fleet Post Office (FPO) on Diego Garcia, which functions as a U.S. Post Office. The FPO on Diego Garcia is the only U.S. Post Office in the Indian Ocean. Access to the FPO for other personnel is based on a combination of their job assignment and security clearance.

Mauritius' Claim to the Chagos Archipelago

Upon its independence from the UK in 1968, Mauritius expected that the Chagos Archipelago would revert to Mauritian sovereignty after the British lease of Diego Garcia to the U.S. expired in 2016. The UK government's position is not to cede sovereignty until BIOT is no longer needed for defense purposes without specifying an end date. In November 2016, however, the United Kingdom and the U.S. extended the lease agreement until 2036. This prompted the Mauritian government to take their territorial claim to the United Nations (U.N.) where it was considered along with the resettlement of the Chagossians. On June 22, 2017,

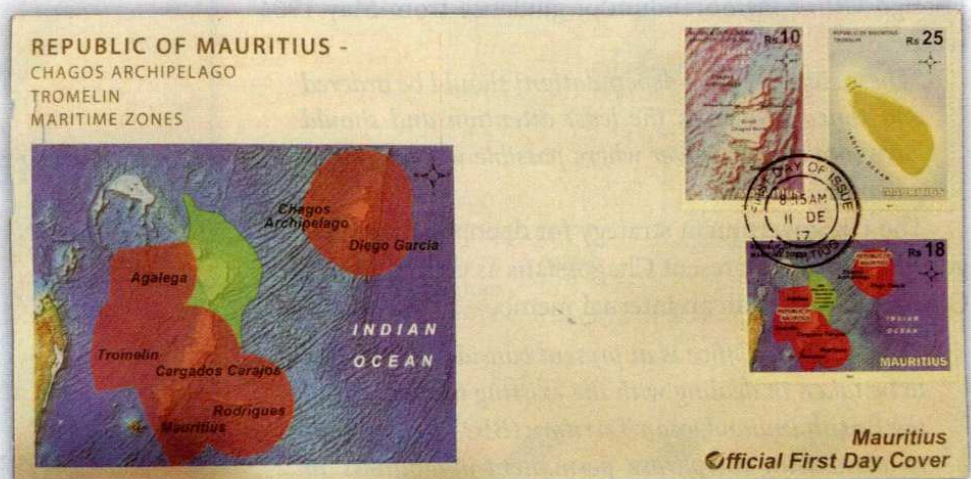


Figure 4. Republic of Mauritius first day cover showing the Chagos Archipelago Tromelin Maritime Zones.

the United Nations General Assembly (UNGA) adopted resolution 71/292, in which it asked the International Court of Justice (ICJ), the primary judicial organ of the U.N., to render an advisory opinion on the following:

“(a) Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?

(b) What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?”

On December 11, 2017, Mauritius issued a first day cover (FDC) showing the Chagos Archipelago Tromelin Maritime Zones with Diego Garcia clearly marked (Figure 4). The FDC clearly asserts that the Chagos Archipelago, including Diego Garcia, is part of the Republic of Mauritius. The timing of the FDC implies a reference to the UNGA resolution earlier in the year. Note that the month in the postmark is two letters, indicating that Mauritius follows a bilingual English/French two-character month abbreviation system. English and French are the languages of government, business and education in Mauritius, although its constitution does not mention an official language. Mauritians speak Mauritian Creole, also called Kreol, derived from French with influences from East African and South Asian languages. Chagossians speak a distinct Chagossian Creole.

The ICJ rendered an advisory opinion on February 25, 2019, stating it is of the opinion that the UK is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible. The opinion also stated that all member states of the U.N. are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius. The ICJ referred the question of the resettlement of Chagossians to the UNGA to be

addressed in the context of protection of human rights.

The UNGA adopted resolution 73/295 on May 22, 2019, which demands the UK unconditionally withdraws its colonial administration from the Chagos Archipelago within six months of the date of the resolution. The resolution also calls that the resettlement of Mauritian nationals, including those of Chagossian origin, be addressed as a matter of urgency during the decolonization process. The resolution calls on all member states to provide their support for the withdrawal of UK administration from the Chagos Archipelago and facilitating the resettlement of Mauritian nationals, including Chagossians, in the Chagos Archipelago. “Support” in this case includes refraining from recognizing or giving any effect to any measure taken by or on behalf of BIOT, which would impede the process.

The UK government issued a response on June 13, 2020, stating that the ICJ and UNGA are not appropriate forums for resolving a bilateral matter of disputed sovereignty between two U.N. members. Further, the United Kingdom will cede sovereignty of the Chagos Archipelago to Mauritius only when it is no longer needed for defense purposes. The UK response includes a voluntary commitment to support the aspirations of Chagossians. The UK government

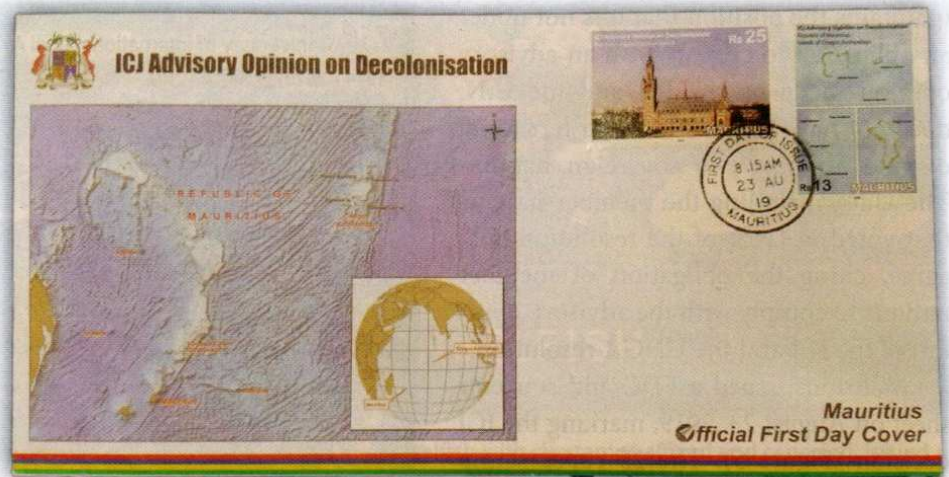


Figure 5. Republic of Mauritius first day cover showing the ICJ Advisory Opinion on Decolonisation.



Figure 6. Republic of Mauritius first day cover celebrating the 50th Anniversary of World Post Day and 145 Years of Universal Postal Union.

maintains the position that it is not under an obligation to comply with an advisory opinion made by the ICJ and the U.N. does not have jurisdiction in a territorial dispute between two sovereign nations. The U.N., including the member nations that voted in favor of the resolution, disagree, citing the obligation of member nations to comply with the advisory opinion of the ICJ and the UNGA resolution.

Mauritius issued a FDC and souvenir sheet on August 23, 2019, marking the ICJ decision (Figure 5). The 25 rupee stamp shows the ICJ at the Peace Palace in The Hague, Netherlands. The 13 rupee stamp shows the islands of the Chagos Archipelago. Note the British spelling of decolonization.

On October 9, 2019, Mauritius issued a FDC celebrating the 50th anniversary of World Post Day and 145 years of Universal Postal Union (Figure 6). It is tempting to think the timing of the issue was more than coincidence, given the U.N.'s continued support of Mauritius's territorial claim to the Chagos Archipelago. The 2 rupee stamp depicts the modernization of Mauritius post at the counter level. The 8 rupee stamp depicts door-to-door delivery systems.

On December 7, 2019, Mauritius issued a FDC celebrating the 75th anniversary of the International Civil Aviation Organization (ICAO). The FDC bears a 25 rupee stamp (Figure 7). The FDC and stamp both depict the old Plaisance Airport, now called Sir Seewoosagur Ramgoolam International Airport, along with the logo of the ICAO. The airport lies southeast of Mauritius' capital, Port Louis. The ICAO is a U.N. specialized agency tasked with supporting diplomacy and cooperation in air transport for the 193 signatory national governments to the Chicago Convention (1944). The Chicago Convention established the core principles permitting international transport by air. It is possible the ICAO could be the next U.N. agency to sanction BIOT, even though there is no commercial transport to and from Diego Garcia.

Results of the UPU's Mandate

The next step taken by the U.N. was the UPU announcement on August 28, 2021, declaring BIOT stamps illegal. The UPU's 27th Universal Postal Congress in Abidjan, Côte d'Ivoire, had originally been scheduled for 2020 but was delayed one year due to COVID.

The now illegal stamps of BIOT are available for purchase directly from the BIOT web site at <http://www.biotpostoffice.com/index.asp>. I placed an order for BIOT FDCs that included the two most recent issues. These are Angelfish, with six stamps affixed and canceled, issued on August 6, 2021, and Sea Slugs, with six stamps affixed and canceled, issued on February 22, 2021 (Figures 8 and 9). The website has a notice apologizing for delays in recent orders due to the COVID



Figure 7. Republic of Mauritius first day cover celebrating the 75th anniversary of the International Civil Aviation Organization courtesy of Mauritius Post.

pandemic. Due to COVID-related airport restrictions, orders are being sent by sea freight instead of air freight to Singapore for delivery to Singapore Post, and onward delivery to different countries of destination. I do not know if and how this arrangement is affected by the UPU announcement on August 28, 2021, deeming BIOT stamps illegal. Singapore is a full member of the U.N. and therefore obliged to comply with the UPU announcement and U.N. Resolution 73/295, which includes refraining from creating impediments by recognizing or giving any effect to any measure taken by or on behalf of BIOT. My philatelic purchase order was finalized on September 3, 2021, six days after the UPU announcement. I received a notification on October 12, 2021, that my order had left the Diego Garcia shipping port on October 8, 2021, with expected arrival in Singapore on October 15, 2021. I received a subsequent notification on October 27, 2021, that my order was delivered to Singapore Post Central the same day and to expect delivery in 2-3 weeks. I received my order on November 8, 2021. The envelope (Figure 10) bore two 50 pence stamps from the 2016 BIOT sharks issue with one stamp showing a tiger shark and another stamp showing a silvertip shark. The postmark is September 22, 2021. The return address is the BFPO address for the BIOT Post Office. I don't know how the envelope was able to be processed through the mail systems of Singapore, the U.S. and any other countries that are UPU members subsequent to the UPU press release on August 28, 2021, making BIOT stamps illegal. It is possible there is an unpublished and unannounced grace period or further action is required to make the decision effective.

I reached out the BIOT post office with questions about the mandate to use Mauritian stamps and how that would reflect on its philatelic offerings. I did not get answers to my questions, nor is there any reference to this on the BIOT Post Office web site. However, the BIOT government website has published a response to the U.N. General Secretary's report. The response asserts British sovereignty over the Chagos Archipelago. I also reached out to Mauritius Post Limited with similar questions but did not get a response to them. Staff at both post offices have been very helpful in handling

my order and keeping me informed of progress.

It is worth noting that both FDCs were issued before the UPU announcement declaring BIOT stamps illegal. The FDCs reflect the UK government's position of continued sovereignty over the Chagos Archipelago. It is reasonable to assume part of the intent of the UPU announcement was to stop the BIOT Post Office from continuing to produce commemorative issues as an act of defiance against U.N. Resolution 73/295 and long past the six-month deadline the resolution set for the UK to end colonial administration of the Chagos Archipelago.

The Chagos Archipelago was declared a Marine Protected Area (MPA) by the UK government in 2010 including a no take marine reserve of 544,000 square kilometers with a ban on commercial fishing. This made it the largest MPA in the world at the time. The MPA excludes Diego Garcia, which is the site of the U.S. military base. The conservation initiatives in the Chagos Archipelago are reflected in the philatelic offerings on the BIOT Post Office website, which were mainly commemoratives themed around the British Royal Family, British Forces and historical events prior to 2019. Commemoratives issued since 2019 are focused on the wildlife of the Chagos Archipelago. All of the issues since 2019 are subsequent to U.N. Resolution 73/295 on May 22, 2019, calling on the UK to withdraw its colonial administration from the Chagos Archipelago within six months. The creation of the MPA with its ban on commercial fishing creates an obstacle to the return of a local population since it removes a source of sustenance and economic sustainability. Other conservation measures, including required permits to enter restricted conservation and heritage areas on Diego Garcia, and restrictions on construction, further diminish the options for the return of a local population.

Mauritius challenged the establishment of the MPA at the Permanent Court of Arbitration (PCA) in The Hague, Netherlands in 2010. The PCA was established in 1899 to facilitate arbitration and other forms of dispute resolution between states. In reference to the claim by Mauritius that the UK had violated the United Nations Convention on the Law of the Sea, referred to as the Convention, a press release from the PCA dated March 19, 2015, states:

"The Tribunal unanimously found, however, that it did have jurisdiction to consider Mauritius' claim that the United Kingdom's declaration of the MPA was not compatible with the United Kingdom's obligations under the Convention. The Tribunal went on to find unanimously that, as a result of undertakings given by the United Kingdom in 1965 and repeated thereafter, Mauritius holds legally binding rights to fish in the waters surrounding the Chagos Archipelago, to the eventual return of the Chagos Archipelago to Mauritius when no longer needed for

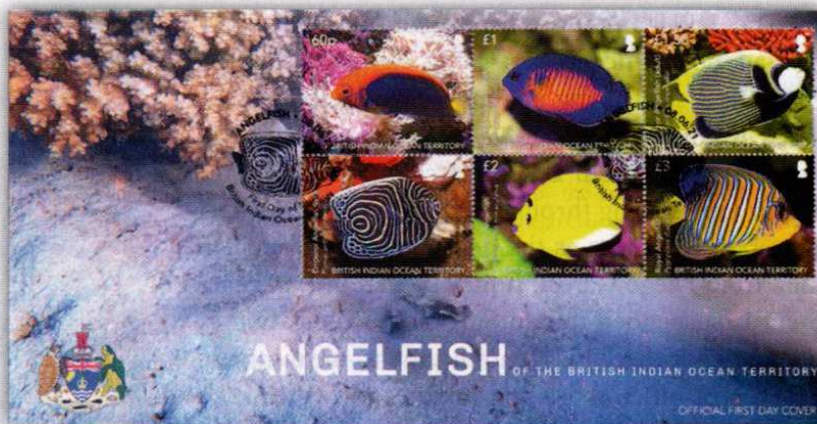


Figure 8. BIOT FDC for Angelfish with six stamps affixed and canceled, issued on August 6th, 2021.

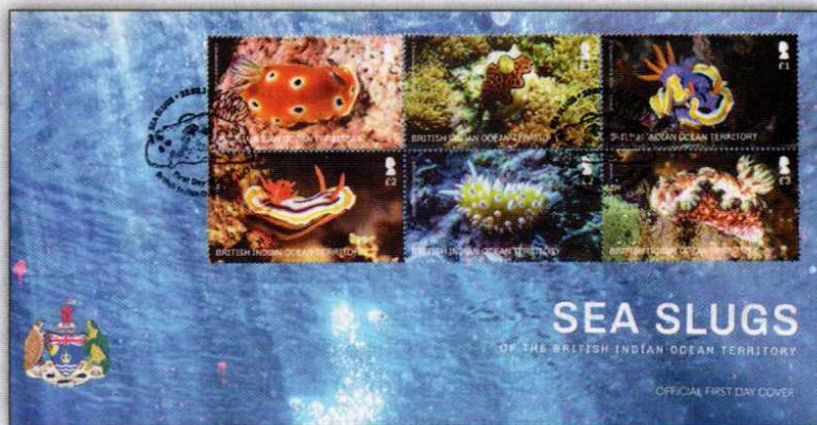


Figure 9. BIOT FDC of Sea Slugs with six stamps affixed and canceled, issued on February 22, 2021.

defence purposes, and to the preservation of the benefit of any minerals or oil discovered in or near the Chagos Archipelago pending its eventual return. The Tribunal held that in declaring the MPA, the United Kingdom failed to give due regard to these rights and declared that the United Kingdom had breached its obligations under the Convention."

Looking Forward

There are about 2,430 people on Diego Garcia, composed of about 30 Royal Navy and Royal Marines, 400 U.S. military and government personnel and 2,000 civilian workers mainly from the Philippines and Mauritius. I will make some educated guesses about who is most impacted by the UPU announcement. Those least impacted are British and U.S. military and government personnel who can continue to access the BFPO and FPO as normal. U.S. military personnel are paid in U.S. dollars regardless of their location in the world. This could act as a disincentive for U.S. military personnel to use the BIOT Post Office since it would involve converting dollars to pounds sterling to make a purchase. Also included in the group of least impacted are civilian workers whose combination of job assignment and security clearance give them access to the BFPO and/or FPO. Those most impacted are civilian workers whose only access to a postal service is the BIOT civilian post office.

The UPU announcement mandates the BIOT civilian post office ceases using stamps issued by BIOT and start using stamps issued by Mauritius. The UK government is not complying. Civilian mail goes by freight from Diego Garcia to Singapore for onward processing through Singapore Post. In effect Singapore Post acts as the postal carrier for civilian mail from Diego Garcia. It may be that this arrangement is suspended due to Singapore's obligation to comply with the UPU announcement, meaning the BIOT post office must find another means to send civilian mail. Presumably some arrangement could be made as needed to stream civilian mail through the BFPO or FPO on Diego Garcia. It is worth noting the UPU decision is calibrated to be directed against BIOT, not the UK. It appears BIOT stamps are only available as commemoratives, suggesting philatelic sales make up the bulk of purchases.

The standoff between the UK and the U.N. continues. Future steps may include actions by other U.N. agencies such as the ICAO and the International Monetary Fund (IMF) to increase the pressure on the UK to cede control of the Chagos Archipelago to Mauritius. Mauritius has stated that it is willing to continue leasing Diego Garcia as a military base to the U.S. when it assumes control of the Chagos Archipelago. This implies Mauritius could significantly increase its strategic importance in the region and opens the possibility of another nation assuming the lease in the future. In an excerpt from an email response sent to the *Washington Post* for an August 2021 article a State Department spokesman says "The United States unequivocally supports UK sovereignty. The specific arrangement involving the facilities on Diego Garcia is grounded in the uniquely close and active defense and security partnership between the United States and the UK. It cannot be replicated."

I suggest that anyone interested in following this story from a philatelic perspective continue to monitor the philatelic offerings available from the Mauritius Post web site at <https://mauritiuspost.mu/> and the BIOT post office web site at <http://www.biotpostoffice.com/index.asp>.

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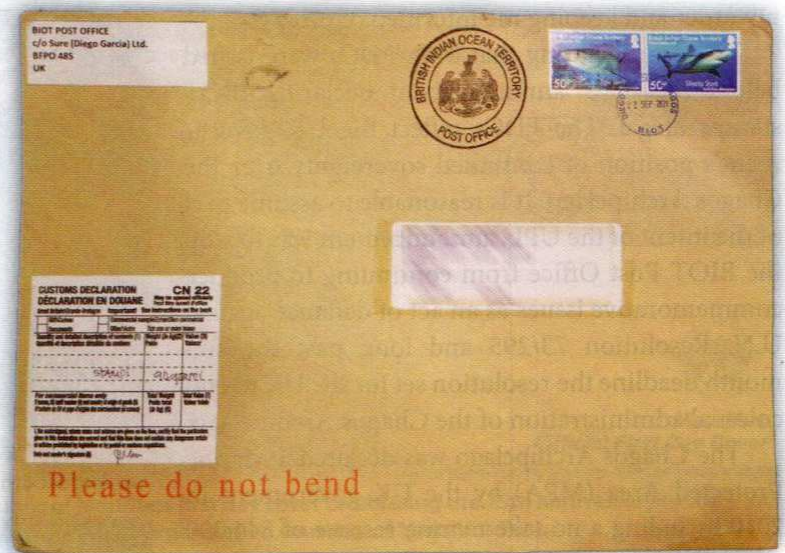


Figure 10. The packaging of my order from BIOT shows no sign that the UPU mandate on BIOT stamps is active.

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The Author

Alex Chaplin started stamp collecting as a child. He returned to the hobby intermittently during his travels as an adult stopping in at post offices all around the world to buy commemorative issues, numismatic covers, first day covers and year books. He first came across *The American Philatelist* while waiting in a doctor's office. He joined the American Philatelic Society shortly thereafter. He likes collecting first day covers that tell a story beyond what is on the cover and connect with a moment in history. He is always struck by how stamps provide a window into the history, culture and politics of a nation. He strives to maintain a childlike interest and wonder in the world where it doesn't matter if someone pronounces a stamp from the Soviet Union as noya CCCP instead of pochta SSSR.

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FOR FURTHER LEARNING

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