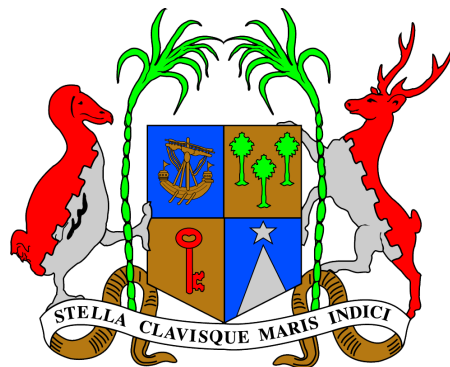


ARBITRATION UNDER ANNEX VII OF THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA

REPUBLIC OF MAURITIUS

v.

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**



MEMORIAL OF THE REPUBLIC OF MAURITIUS

VOLUME II

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1 August 2012

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ANNEX 19

Record of a Meeting held in Lancaster House at 2.30 p.m. on
Thursday 23rd September [1965], Mauritius Defence Matters,
CO 1036/1253

SECRET

RECORD OF A MEETING HELD IN LANCASTER HOUSE
AT 2.30 P.M. ON THURSDAY 23rd SEPTEMBER

MAURITIUS DEFENCE MATTERS

Present:- The Secretary of State
 (in the Chair)

Lord Taylor	Sir S. Ramgoolam
Sir Hilton Poynton	Mr. S. Bissoondoyal
Sir John Rennie	Mr. J. M. Paturau
Mr. P. R. Noakes	Mr. A. R. Mohamed
Mr. J. Stacpoole	

THE SECRETARY OF STATE expressed his apologies for the unavoidable postponements and delays which some delegations at the Constitutional Conference had met with earlier in the day. He explained that he was required to inform his colleagues of the outcome of his talks with Mauritian Ministers about the detachment of the Chagos Archipelago at 4 p.m. that afternoon and was therefore anxious that a decision should be reached at the present meeting.

2. He expressed his anxiety that Mauritius should agree to the establishment of the proposed facilities, which besides their usefulness for the defence of the free world, would be valuable to Mauritius itself by ensuring a British presence in the area. On the other hand it appeared that the Chagos site was not indispensable and there was therefore a risk that Mauritius might lose this opportunity. In the previous discussions he had found himself caught between two fires: the demands which the Mauritius Government had made, mainly for economic concessions by the United States, and the evidence that the United States was unable to concede these demands. He had throughout done his best to ensure that whatever arrangements were agreed upon should secure the maximum benefit for Mauritius. He was prepared to recommend to his colleagues if Mauritius agreed to the detachment of the Chagos Archipelago:-

- (i) negotiations for a defence agreement between Britain and Mauritius;
- (ii) that if Mauritius became independent, there should be an understanding that the two governments would consult together in the event of a difficult internal security situation arising in Mauritius;
- (iii) that the British Government should use its good offices with the United States Government in support of Mauritius request for concessions over the supply of wheat and other commodities

/(iv)

SECRET

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ANNEX 19

SECRET

- (iv) that compensation totalling up to £3m. should be paid to the Mauritius Government over and above direct compensation to landowners and others affected in the Chagos Islands.

This was the furthest the British Government could go. They were anxious to settle this matter by agreement but the other British Ministers concerned were of course aware that the islands were distant from Mauritius, that the link with Mauritius was an accidental one and that it would be possible for the British Government to detach them from Mauritius by Order in Council.

3. SIR S. RAMGOOLAM replied that the Mauritius Government were anxious to help and to play their part in guaranteeing the defence of the free world. He asked whether the Archipelago could not be leased. (THE SECRETARY OF STATE said that this was not acceptable). MR. BISSOONDOYAL enquired whether the Islands would revert to Mauritius if the need for defence facilities there disappeared. THE SECRETARY OF STATE said that he was prepared to recommend this to his colleagues.

4. MR PATURAU said that he recognised the value and importance of an Anglo-Mauritius defence agreement, and the advantage for Mauritius if the facilities were established in the Chagos Islands, but he considered the proposed concessions a poor bargain for Mauritius.

5. MR. BISSOONDOYAL asked whether there could be an assurance that supplies and manpower from Mauritius would be used so far as possible. THE SECRETARY OF STATE said that the United States Government would be responsible for construction work and their normal practice was to use American manpower but he felt sure the British Government would do their best to persuade the American Government to use labour and materials from Mauritius.

6. SIR S. RAMGOOLAM asked the reason for Mr. Koenig's absence from the meeting and MR. BISSOONDOYAL asked whether the reason was a political one, saying that if so this might affect the position.

7. MR. MOHAMED made an energetic protest against repeated postponements of the Secretary of State's proposed meeting with the M.C.A., which he regarded as a slight to his party.

8. THE SECRETARY OF STATE repeated the apology with which he had opened the meeting, explaining that it was often necessary in such conferences to concentrate attention on a delegation which was experiencing acute difficulties, while he himself had been obliged to devote much time to a crisis in another part of the world.

9. MR MOHAMED then handed the Secretary of State a recent private letter from Mauritius which disclosed that extensive misrepresentations about the course of the Conference had been published in a Parti Mauricien newspaper. THE SECRETARY OF STATE commented that such misrepresentations should be disregarded, and that MR. MOHAMED had put forward the case for his community with great skill and patience.

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10. MR. MOHAMED said that his party was ready to leave the bases question to the discretion of H.M.G. and to accept anything which was for the good of Mauritius. Mauritius needed a guarantee that defence help would be available nearby in case of need.
11. At SIR S. RAMGOOLAM'S request the Secretary of State repeated the outline he had given at a previous meeting of the development aid which would be available to Mauritius between 1966-1968, viz. a C.D. & W. allocation totalling £2.4 million (including carryover) thus meaning that £800,000 a year would be available by way of grants in addition Mauritius would have access to Exchequer loans, which might be expected to be of the order of £1m. a year, on the conditions previously explained. He pointed out that Diego Garcia was not an economic asset to Mauritius and that the proposed compensation of £3m. would be an important contribution to Mauritius development. There was no chance of raising this figure.
12. SIR S. RAMGOOLAM said that there was a gap of some £4m. per year between the development expenditure which his government considered necessary in order to enable the Mauritian economy to "take off" and the resources in sight, and enquired whether it was possible to provide them with additional assistance over a 10 year period to bridge this gap.
13. THE SECRETARY OF STATE mentioned the possibility of arranging for say £2m. of the proposed compensation to be paid in 10 instalments annually of £200,000.
14. SIR S. RAMGOOLAM enquired about the economic settlement with Malta on independence and was informed that these arrangements had been negotiated in the context of a special situation for which there was no parallel in Mauritius.
15. SIR H. POYNTON pointed out that if Mauritius did not become independent within three years, the Colonial Office would normally consider making a supplementary allocation of C.D. & W. grant money to cover the remainder of the life of the current C.D. & W. Act, i.e. the period up to 1970. He added that if Mauritius became independent, they would normally receive the unspent balance of their C.D. & W. allocation in a different form and it would be open to them after the three year period to seek further assistance such as Britain was providing for a number of independent Commonwealth countries.
16. SIR S. RAMGOOLAM said that he was prepared to agree in principle to be helpful over the proposals which H.M.G. had put forward but he remained concerned about the availability of capital for development in Mauritius and hoped that the British Government would be able to help him in this respect.
17. MR. BISSOONDOYAL said that while it would have been easier to reach conclusions if it had been possible to obtain unanimity among the party leaders, his party was prepared to support the stand which the Premier was taking. They attached great importance to British assistance being available in the event of a serious emergency in Mauritius.

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18. MR. PATURAU asked that his disagreement should be noted. The sum offered as compensation was too small and would provide only temporary help for Mauritius economic needs. Sums as large as £25m. had been mentioned in the British press and Mauritius needed a substantial contribution to close the gap of £4-5m. in the development budget. He added that since the decision was not unanimous, he foresaw serious political trouble over it in Mauritius.

19. THE SECRETARY OF STATE referred to his earlier suggestion that payment of the monetary compensation should be spread over a period of years.

20. SIR S. RAMGOOLAM said that he was hoping to come to London for economic discussions in October. The Mauritius Government's proposals for development expenditure had not yet been finalised, but it was already clear that there would be a very substantial gap on the revenue side.

21. SIR H. POYNTON said that the total sum available for C.D. & W. assistance to the dependent territories was a fixed one and it would not be possible to increase the allocation for one territory without proportionately reducing that of another.

22. Summing up the discussion, the SECRETARY OF STATE asked whether he could inform his colleagues that Dr. Ramgoolam, Mr. Bissoondoyal and Mr. Mohamed were prepared to agree to the detachment of the Chagos Archipelago on the understanding that he would recommend to his colleagues the following:-

- (i) negotiations for a defence agreement between Britain and Mauritius;
- (ii) in the event of independence an understanding between the two governments that they would consult together in the event of a difficult internal security situation arising in Mauritius;
- (iii) compensation totalling up to £3m. should be paid to the Mauritius Government over and above direct compensation to landowners and the cost of resettling others affected in the Chagos Islands;
- (iv) the British Government would use their good offices with the United States Government in support of Mauritius' request for concessions over sugar imports and the supply of wheat and other commodities;
- (v) that the British Government would do their best to persuade the American Government to use labour and materials from Mauritius for construction work in the islands;
- (vi) the British Government would use their good offices with the U.S. Government to ensure that the following facilities in the Chagos Archipelago would remain available to the Mauritius Government as far as practicable:

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- (a) Navigational and Meteorological facilities;
- (b) Fishing Rights;
- (c) Use of Air Strip for emergency landing and for refuelling civil planes without disembarkation of passengers.
- (vii) that if the need for the facilities on the islands disappeared the islands should be returned to Mauritius;
- (viii) that the benefit of any minerals or oil discovered in or near the Chagos Archipelago should revert to the Mauritius Government.

23. SIR S. RAMGOOLAM said that this was acceptable to him and Messrs. Bissoondoyal and Mohamed in principle but he expressed the wish to discuss it with his other ministerial colleagues.

24. THE SECRETARY OF STATE pointed out that he had to leave almost immediately to convey the decision to his own colleagues and LORD TAYLOR urged the Mauritian Ministers not to risk losing the substantial sum offered and the important assurance of a friendly military presence nearby.

25. SIR S. RAMGOOLAM said that Mr. Paturau had urged him to make a further effort to secure a larger sum by way of compensation, but the Secretary of State said there was no hope of this.

26. SIR J. RENNIE said that while he had hoped that Mauritius would be able to obtain trading concessions in these negotiations, this was now ruled out. It was in the interest of Mauritius to take the opportunity offered to ensure a friendly military presence in the area. What was important about the compensation was the use to which the lump sum was put.

27. SIR S. RAMGOOLAM mentioned particular development projects, such as a dam and a land settlement scheme, and expressed the hope that Britain would make additional help available in an independence settlement.

28. SIR H. POYNTON said that the Mauritius Government should not lose sight of the possibility of securing aid for such purposes from the World Bank, the I.D.A. and from friendly governments. While Mauritius remained a colony such powers as Western Germany regarded Mauritius economic problems as a British responsibility but there was the hope that after independence aid would be available from these sources. When Sir S. Ramgoolam suggested that he had said that grants could be extended for up to 10 years, Sir H. Poynton pointed out that he had only indicated that when the period for which the next allocation had been made expired, it would be open to the Mauritius Government to seek further assistance, from Britain, even though Mauritius had meanwhile become independent. It would not be possible to reach any understanding

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understanding at present beyond saying that independence did not preclude the possibility of negotiating an extension of Commonwealth aid.

29. At this point the SECRETARY OF STATE left for 10, Downing Street, after receiving authority from Sir S. Ramgoolam and Mr. Bissoondoyal to report their acceptance in principle of the proposals outlined above subject to the subsequent negotiation of details. Mr. Mohamed gave the same assurance, saying that he spoke also for his colleague Mr. Osman. Mr. Paturau said he was unable to concur.

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ANNEX 20

Record of UK-US Talks on Defence Facilities in the Indian Ocean,
23-24 September 1965 (FO 371/184529):

- List of Officials who took part in U.S./U.K. talks on Defence Facilities in the Indian Ocean, 23-24 September 1965
- Record of a Meeting with an American Delegation headed by Mr. J.C. Kitchen, on 23 September, 1965, Mr. Peck in the Chair, Defence Facilities in the Indian Ocean
- Record of a Meeting of U.K. and U.S. Officials on 24 September, 1965, to Discuss Draft B, Mr. Peck in the Chair, Defence Facilities in the Indian Ocean
- Summary Record of 'Plenary' Meeting between the United Kingdom and United States Officials (led by Mr. Kitchen), Mr. Peck in the Chair on 24 September, 1965, Defence Facilities in the Indian Ocean
- Note on Further Action

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(24/190)

FOREIGN OFFICE, S.W.1.

10 December, 1965.

Thank you for your letter 119101/65G of 22 October to Geoffrey Arthur giving a list of State Department amendments to the record of the September talks about the Indian Ocean Islands.

2. I enclose two copies of a clean text incorporating the American amendments, and taking account of two points made by the Ministry of Defence in their letter of 8 October, of which I now enclose a copy together with our reply of 21 October.

(J.A.N. Graham)
Permanent Under-Secretary's
Department

N.C.C. Trench, Esq.,
WASHINGTON.

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List of Officials who took part in U.S./U.K.
talks on Defence Facilities in the Indian Ocean

21-24 September, 1962

U.S. Side

Jeffrey C. Kitchen	State Department
Howard Meyers	State Department
Capt. Ashbury Coward	State Department
Ray Brown	OSD/ISA (PHE)
T.J. Allen	OSD/Assistant General Council
Capt. R.C. Zimmerman	USM, Joint Chiefs of Staff
Mr. T.W. Nichol	(JSC-3), Navy, Op/Nav
Mr. W.H. Hancock	Air Force, Office of Secretary of the Air Force/Assistant General Council
Mr. T.H. Aiken	Navy, Bureau of Weapons
Cdr. McGrath	USN
Mr. Philip M. Barringer	U.S. Embassy
Mr. M. Zenne	U.S. Embassy

U.K. Side

Mr. E.H. Peck	Foreign Office
Mr. P.L. Hulse-Fox	Foreign Office
Mr. J.A.R. Graham	Foreign Office
Mr. R.H. Young	Foreign Office
Mr. M.R. Morland	Foreign Office
Mr. J. Burlace	D.S.11, Ministry of Defence
Mr. P. Moberly	" "
Mr. M. Rolten	D.S.4, Ministry of Defence
Mr. R.J. Penney	(AUS/MAT) Space (N), Ministry of Defence
Mr. B. Swain	MAT 1 (N), " " "
Mr. A.T. Fairclough	Colonial Office
Mr. R. Blaikley	" "
Mr. R. Terrell	" "
Mr. Baker	Treasury Solicitors Office

/Mr. P. Nicholls

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Mr. P. Nichols

Treasury

Mr. G. S. Downey

"

Mr. G. P. Hadden

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~~SECRET~~DEFENCE FACILITIES IN THE INDIAN OCEAN

Record of a Meeting with an American
Delegation headed by Mr. L. A. Alton, on
21 September, 1962. Mr. Peak in the
chair

Mr. Peak began by thanking the Americans for coming. He explained that the Constitutional Conference on the future of Mauritius had not yet ended - it should finish at the end of this week - and that Mauritius Ministers' attitude to the defence project was not yet finally clear. The present talks must therefore be without commitment and without prejudice to the conclusion of a satisfactory settlement with Mauritius. He would nevertheless be willing to discuss the three American drafts in detail if possible, and at any rate in outline. It seemed generally agreed that each draft should be discussed in a separate sub-committee. The Ministry of Defence would deal separately with their American opposite numbers over draft A about the American financial contribution.

Mr. Kitchen said that it would be more convenient for the same sub-committee to deal with draft C and draft B, taking draft C this afternoon and draft B tomorrow morning. This was agreed.

Mr. Fairclough then explained the position reached in the Mauritius constitutional conference. The British side had tried to keep the independence issue which the conference was really meant to deal with, separate from the defence project, but the outcome of the latter was found to depend partly on the former problem. One main party in Mauritius with a different policy from that of Dr. Bongoles but belonging to his coalition government, favoured some continuing link with Britain. Dr. Bongoles's party wanted full independence. It seemed that the conference was moving towards agreement on "free association". There were prospects of reaching agreement on the constitutional arrangements for internal affairs. There was no sign of imminent agreement on external affairs. Because of the loose nature of the coalition government the defence project had to be discussed with Ministers from all parties. Both pro and anti independence parties regarded the defence project as a bargaining counter which they might use either to achieve or to avoid complete independence. No party leader wanted to settle the defence project before the independence issue was settled. All Mauritius Ministers had given a positive response to the defence project in that they agreed with us that it was in the interests of Mauritius. Discussion had turned on their demand for favourable trading arrangements to bolster up the economy of Mauritius in the long term. Mauritius Ministers had adhered firmly to their demand for such arrangements, particularly for a very large American sugar quota. They had pointed out that a foreign country, the United States, wanted defence facilities on Mauritius territory and that the Americans should therefore pay for them. They recalled the United States Administration's recommendation to Congress in 1962, that Mauritius should be given a sugar quota of 100,000 tons. They failed to understand why it was not practicable to get a quota of this order of magnitude now. At the last meeting held with Mauritius Ministers to discuss the defence project earlier this week they had generally maintained their position on this but had hinted that they might move from it if the United States gave them financial aid equivalent in value to the benefits of a very large sugar quota. The likely outcome appeared to be independence for Mauritius and agreement on the detachment of the islands required for defence facilities in return for suitable compensation but Mauritius Ministers were insistent that such compensation should be of a kind which would

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help the long term economic stability of Mauritius. This meant sugar. We had told the Mauritians that a sugar quota of this order of magnitude was probably impossible.

Mr. Kitchen confirmed that a sizeable sugar quota was impossible and asked about Mauritian demands for a long lease rather than detachment of the islands concerned. Mr. Fairclough replied that there were signs that Mauritius might accept a detachment in exchange for a sugar quota and a reversion clause allowing the return of the islands to Mauritius if and when they were no longer required for U.S./U.K. defence purposes.

In answer to a question from Mr. Peck, Mr. Fairclough confirmed that we had told the Mauritians that a lease was out of the question. Mr. Kitchen said that they had made it clear at the talks last January that an agreement of the kind made over Ascension Island was required. Nothing since then had caused them to change their mind. Mr. Peck asked for the American side's views on the question of a reversion clause. Mr. Kitchen said he would prefer to deal with this in the sub-committee. He went on to thank Mr. Fairclough for his exposition.

He described the Mauritian demand for a sugar quota as "out of the ball park". There had been fierce agitation recently in the U.S. press against any kind of sugar quotas for countries outside the Western hemisphere. The State Department considered that they had done yeoman work in getting a quota of 15,000 tons for Mauritius. The situation in 1962 had been entirely different. The Cuban crisis had played havoc with the sugar market. Mr. Fairclough assured Mr. Kitchen that the Colonial Office sugar experts fully agreed that a Mauritian quota or the rise suggested would cause a radical upset in existing arrangements.

There was a brief discussion about the Mauritian request for an increased immigration quota into the United States. It was agreed that the number of Mauritians who had applied for immigration visas in the last few years was so far below their present not very large quota that this was not worth pursuing.

Mr. Kitchen emphasized that they could not contemplate anything but once and for all compensation. They had changed the basis of the understanding reached in 1964 when it had been agreed that E.M.C. were to be responsible for the costs of detachment and had offered to contribute a substantial sum. No more funds were available. It would take too long to raise the necessary appropriations even if they had been willing to do so. Mr. Peck expressed gratitude on E.M.C.'s behalf for the generous American contribution and Mr. Fairclough emphasized that in his explanation of the position he was not suggesting that the Colonial Office supported the Mauritian case.

Mr. Fairclough then explained the position reached over the Seychelles. Nothing more had been done after the original approach to the Executive Council, since nothing could be settled until the Mauritius question was resolved. The Executive Council's reaction had been reasonably satisfactory. As expected, they had asked for an airfield. The Seychellois had, however, made it clear in this connexion that they were not prepared to look at any formal agreement to cover the existing tracking station on Mahé until the compensation for the main project had been settled. Finalisation of the tracking station agreement must therefore wait on finalisation of the main project. It appeared that the latter would be welcome to the Seychellois and that the compensation they asked for was of manageable proportions. We could not, however, make a firm proposal to the Seychelles in this regard until the Mauritian position was clarified. This should be within the next two or three days. This was because there had to be reasonable balance between compensation paid to each territory, i.e. it would be impracticable to give Mauritius less than the Seychelles and they would probably have to have more.

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/Mr. Kitchen

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Mr. Kitchen suggested that the reverse process might have merit. Supposing we reached a settlement with the Seychelles over the islands only required for defence purposes the Mauritians might be more inclined to see reason.

Mr. Peck pointed out the difficulty over this otherwise attractive course of action was that the only firm military requirement now was for facilities on Diego Garcia in the (Mauritian) Chagos archipelago. Mr. Kitchen said that after all our planning also encompassed the possibility of the availability of facilities some time on Aldabra and other of the Seychelles Islands.

Mr. Peck made the point that we would want to avoid a second row in the United Nations if possible, and therefore to carry out the detachment as a single operation. Mr. Kitchen suggested that this was worth further discussion later. Admittedly both sides had so far thought in terms of a single operation but the price seemed to go up as time went by and a thoroughly lop-sided situation had arisen. Mr. Peck agreed that detachment would have been far easier a year ago. Mr. Fairclough noted that Mauritian demands seemed to be diminishing rather than increasing at this moment.

On draft C, covering the tracking station, Mr. Kitchen emphasised that they regarded this as closely related to draft A covering the American financial contribution. They regarded the latter as dependent on a successful conclusion of the tracking station agreement. Speaking frankly he very much hoped that it would be possible during our current discussions to reach agreement between the two sides of the table on the terms of the tracking station agreement.

Mr. Fairclough explained that we shall have to clear any draft with the Governor of the Seychelles and make sure that he was confident of selling it to the Executive Council. The Governor had indicated that this should be possible provided the agreement was shown to be in a standard form in line with previous precedents. Mr. Kitchen drew attention to the fact that the Americans had made a number of concessions in the draft.

It was agreed that a discussion of draft C should continue in the afternoon, while draft B would be taken tomorrow morning. Draft A would be discussed in a separate sub-committee in the Ministry of Defence.

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SECRETDEFENCE FACILITIES IN THE INDIAN OCEAN

Record of a Meeting of U.K. and U.S. Officials on
24 September, 1955, to Discuss Draft E. Mr. Peck in
the Chair.

The following points of interest which do not emerge from the record of the two "plenary" meetings were made in discussion.

2. Mr. Kitchen explained that the U.S. draft had not been prepared with an eye to publication. They accepted that something would have to be published in due course. The thing might have to be modified to put it in a suitable form for this.
3. Mr. Blackley explained that the Colonial Office envisaged the detachment operation taking place in three stages. During the first stage normal life would continue on the islands detached but not yet needed for defence facilities. In the middle stage the population would have to be cleared off any island when it was needed for defence purposes. This process would take a little time. During the final stage it was envisaged that an island with defence facilities installed on it would be free from local civilian inhabitants.
4. It was agreed that special arrangements would have to be made to cover the middle period when there might be U.S. forces and local inhabitants living for a time on a particular island.
5. The question of jointly financed facilities, a category not previously considered, was discussed. Mr. Kitchen explained that they were thinking of a situation in which both parties had a similar requirement in mind and it might be met more expeditiously and economically if the costs were shared. Mr. Fairclough explained that it would greatly ease the problems of resettlement in view of the prevailing unemployment in Mauritius and the Seychelles if local labour could be employed at least during the constructional phase. Mr. Kitchen said that they regarded the matter sympathetically and were willing to consider using local labour, but only during the constructional phase.
6. There was a lengthy discussion of the problems of jurisdiction over the islands detached. This was continued in the "plenary" meeting.

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SECRETDEFENCE FACILITIES IN THE INDIAN OCEAN

Summary record of 'Plenary' meeting between the
United Kingdom and United States officials (led
by Mr. Kitchen). Mr. Peck in the Chair on

24 September, 1967

Mr. Fairclough confirmed that at a final meeting with Mauritius Ministers, Dr. Ramgoolam and a majority of Ministers present had agreed to the detachment of the Chagos Archipelago in return for agreed compensation. They had been promised an agreement on the external defence of Mauritius, with provision for consultation in the event of internal disorder. Although the position was not yet crystal clear, it was reasonable to assume that there would be no serious difficulty over detachment. In answer to a question about a future timetable, he explained that the necessary legal measures would be comparatively quick, but that resettlement and other administrative arrangements might take longer.

It was agreed in discussion that the term 'detachment' should be avoided in any public statements on this subject, and that some other phrase - e.g. the retention under the administration of Her Majesty's Government should be devised in its place.

Mr. Kitchen explained that a review of United States communication requirements made it hard for him to judge when they would be ready to construct facilities on Diego Garcia. The favourable outcome of these discussions would assist progress in Washington.

Mr. Kitchen asked about British requirements for defence facilities on the islands. Mr. Eberly replied that the only British requirement at present was for a Naval oil storage depot at Diego Garcia, and that this was still subject to approval.

Mr. Holton reported on results of discussion of Draft A - financial arrangements. They had reached complete agreement subject to

- (a) reference to Governments;
- (b) any necessary adjustments to wording to put the text in a form suitable to a secret understanding;
- (c) consequential adjustments to draft 'A' when the text of draft 'B' had been finally agreed.

Mr. Tennell reported that the sub-committee had reached agreement on all points of substance in Draft 'C' (Radio tracking station). Certain definitions needed expanding. The United States side had agreed to produce a redraft. He would pursue separately with the United States Embassy a point about transmission of messages by Cable & Wireless (Seychelles). He recalled that the Seychelles Executive Council had refused to consider an almost identical draft in 1964, and had demanded a substantial quid pro quo.

Mr. Peck noted that the main details had now been ironed out. It would not be possible to clinch this agreement in isolation. We undertook to put the draft to the Seychelles

/Executive

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Executive Council (subject to the advice of the Governor) along with the proposal for the detachment of Aldabra, Farquhar and Desroches, for which substantial compensation was to be paid. This should provide the required quid pro quo.

Mr. Fairclough explained that the 'package' to be put to the Seychelles Executive Council must include the draft tracking station agreement, compensation for detachment and compensation for resettlement.

The meeting agreed that the agreement should be published in due course.

Mr. Brown explained that in preparing draft 'B', the United States side had not taken account of the need for an interim regime to continue after detachment in the islands not yet needed for defence purposes. It was important that any such arrangements written into the draft should not obscure the fact that after detachment any of the islands would be available for defence use, as required. They would have to look at this again in Washington and consider also some provision for emergency defence use of islands not yet required for permanent facilities. They would produce a redraft of the second sentence of the first paragraph, to cover these two points.

Mr. Brown went on to explain that they found difficulty over the Ministry of Defence redraft of (2). Either (2) and (3) were repetitive or (2) seemed unduly restrictive. The phrase 'mutual agreement' was difficult for them.

Mr. Moberly drew a distinction between (2) and (3). (2) was meant to deal with a United States proposal for taking over an island (or part of an island) for the construction of defence facilities. (3) was meant to deal with technical and administrative details.

Mr. Fairclough explained that the Colonial Office would be happy if given due notice of United States intent to take over a fresh island.

Mr. Moberly explained that the Ministry of Defence also wanted to be able to look at any such proposal in the light of our own military requirements.

It was agreed that the United States side would produce a redraft taking account of points made in discussion.

Mr. Brown said that the United States side agreed to the amended wording of (3), (6) and (8) (see revised text enclosed). They would look again at (4), as amended by the British side. Some provision covering third party use of any jointly financed facilities would be needed here. They would also incorporate in (7) an understanding with respect to the use of local (i.e., Seychelles and Mauritius) labour. (9) - covering jurisdiction would need considerable further thought, but the United States would make proposals.

Mr. Baker said that at first sight the arrangements for jurisdiction in the Ascension Island agreement would fit.

Mr. Fairclough explained that if the judicial arrangements they envisaged for islands not yet required for defence purposes - Seychelles law administered by the Governor in his capacity as administrator of the new colony - proved satisfactory, they might be extended from this interim period to the final period. If not, they could be changed by the Administrator.

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/Mr. Kitchen

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Mr. Kitchen said that they would like to consider further the terms of years to be inserted in (10) - the review clause. They were thinking of a 50 year agreement, with a review after (say) 20 years.

Mr. Fairclough explained that some fixed term would help vis-a-vis Mauritius Ministers, who had again raised the question of Chagos reverting to Mauritius if and when no longer required for Defence purposes. There would be no need to put a reversion clause in the agreement.

Mr. Peak turned to arrangements for follow-up action. It was agreed that we should keep the United States Embassy informed of the steps taken by Colonial Offices, and that the American side should provide redrafted passages, as agreed in discussion, through their Embassy /see note on further action attached/.

Mr. Kitchen concluded by expressing his gratitude for this major decision by Her Majesty's Government which would be of great value to the free world and the West. The discussions had been most useful; we should have a further round (perhaps in Washington) if necessary to speed up action.

Mr. Peak thanked Mr. Kitchen.

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SECRETDEFENCE FACILITIES IN THE INDIAN OCEANNOTE ON FURTHER ACTIONUnited States SideDraft 'a'

To suggest language for second sentence of first paragraph - see explanation in text.

To suggest redraft of last sentence of (2) (agreement to United States construction of new facilities).

To redraft (4) - use by third countries.

To produce working for second sentence of (7), covering use of local labour where possible.

To redraft (9) setting out arrangements for jurisdiction.

To consider what terms of years should be inserted in (10) (review clause).

Draft 'b'

To produce a redraft, keeping to the sense of the United States draft, but expanding various points of definition in the light of discussion.

General

To keep us informed of developments concerning the forthcoming review of United States communications requirements.

United Kingdom Side

To make the necessary constitutional and administrative arrangements for the detachment of Chagos Archipelago from Mauritius, upon payment of compensation, as agreed, to the Mauritius Government.

To secure the agreement of the Exec. Co to the detachment of Aldabra Farquhar and Desroches in return for compensation to be settled, and to the terms of a formal agreement covering the tracking station on Mahé.

To keep the United States Embassy informed of progress, and to give them an estimate of the time it will take to complete the constitutional and administrative processes as soon as it is possible to form such an estimate.

/To

SECRET

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~~SECRET~~

To consider what form of British Civil Administration will be required in the islands both before and after their clearance for Defence Use.

JOINT ACTION

Draft A. Once agreement is reached on Draft B, and on the date of detachment, certain minor consequential changes will have to be made in Draft A. The wording will have to be adjusted to fit the form of a secret understanding.

~~SECRET~~

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ANNEX 21

Colonial Office Despatch No. 423 to the Governor of Mauritius,
6 October 1965, FO 371/184529

ANNEX 21

/02/98 18:37 0171 823 8437

MAURCOM

--- FOREIGN AFFAIRS 003/014

Our Ref. PAC 93/892/01

MAURITIUSNo. 423

COLONIAL OFFICE,

London, S.W.1.

6 October, 1965.

Sir,

I have the honour to refer to the discussions which I held in London recently with a group of Mauritius Ministers led by the Premier on the subject of UK/US Defence Facilities in the Indian Ocean. I enclose a copy of the record prepared here of the final meeting on this matter with Mauritius Ministers - this record has already been agreed in London with Sir S. Ramgoolam, and by him with Mr. Mohamed, as being an accurate record of what was decided.

2. I should be grateful for your early confirmation that the Mauritius Government is willing to agree that Britain should now take the necessary legal steps to detach the Chagos Archipelago from Mauritius on the conditions enumerated in (i) - (viii) in paragraph 22 of the enclosed record.

3. Points (i) and (ii) of paragraph 22 will be taken into account in the preparation of a first draft of the Defence Agreement which is to be negotiated between the British and Mauritius Governments before independence. The preparation of this draft will now be put in hand.

4. As regards point (iii), I am arranging for separate consultations to take place with the Mauritius Government with a view to working out agreed projects to which the £3 million compensation will be devoted. Your Ministers will recall that the possibility of land settlement schemes was touched on in our discussions.

5. As regards points (iv), (v) and (vi) the British Government will make appropriate representations to the American Government as soon as possible. You will be kept fully informed of the progress of these representations.

6. The Chagos Archipelago will remain under British sovereignty, and Her Majesty's Government have taken careful note of points (vii) and (viii).

I have the honour to be,

Sir

Your most obedient
humble servant,

(for Secretary of State)

GOVERNOR,

SIR JOHN RENNIE, K.C.M.G., O.B.E.,

ANNEX 22

Letter dated 8 October 1965 from the UK Colonial Office to the UK
Foreign Office, FO 371/184529

ANNEX 22

10/10/65

SECRET 323 34

10/10/65

FOREIGN AFFAIRS

2002/008



Your reference:

Please quote:

PAC 93/892/01

SECRET

Not seen by Mr Peck

Pus D

(Mr Peck)

COLONIAL OFFICE

GREAT SMITH STREET, LONDON S.W.1

Telephone: ABBEY 1266 Ext.

13 OCT 1965

8th October, 1965

24 / 181 / G

Some of the points in § 22

So beyond anything that was authorized.
 (in particular (vi) & (vii)).

J. G. Peck
 "Vio."

I agree. I shall like to see minutes

12
 6

Defence facilities in the Indian Ocean

I enclose a copy of a formal Secret despatch we sent to the Governor of Mauritius on the 6th October covering the final agreed record of the Lancaster House meeting of September 23rd at which my Secretary of State secured the agreement of leading Mauritius Ministers to the detachment of the Chagos Archipelago.

2. The intervening time since that meeting was held has been spent in securing, on the Secretary of State's instructions, the agreement of Sir S. Ramgoolam and his colleagues to the record. In the event, this was not a very easy proceeding, and we have had to agree to the stipulations recorded in paragraph 22, some of which are perhaps rather tiresome - though by no means as much so as in the wording originally suggested by the Mauritians. As the despatch makes clear, the next move is for the Governor to secure formal confirmation of the Mauritius Government's willingness to agree to our taking the necessary legal action for detachment. This of course arises because the Governor originally broached the subject with the full Council of Ministers, and our talks in London were only with the main party leaders and an Independent Minister, Mr. Paturau, and, in the last and critical meeting, without the leader of the Parti Mauricien Mr. Koenig, who had walked out of the Conference earlier in the day and no doubt thought it tactically wise, from the point of view of future political campaigning in Mauritius, not to be involved in the final ~~London~~ agreement.

3. The Governor - and Sir S. Ramgoolam and the Ministers who support him - may not find it an easy task to secure the formal concurrence of the Council of Ministers which we require: but we are confident that, since the leading political parties representing almost 70% of the votes at the last election are committed, and since in many ways the Parti Mauricien have hitherto made a point of the importance they attach to a continuing British presence in and around Mauritius, confirmation will be forthcoming. You, and the others to whom I am sending copies of this letter, will see what is said in the despatch about the various stipulations in paragraph 22 of the record. The main problems will arise over (iv), (v) and (vi), and we shall be considering how best to take these up with the Americans. I hasten to add that neither we nor Sir S. Ramgoolam and his colleagues immediately concerned have any hope

E. H. Peck, Esq.,
 Foreign Office.

SECRET

ANNEX 22

MAURICOM

--- FOREIGN AFFAIRS

003/003

SECRET

(2)

hope of extracting concessions from the Americans, e.g. over sugar imports. Our Ministers and officials, and the Economic Minister at the U.S. Embassy in direct conversations with the Mauritians, spent a lot of time explaining exactly why concessions on sugar are not practicable. My impression is that Sir S. Ramgoolam wanted to have stipulations of this kind in from the point of view of their effect on his colleagues back home in Mauritius. At all events we shall have to go through the motions with the Americans but not everybody will be very surprised if, on some issues, they achieve no results. On the other hand where (one would imagine) the Americans can help, e.g. perhaps over wheat and rice, and such matters as navigational and meteorological information etc., it will be very much in the interests of us all if they contrive to do so with reasonable generosity. It might be a good idea to discuss these matters in the new Cabinet Office Committee some time.

4. I will of course keep you informed on developments in the Mauritius context. Meanwhile, we must be getting on with the Seychelles side about which I recently wrote.

5. I am sending copies of this letter to Nicholls, Treasury, Holton and Burlace, Ministry of Defence, Harris Ministry of Overseas Development and Champion of Commonwealth Relations Office.

Yours in
Trafford Smith
(Trafford Smith)

SECRET

ANNEX 23

Foreign Office Telegram No. 4104 to the UK Mission to the United Nations, New York, 27 October 1965, FO 371/184

ANNEX 23

CONFIDENTIAL

FROM FOREIGN OFFICE TO NEW YORK
(United Kingdom Mission to the United Nations)

Cypher/OTP

FILES

No. 4104

27 October, 1965

D. 23.00 27 October, 1965

IMMEDIATE
CONFIDENTIAL

Addressed to U.K.Mis. New York telegram No. 4104 of
27 October,

Repeated for information to: Mauritius (Personal to Governor)

U.K.-U.S. Indian Ocean Defence Proposals.

We are concerned lest any hostile reference to these proposals in the Fourth Committee might jeopardize final discussions in the Mauritius Council of Ministers, which it would be difficult for local reasons to hold before 5 November.

2. Please let us know if you think that this subject is likely to be raised in discussion on miscellaneous territories and if so when. We wish, if at all possible, to have completed local negotiations before the question is raised in New York

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F.O. P.U.S.D.
U.N. Dept.

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ANNEX 24

UK Mission to the United Nations, New York, Telegram No. 2697
to the UK Foreign Office, 28 October 1965

CONFIDENTIAL

TOP COPY

FROM NEW YORK TO FOREIGN OFFICE

(United Kingdom Mission to the United Nations)

Cypher/OTP

RECEIVED IN

ARCHIVES No. 39

29 OCT 1965

TRUSTEESHIP DISTRIBUTION

Lord Caradon

No. 2697

28 October, 1965

D. 1647 28 October, 1965

R. 1707 28 October, 1965

IMMEDIATE
CONFIDENTIALBUILDAddressed to Foreign Office telegram No. 2697 of
28 October.

Repeated for information to Mauritius (Personal).

Your telegram No. 4104: Indian Ocean Defence Proposals.

Discussion of miscellaneous territories may begin early next week. The question of our proposals might well of course be raised at any time in context of Mauritius or the Seychelles. It is impossible to make any guess about when these particular territories will be discussed, as speakers will be at liberty to talk about any of the thirty or so territories in the miscellaneous list during discussion of this item.

2. Item could of course be delayed, e.g. by prolongation of Rhodesia debate or resumption of discussion on Aden. But the Indian Ocean point might still be raised in the Aden context also. So far there has been no sign of this.

Foreign Office pass routine Mauritius telegram No. Personal 1.

[Transmitted to C.O. for onward transmission to Mauritius.]

ADVANCE COPIES:

Private Secretary
P.U.S.
Mr. Greenhill
Hd. United Nations Dept.
Resident Clerk

XXXXX

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ANNEX 25

Mauritius Telegram No. 247 to the Colonial Office, 5 November
1965, FO 371/184529

ANNEX 25

SECRET

INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

FROM MAURITIUS (Sir J. Rennie)

Cypher

D. 5th November, 1965
R. 5th " "

15.30 hrs.

EMERGENCYSECRET

No. 247

Your Secret Despatch No. 423 of 6th October.

United Kingdom/U.S. Defence Interests.

Council of Ministers today confirmed agreement to the detachment of Chagos Archipelago on conditions enumerated, on the understanding that

- (1) statement in paragraph 6 of your despatch "H.M.G. have taken careful note of points (vii) and (viii)" means H.M.G. have in fact agreed to them.
- (2) As regards (vii) undertaking to Legislative Assembly excludes
 - (a) sale or transfer by H.M.G. to third party or
 - (b) any payment or financial obligation by Mauritius as condition of return.
- (3) In (viii) "on or near" means within area within which Mauritius would be able to derive benefit but for change of sovereignty. I should be grateful if you would confirm this understanding is agreed.

2. PMSD Ministers dissented and (are now) considering their position in the government. They understand that no disclosure of the matter may be made at this stage and they also understand that if they feel obliged to withdraw from the government they must let me have (resignations) in writing and consult with me about timing of the publication (which they accepted should not be before Friday 12th November).

3. (Within this) Ministers said they were not opposed in principle to the establishment of facilities and detachment of Chagos but considered compensation inadequate, especially the absence of additional (sugar) quota and negotiations should have been pursued and pressed more strongly. They were also dissatisfied with mere assurances about (v) and (vi). They also raised points (1), (2) and (3) in paragraph 1 above.

Copies sent to:-

Cabinet Office	- Mr. F.A.K. Harrison
" "	- Mr. T.W. Hall
Treasury	- Mr. P. Nicholls
Foreign Office	- Mr. G.G. Arthur
" "	- Mr. Moreland
Commonwealth Relations Office	- Mr. J.G. Doubleday
Ministry of Overseas Development	- Mr. I.H. Harris
Ministry of Defence	- Mr. M. Holton
" " "	- Mr. P.H. Moberly

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ANNEX 26

Minute dated 5 November 1965 from the Secretary of State for the
Colonies to the Prime Minister, FO 371/184529

SECRETEnter
ZPrime MinisterDEFENCE FACILITIES IN THE INDIAN OCEAN

At their 21st Meeting on 12 April the D.O.P. Committee invited me to initiate discussions with the Mauritius and Seychelles Governments about the proposals for U.S./U.K. Defence Facilities in the Indian Ocean set out in OPD(65)68. The Mauritius Government raised various difficulties which were reported to the Committee; but at the end of the Mauritius Constitutional Conference in September agreement was reached with the Premier, Sir Seewoosagur Ramgoolam, and a majority of Ministers present, on terms which the Committee approved at their 41st meeting on 23rd September.

2. The proposals are briefly as follows. The islands of the Chagos Archipelago, a dependency of Mauritius, and the islands of Aldabra, Farquhar and Desroches, part of the Seychelles group, are to be put under direct British administration and made available for U.S. and U.K. defence facilities. Compensation consisting of £3m is to be paid to the Mauritius Government and a civil airfield which is expected to cost about the same amount, constructed in the Seychelles. A further sum is to be paid for compensation and resettlement to the commercial and private interests concerned. H.M.G. and the U.S. Government will each be responsible for the construction of facilities they require, with provision for joint use. The United States Government have agreed to share half the compensation costs up to £10 m. This fact is to be kept secret for Congressional reasons and in order to restrain the local governments from trying to put up the price. A U.S./U.K. agreement covering the use of the facilities is under discussion between officials.

3.

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3. The Seychelles Executive Council have now formally agreed to accept the arrangements proposed in exchange for the compensation offered, Mauritius Ministers have also given their formal approval, subject to official confirmation that we agree to the following points:-

- (a) if the need for the facilities on the Chagos Archipelago disappears, the islands will be returned to Mauritius, and
- (b) the benefit of any minerals or oil discovered in or near the Chagos Archipelago should revert to the Mauritius Government.

The Mauritius Government had previously been told that the Archipelago will remain under British sovereignty and the British Government have taken careful note of these points. I propose to reply to their latest request that it is being further considered but that it has been necessary for the Order in Council to be made.

4. The Governor of Mauritius has also reported that Mr. Keenig and his Parti Mauricien colleagues, who were not opposed in principle to the proposals but considered that the compensation arrangements are inadequate, are now considering their position in the Government. The Governor says that if Parti Mauricien Ministers resign, it will be for local political reasons. Meanwhile they understand that no disclosure may be made of the defence discussions and they have undertaken to consult the Governor before resigning and not to make any public statements before the 12th November.

5. As the Mauritius Council of Ministers has confirmed its agreement to the proposals, it is essential that the arrangements for detachment of these islands should be completed as soon as possible.

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6. From the United Nations point of view the timing is particularly awkward. We are already under attack over Aden and Rhodesia, and whilst it is possible that the arrangements for detachment will be ignored when they become public, it seems more likely that they will be added to the list of 'imperialist' measures for which we are attacked. We shall be accused of creating a new colony in a period of decolonisation and of establishing new military bases when we should be getting out of the old ones. If there were any chance of avoiding publicity until this session of the General Assembly adjourns at Christmas there would be advantage in delaying the Order in Council until then. But to do so would jeopardize the whole plan.

7. The Fourth Committee of the United Nations has now reached the item on Miscellaneous Territories and may well discuss Mauritius and Seychelles next week. If they raise the question of defence arrangements on the Indian Ocean Islands before we have detached them, the Mauritius Government will be under considerable pressure to withdraw their agreement to our proposals. Moreover we should lay ourselves open to an additional charge of dishonesty if we evaded the defence issue in the Fourth Committee and then made the Order in Council immediately afterwards. It is therefore important that we should be able to present the U.N. with a fait accompli.

8. In these circumstances I propose to arrange for an Order in Council to be made on Monday 8th November. A prepared written Parliamentary Question will be tabled on 9th November and answered on 10th November in the terms of the attached draft. Supplementary background guidance has been prepared for use with the press.

9. If we can meet the timetable set out in the previous paragraph

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SECRET

paragraph we shall have a good chance of completing the operation before discussion in the Fourth Committee reaches the Indian Ocean Islands. We shall then be better placed to meet the criticism which is inevitable at whatever time we detach these islands from Mauritius and Seychelles.

10. I am sending copies of this minute to our colleagues on the Defense and Overseas Policy Committee and to the Minister for Overseas Development.

ANTHONY GREENWOOD

5. 11. 65

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QUESTION

To ask the Secretary of State for the Colonies whether any further approaches have been made to the Mauritius and Seychelles Governments about the use of islands in the Indian Ocean for British and American defence facilities.

ANSWER

Yes. With the agreement of the Governments of Mauritius and Seychelles new arrangements for the administration of certain islands in the Indian Ocean were introduced by Order in Council made on the 8th November. The islands are the Chagos Archipelago, some 1,200 miles north-east of Mauritius, and Aldabra, Farquhar and Desroches in the Western Indian Ocean. Their populations are approximately 1000, 100, 172 and 112 respectively. The Chagos Archipelago was formerly administered by the Government of Mauritius and the other three islands by that of Seychelles. The islands will be called the British Indian Ocean Territory and will be administered by a Commissioner. It is intended that the islands will be available for the construction of defence facilities by the British and United States Governments, but no firm plans have yet been made by either government. Compensation will be paid as appropriate.

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ANNEX 27

Colonial Office Telegram No. 267 to Mauritius, No. 356 to
Seychelles, 6 November 1965, FO 371/184529

ANNEX 27

SECRET

PWZ

OUTWARD TELEGRAM

FROM THE SECRETARY OF STATE FOR THE COLONIES

TO SEYCHELLES (The Rt. Hon. The Earl of Oxford and Asquith)

Cypher

PAC 93/892/01

Sent 6th November, 1965. 03.50 hrs.

PRIORITY

SECRET (AND PERSONAL TO MAURITIUS)
No. 356

24/209

Addressed to Governor Seychelles
Repeated PRIORITY to Governor Mauritius PERSONAL No. 267

Following from Hall.

(To Seychelles) My telegram No. 355.

(To Mauritius) Your telegram No. 219.

U.K./U.S. Defence Interests.

For planning purposes we are assuming that Order in Council will be made on Monday 8th November and come into effect at once but no (repeat no) publicity will be given until Wednesday 10th November.

2. Order, which will be on general lines of British Antarctic Territories Order in Council, will in addition to detaching islands from Mauritius and Seychelles and constituting them as a separate colony:-

- (a) establish office of Commissioner;
- (b) provide for discharge of functions during vacancy etc. or by deputy; and Official Stamp;
- (c) provide for constitution of offices including the making of appointments;
- (d) empower Commissioner to make laws for the peace, order and good government of the territory subject to usual provisions regarding disallowance, etc.;
- (e) provide for powers of pardon etc.; disposal of land; and establishment of courts which may sit either in territory or elsewhere;
- (f) provide for continuance of existing laws without prejudice to lawmaking powers conferred upon Commissioner, for continuance and determination of court proceedings commenced before the date of the Order; and for the hearing of appeals related to such proceedings and the enforcement of judgments;

/(g)

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ANNEX 27

SECRET

- (g) reserve full power to Her Majesty to make laws and to amend and revoke the Order.

3. Legal proceedings, particularly criminal proceedings, arising after date of Order will cause problems and it will be necessary for Commissioner to establish courts to deal with any new cases, and to provide legal sanction for the detention of prisoners, and for the execution of sentences. Early action will also be needed for the review of Mauritius law in its application to Chagos Archipelago so that Seychelles law can be substituted where practicable. If it is necessary for persons convicted of offences in the new territory to serve sentences in Seychelles, presumably it will be necessary for the Seychelles to enact legislation for the execution of those sentences.

4. It is desirable for the vacuum between effective date of new Order and enactment of laws covering matters dealt with in previous paragraph and any others which you may consider necessary to be as short as possible.

5. At a later stage there will be a number of administrative matters requiring attention (e.g. continuance of provision for education in Chagos Archipelago at present provided for Mauritius). In the meantime we hope that both you and Governor of Mauritius will provide for existing arrangements to continue subject to any necessary financial adjustments being made in due course.

6. In addition to the Order in Council Royal Instructions and a Commission will be issued on 10th November. Before assuming duties, Order requires you to take oath of allegiance and the following oath - "I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors in the office of Commissioner of British Indian Ocean Territory".

7. You will be informed by telegram as soon as Order in Council has been made. Separate telegram on publicity will follow.

(Encryption passed to Ministry of Defence for transmission to Mauritius)

Copies sent to:-

Cabinet Office	- Mr. F.A.K. Harrison
" "	- Mr. T.W. Hall
Foreign Office	- Mr. G.G. Arthur
" "	- Mr. Moreland
Commonwealth Relations Office	- Mr. J.G. Doubleday
Ministry of Overseas Development	- Mr. I.H. Harris
Treasury	- Mr. P. Nicholls
Ministry of Defence	- Mr. M. Holton
" " "	- Mr. P.H. Moberly

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ANNEX 28

Foreign Office Telegram No. 4310 to the UK Mission to the United Nations, New York, 6 November 1965, FO 371/184529

TOP COPY

SECRETFROM FOREIGN OFFICE TO NEW YORK

(United Kingdom Mission to the United Nations)

Cypher/OTP

TRUSTEESHIP DISTRIBUTIONNo. 4310

D. 14.15 '6 November, 1965

6 November, 1965

IMMEDIATESECRET

Addressed to UKMis New York telegram No. 4310 of 6 November.
Repeated for information to: Washington.

Your telegram No. 2697 [of 28 October]: Indian Ocean Islands.

Seychelles Executive Council have unanimously agreed to detachment proposals. Mauritius Ministers accepted proposals on 5 November subject to certain understandings, which will be taken up with them separately, on the reversion of the Chagos islands, if and when these are no longer needed, and on any future benefits from minerals.

2. In view of possible publicity and consequent pressure on the Mauritius and Seychelles Governments to change their minds, we are proceeding with detachment immediately. We are arranging for an Order in Council to be made on 8 November and for a prepared Parliamentary Question to be tabled on 9 November for written answer on 10 November. Text of this, together with additional guidance will be telegraphed to you as soon as possible.

3. If this operation is complete before Mauritius comes up in the Fourth Committee it seems to us that you will then be better placed to deal with the inevitable criticism. We hope therefore that you will do your best to ensure that discussion of Mauritius and other territories in the Indian Ocean is put off for as long as possible, and at least until 11 November.

4. On the assumption that the timetable in paragraph 2 above is met, we should be grateful for your urgent advice on whether you should volunteer a statement in the Fourth Committee when Mauritius and Seychelles come up for discussion, or whether it would be better to wait until the question of defence facilities is raised by other members of the Committee. You will remember that this is likely since we informed Commonwealth and other interested Governments some time ago that we intended to seek the consent of Mauritius and Seychelles to the detachment of these islands.

5. You should concert tactics with the United States Delegation, on whose support we rely in this matter. We are informing the United States Embassy and asking them to clear our guidance with Washington.

6. If the news leaks from Mauritius before the Order in Council is made and you are tackled on this subject, you should refer for instructions.

uuuuu

SECRET

ANNEX 29

Colonial Office Telegram No. 298 to Mauritius, 8 November 1965,
FO 371/184529

ANNEX 29

SECRET

pw 2

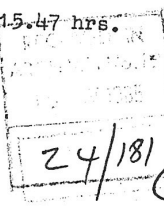
OUTWARD TELEGRAMFROM THE SECRETARY OF STATE FOR THE COLONIESTO MAURITIUS (Sir J. Rennie)

Cypher

PAC. 93/892/01

Sent 8th November, 1965

15.47 hrs.

IMMEDIATE
SECRET
NO. 298

Your telegram No. 247.

U.K./U.S. Defence Interests.

I am glad Council of Ministers have confirmed agreement to detachment of Chagos Archipelago.

2. As already stated in paragraph 6 of my despatch No. 423, the Chagos Archipelago will remain under British sovereignty. The islands are required for defence facilities and there is no intention of permitting prospecting for minerals or oils on or near them. The points set out in your paragraph 1 should not therefore arise but I shall nevertheless give them further consideration in view of your request.

3. I note PMSD Ministers are not opposed in principle to detachment but consider compensation inadequate. For islands some 1,200 miles from Mauritius from which the Mauritius Government has never derived much if any revenue, the payment of £3 million as development aid to Mauritius in addition to direct compensation to landowners and to costs of resettling others cannot, I consider, be regarded as inadequate. With regard to the other points mentioned in your paragraph 3, the U.S. Government has been warned that they will be raised with them and as you are aware some discussions have already been held with officials in London. No firm plans have yet been made for the construction of any defence facilities on these islands and these are matters which can only be decided in detail when such plans are drawn up.

4. I trust that PMSD Ministers will agree that in all the circumstances the present proposals are in the long term interest of Mauritius and that on reconsideration they will feel able to support them. I am disturbed to see from press reports today that despite the undertaking referred to in your paragraph 2 that no disclosures would be made at this stage, PMSD Ministers have given publicity to these proposals.

5. A meeting of the Privy Council was held this morning, 8th November, and an Order in Council entitled the British Indian Ocean Territory Order 1965 (S.I. 1965 No. (to follow)), has been made constituting the "British Indian Ocean Territory" consisting of the Chagos Archipelago and Aldabra, Farquhar and Desroches islands. Copies will be sent to you as soon as prints are available. Because Parliament was prorogued today I cannot inform it until Wednesday, 10th November of the making of this Order. I

shall

SECRET

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SECRET

shall be grateful therefore if no publicity is given to this until 15.30 hours G.M.T. on Wednesday. I am sending you separately text of my statement.

(Encyphered groups passed to Ministry of Defence (Navy)
for transmission to Mauritius)

Copies sent to:-

Cabinet Office	-	Mr. F. A. K. Harrison
" "	-	Mr. T. W. Hall
Treasury	-	Mr. P. Nicholls
" "	-	Mr. J. A. Patterson
Foreign Office	-	Mr. G. G. Arthur
" "	-	Mr. Moreland
Commonwealth Relations Office	-	Mr. J. G. Doubleday
Ministry of Overseas Development	-	Mr. I. H. Harris
Ministry of Defence	-	Mr. M. Holton
" " "	-	Mr. P. H. Moberly

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ANNEX 30

Foreign Office Telegram No. 4327 to the UK Mission to the United Nations, New York, 8 November 1965

TOP COPY

SECRET

FROM FOREIGN OFFICE TO NEW YORK
(United Kingdom Mission to the United Nations)

Cypher/OTP

No. 4327
8 November, 1965

TRUSTEESHIP DISTRIBUTION

IMMEDIATE
SECRET
BUILD

D. 13.18 8 November, 1965

Addressed to UKMIS New York telegram No. 4327 of
8 November,
Repeated for information to : Washington [Immediate]

My telegram No. 4310 [of 6 November : Indian Ocean],
paragraph 2.

Following is text of P.Q. and Answer:-

Begins:

Q. To ask the Secretary of State for the Colonies whether any further approaches have been made to the Mauritius and Seychelles Governments about the use of islands in the Indian Ocean for British and American defence facilities.

A. Yes. With the agreement of the Governments of Mauritius and Seychelles new arrangements for the administration of certain islands in the Indian Ocean were introduced by Order in Council made on the 8th November. The islands are the Chagos Archipelago, some 1,200 miles north-east of Mauritius, and Aldabra, Farquhar and Desroches in the Western Indian Ocean. Their populations are approximately 1,000, 100, 172 and 112 respectively. The Chagos Archipelago was formerly administered by the Government of Mauritius and the other three islands by that of Seychelles. The islands will be called the British Indian Ocean Territory and will be administered by a Commissioner. It is intended that the islands will be available for the construction of defence facilities by the British and United States Governments, but no firm plans have yet been made by either Government. Compensation will be paid as appropriate.

Ends.

2. Following is guidance (cleared with Americans) for use in answer to questions from the Press after the P.Q. has been answered.

/Begins:

SECRET

SECRETForeign Office telegram No. 4327 to UKMIS New York

Begins:

- (a) Consultation with other Governments. In addition to securing the approval of the Mauritius and Seychelles Governments, Commonwealth and other interested Governments have been informed of these plans at an earlier stage.
- (b) Compensation. Appropriate compensation will be paid to commercial and private interests, as well as to the Governments of Mauritius and Seychelles.
- (c) Facilities in View. Although no firm plans have yet been made either by Her Majesty's Government or by the United States Government for the construction of facilities, possibilities currently being considered are a United States communications station and supporting facilities and a Royal Navy refuelling depot, both on the island of Diego Garcia in the Chagos Archipelago.
- (d) Effect on Bases in Singapore and Aden. None. The only British facility envisaged, a naval refuelling station, is of a quite different order to those in Singapore and Aden.
- (e) First Step towards leaving Singapore and Aden. No connexion whatever. These facilities will be useful in themselves. Any decisions about redeployment of British forces must await the outcome of the Defence Review which is not yet complete.
- (f) Anticipation of the Defence Review Decisions. No. Construction of any new facilities at British expense will of course be subject to the decision of the Defence Review.
- (g) Number of Islands concerned. Islands other than Diego Garcia have been included in view of possible requirements in the long term.
- (h) Choice of Islands. The islands chosen have virtually no permanent inhabitants and are well placed for communications in the Indian Ocean area.
- (j) Cost sharing. In principle each Government will pay for the facilities they require.
- (k) Joint use. There will be provision for joint use.

// (1) CompensationSECRET

ANNEX 30

SECRET

Foreign Office telegram No.4327 to UKMIS New York

-3-

- (l) Compensation Costs. Compensation costs are the responsibility of Her Majesty's Government.
- (m) Timing. These arrangements have been under examination for some time. Initial surveys were carried out in the summer of 1964, as was made public at the time.
- (n) Other Islands. We have no plans for making similar arrangements elsewhere.
- (o) Use as Staging-Posts for Ships or Aircraft. This might be possible. We have no firm plans.

Ends.

88888

SECRET

ANNEX 31

UK Mission to the United Nations, New York, Telegram No. 2837
to the UK Foreign Office, 8 November 1965

SECRET

TOP COPY

FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations) ARCHIVE

Cypher/OTP

TRUSTEESHIP DISTRIBUTION - NOV 1965

Lord Caradon

No. 2837

8 November, 1965

IMMEDIATESECRETBUILD

D. 0312 9 November, 1965
R. 0423 9 November, 1965

24/197 - att'd

Addressed to Foreign Office telegram No. 2837 of
8 November,
Repeated for information Saving to: Washington

For consideration Tuesday morning.

Your telegrams numbers 4327 and 4330: Indian Ocean Islands.

This was not raised when debate on miscellaneous territories opened to-day and Soviet references to bases were in general terms. Speakers tomorrow may pick up Press reports mentioned in your second telegram under reference and once London announcement is out matter seems almost certain to be raised.

2. References in text of announcement to creation of the British Indian Ocean Territory may focus attention on points in Jerrom's letter IRD 140/52/01 of 28 July to Brown. The statement in paragraph 2(h) of first telegram under reference that there are "virtually" no permanent inhabitants may well lead to charges of failure to carry out our Charter obligations to those who are permanent inhabitants. Moreover, our counter-arguments will have to avoid giving ammunition to Argentina which is sure to perceive analogy with Falklands (i.e. we cannot argue that Indian Ocean Territory is not a non-self governing territory in sense of Chapter xi of Charter merely because there were no indigenous inhabitants originally or because only a few of present inhabitants are permanent).

3. In the circumstances best course if you agree might be to say, if we are pressed on this point, that all questions relating to future status of the Islands, applicability or otherwise of Chapter XI, administration, etc. are under consideration and decisions have not yet been taken. This may provoke pressure and even a resolution calling on us to accept Charter obligations for the new territory but so might a declaration that we shall not accept such obligations.

4. If we could say there are (repeat are) no permanent inhabitants many of these difficulties would not arise, but use of "virtually" (see paragraph 2 above) seems to preclude this.

5. In any case any available extra information about numbers of "permanent" inhabitants on each island and their origins would be most useful.

/6. We assume

SECRET

1563

ANNEX 31

SECRET

U.K.Mis. New York telegram No. 2837 to Foreign Office

-2-

6. We assume you do not wish us to say anything about "resettlement" even if this is raised in the Committee, except to refer to paragraph 5(c) of C.R.O. telegram No. W/Circular 61 Saving of 6 July about seeing that the interests of the few local inhabitants are protected.

7. An alternative line may be against the alleged breach of paragraph 6 of resolution 1514(xv) involved in detachment (and this may somewhat direct attention from status of the new territory). This is likely to attract wide support. We would reply that Islands were administered under Mauritius and Seychelles only for convenience and that paragraph 6 is therefore irrelevant.

8. Grateful for reply to points in paragraphs 2 - 5 by noon New York time on 10 November if possible.

ADVANCE COPIES TO:-

F.O. Private Secretary

P.U.S.

Mr. Greenhill

Hd. of U.N. Dept.

C.R.O. Private Secretary

P.U.S.

Mr. Walsh Atkins

Hd. of Defence Dept.

CCCCC

SECRET

ANNEX 32

“British Indian Ocean Territory” Order No. 1 of 1965

STATUTORY INSTRUMENTS

1965 No. 1920

Overseas Territories

The British Indian Ocean Territory Order 1965

Made 8th November 1965

At the Court at Buckingham Palace, the 8th day of November 1965

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Colonial Boundaries Act 1895, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the British Indian Ocean Territory Order Citation. 1965.

2. (1) In this Order—

Inter-pretation.

“ the Territory ” means the British Indian Ocean Territory;

“ the Chagos Archipelago ” means the islands mentioned in schedule 2 to this Order;

“ the Aldabra Group ” means the islands as specified in the First Schedule to the Seychelles Letters Patent 1948 and mentioned in schedule 3 to this Order.

(2) The Interpretation Act 1889 shall apply, with the necessary modifications, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of Parliament of the United Kingdom.

3. As from the date of this Order—

British Indian Ocean Territory to be a separate colony.

(a) the Chagos Archipelago, being islands which immediately before the date of this Order were included in the Dependencies of Mauritius, and

(b) the Farquhar Islands, the Aldabra Group and the Island of Desroches, being islands which immediately before the date of this Order were part of the Colony of Seychelles,

shall together form a separate colony which shall be known as the British Indian Ocean Territory.

4. There shall be a Commissioner for the Territory who shall be appointed by Her Majesty by Commission under Her Majesty's Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

Establishment of office of Commissioner.

APPENDIX B—*continued*

Powers and
duties of
Com-
missioner.

5. The Commissioner shall have such powers and duties as are conferred or imposed upon him by or under this Order or any other law and such other functions as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Order and any other law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time see fit to give him.

Oaths to be
taken by
Com-
missioner.

6. A person appointed to hold the office of Commissioner shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and the oath for the due execution of his office in the forms set out in Schedule 1 to this Order.

Discharge of
Commissioner's func-
tions during
vacancy, etc.

7. (1) Whenever the office of Commissioner is vacant or the Commissioner is absent from the Territory or is from any other cause prevented from or incapable of discharging the functions of his office, those functions shall be performed by such persons as Her Majesty may designate by instructions given under Her Sign Manual and Signet or through a Secretary of State.

(2) Before any person enters upon the performance of the functions of the office of Commissioner under this section, he shall take and subscribe the oaths directed by section 6 of this Order to be taken by a person appointed to hold the office of Commissioner.

(3) For the purposes of this section—

(a) the Commissioner shall not be regarded as absent from the Territory, or as prevented from, or incapable of, discharging the functions of his office, by reason only that he is in the Colony of Seychelles or is in passage between that Colony and the Territory or between one part of the Territory and another; and

(b) the Commissioner shall not be regarded as absent from the Territory, or as prevented from, or incapable of, discharging the functions of his office at any time when an officer is discharging those functions under section 8 of this Order.

Discharge of
Commissioner's func-
tions by
deputy.

8. (1) The Commissioner may, by instrument under the Official Stamp of the Territory, authorize a fit and proper person to discharge for and on behalf of the Commissioner on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Commissioner as may be specified in that Instrument.

APPENDIX B—*continued*

(2) The powers and authority of the Commissioner shall not be affected by any authority given to such person under this section otherwise than as Her Majesty may at any time think proper to direct, and such person shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of Commissioner as the Commissioner may from time to time address to him.

(3) Any authority given under this section may at any time be varied or revoked by Her Majesty by instructions given through a Secretary of State or by the Commissioner by Instruments under the Official Stamp of the Territory.

9. There shall be an Official Stamp for the Territory which the Commissioner shall keep and use for stamping all such documents as may be by any law required to be stamped therewith. Official Stamp.

10. The Commissioner, in the name and on behalf of Her Majesty, may constitute such offices for the Territory, as may lawfully be constituted by Her Majesty and, subject to the provisions of any law for the time being in force in the Territory and to such instructions as may from time to time be given to him by Her Majesty through a Secretary of State, the Commissioner may likewise— Constitution of offices.

(a) make appointments, to be held during Her Majesty's pleasure, to any office so constituted; and

(b) dismiss any person so appointed or take such other disciplinary action in relation to him as the Commissioner may think fit.

11. (1) The Commissioner may make laws for the peace, order and good government of the Territory, and such laws shall be published in such manner as the Commissioner may direct. Power to make laws.

(2) Any laws made by the Commissioner may be disallowed by Her Majesty through a Secretary of State.

(3) Whenever any law has been disallowed by Her Majesty, the Commissioner shall cause notice of such disallowance to be published in such manner as he may direct.

(4) Every law disallowed shall cease to have effect as soon as notice of disallowance is published as aforesaid, and thereupon any enactment amended or repealed by, or in pursuance of, the law disallowed shall have effect as if the law had not been made.

(5) Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act 1889 shall apply to such disallowance as they apply to the repeal of an enactment by an Act of Parliament.

APPENDIX B—*continued*

Commissioner's
powers of
pardon, etc.

12. The Commissioner may, in Her Majesty's name and on Her Majesty's behalf—

- (a) grant to any person concerned in or convicted of any offence against the laws of the Territory a pardon, either free or subject to lawful conditions; or
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence imposed on that person for any such offence; or
- (c) substitute a less severe form of punishment for any punishment imposed by any such sentence; or
- (d) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence.

Concurrent
appoint-
ments.

13. Whenever the substantive holder of any office constituted by or under this Order is on leave of absence pending relinquishment of his office—

- (a) another person may be appointed substantively to that office;
- (b) that person shall, for the purpose of any functions attaching to that office, be deemed to be the sole holder of that office.

Disposal of
land.

14. Subject to any law for the time being in force in the Territory and to any Instructions from time to time given to the Commissioner by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, the Commissioner, in Her Majesty's name and on Her Majesty's behalf, may make and execute grants and dispositions of any lands or other immovable property within the Territory that may be lawfully granted or disposed of by Her Majesty.

Existing
laws.

15. (1) Except to the extent that they may be repealed, amended or modified by laws made under section 11 of this Order or by other lawful authority, the enactments and rules of law that are in force immediately before the date of this Order in any of the islands comprised in the Territory shall, on and after that date, continue in force therein but shall be applied with such adaptations, modifications and exceptions as are necessary to bring them into conformity with the provisions of this Order.

(2) In this section „enactments” includes any instruments having the force of law.

Exercise of
jurisdiction
by courts.

16. (1) The Commissioner, with the concurrence of the Governor of any other colony, may, by a law made under section 11 of this Order, confer jurisdiction in respect of the Territory upon any court established for that other colony.

(2) Any such court as is referred to in subsection (1) of this section and any court established for the Territory by a law made under section 11 of this Order may, in accordance with any directions issued from time to time by the Commissioner, sit in the Territory or elsewhere for the purpose of exercising its jurisdiction in respect of the Territory.

APPENDIX B—*continued*

17. (1) Notwithstanding any other provisions of this Order but subject to any law made under section 11 thereof, Judicial proceedings.

- (a) any proceedings that, immediately before the date of this Order, have been commenced in any court having jurisdiction in any of the islands comprised in the Territory may be continued and determined before that court in accordance with the law that was applicable thereto before that date;
- (b) where, under the law in force in any such island immediately before the date of this Order, an appeal would lie from any judgment of a court having jurisdiction in that island, whether given before that date or given on or after that date in pursuance of paragraph (a) of this subsection, such an appeal shall continue to lie and may be commenced and determined in accordance with the law that was applicable thereto before that date;
- (c) any judgment of a court having jurisdiction in any such island given, but not satisfied or enforced, before the date of this Order, and any judgment of a court given in any such proceedings as are referred to in paragraph (a) or paragraph (b) of this subsection, may be enforced on and after the date of this Order in accordance with the law in force immediately before that date.

(2) In this section “judgment” includes decree, order, conviction, sentence and decision.

18. (1) The Seychelles Letters Patent 1948 as amended by the Seychelles Letters Patent 1955 are amended as follows:—

- (a) the words “and the Farquhar Islands” are omitted from the definition of “the Colony” in Article 1(1);
- (b) in the first schedule the word “Desroches” and the words “Aldabra Group consisting of”, including the words specifying the islands comprised in that Group, are omitted.

Amendment
of Seychelles
Letters
Patent 1948
and Mauri-
tius (Con-
stitution)
Order 1964,
etc.

(2) Section 90(1) of the Constitution set out in schedule 2 to the Mauritius (Constitution) Order 1964 is amended by the insertion of the following definition immediately before the definition of “the Gazette”:

“Dependencies” means the islands of Rodrigues and Agalega, and the St. Brandon Group of islands often called Cargados Carajos;”,

(3) Section 2(1) of the Seychelles (Legislative Council) Order in Council 1960 as amended by the Seychelles (Legislative Council) (Amendment) Order in Council 1963 is further amended by the deletion from the definition of “the Colony” of the words “as defined in the Seychelles Letters Patent 1948”.

APPENDIX B—*continued*

19. There is reserved to Her Majesty full power to make laws from time to time for the peace, order and good government of the British Indian Ocean Territory (including, without prejudice to the generality of the foregoing, laws amending or revoking this Order). ^{Power reserved to Her Majesty.}

(sd) W. G. AGNEW

SCHEDULE I

Section 6

OATH (OR AFFIRMATION) OF ALLEGIANCE

I,.....do swear (or do solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

OATH (OR AFFIRMATION) FOR THE DUE EXECUTION OF
THE OFFICE OF COMMISSIONER

I,.....do swear (or do solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of Commissioner of the British Indian Ocean Territory.

SCHEDULE 2

Section 2(1)

Diego Garcia
Egmont or Six Islands
Péros Banhos

Salomon Islands
Trois Frères, including Danger Island and
Eagle Island

SCHEDULE 3

West Island
Middle Island
South Island

Cocoanut Island
Euphratis and other small Islets.

Note: The British Indian Ocean Territory Order 1965 was amended, as follows, by the British Indian Ocean Territory (Amendment) Order 1968:—

- (a) In the definition of "the Aldabra Group" in section 2(1) the words "as specified in the First Schedule to the Seychelles Letters Patent 1948 and" were omitted;
- (b) in schedule 2 for the words—
"Trois Frères, including Danger Island and Eagle Island." there were substituted the words—
"Three Brothers Islands
Nelson or Legour Island
Eagle Islands
Danger Islands."; and
- (c) in schedule 3 the words "Polymnie Island" were inserted immediately after the words "Cocoanut Island".

ANNEX 33

Foreign Office Telegram No. 4361 to the UK Mission to the United
Nations, New York, 10 November 1965

ANNEX 33

SECRET

TOP COPY

FROM FOREIGN OFFICE TO NEW YORK
(United Kingdom Mission to the United Nations)

Cypher/OTP

TRUSTEESHIP
DISTRIBUTION

No. 4361
10 November, 1965

D. 1711 10 November, 1965.

IMMEDIATE
SECRET
BUILD

Addressed to UKMIS New York telegram No. 4361 of 10 November
Repeated for information to:- Washington [Immediate]

Your telegram No. 2837 [of 8 November].

Indian Ocean Islands.

We recognize that we are in a difficult position as regards references to people at present on the detached Islands since we want to avoid the territory being classes as non-self-governing within the terms of Chapter XI and also do not wish to give an argument to the Argentine over the Falkland Islands and also to some extent to Spain over Gibraltar.

2. Figures of total population are given in Parliamentary Answer. (My telegram No. 4327.) They can all be classified as Mauritians or Seychellois but we know that a few were born on Diego Garcia and perhaps some of the other Islands and so were their parents before them. We cannot therefore assert that there are no permanent inhabitants however much this would have been to our advantage.

3. In these circumstances we think it would be best to avoid all references to "permanent inhabitants". We are accordingly arranging that in place of the guidance in paragraph 2(h) of our telegram No. 4327 on population the following will be used in answer to questions by the Press in London:-

Begins.

"The total population in all the Islands numbers only about 1,500 persons who, apart from a few officials and estate managers, consist of labourers from Mauritius and Seychelles employed on copra estates, guano extraction, and the turtle industry together with their dependants."

Ends.

/4. If questioned

SECRET

ANNEX 33

SECRET

Foreign Office telegram No. 4361 to UKMIS New York

-2-

4. If questioned on this subject you should reply accordingly. You can add that we have of course their welfare very much in mind and shall be discussing with the Governments of Mauritius and Seychelles the arrangements that can most suitably be made for them. As stated in the Parliamentary Answer the territory will be administered by a Commissioner and you could say that the detailed arrangements have yet to be made. You could if you think that this would be useful indicate that in presenting reports next year for 1965 on Mauritius and Seychelles we will include a statement of what these arrangements are.

5. You should know that present thinking is that inhabitants would not be removed from all the Islands until they are required for defence purposes but timing will depend on resettlement plans which have yet to be worked out. This may make it difficult to avoid an obligation to report on the territory under Article 73(e). We are most anxious however not to have to do this and are considering the matter further. In the meantime we should wish to avoid any comment on the applicability of Chapter XI. If this is raised in a way which requires some answer you should say that it would be premature to deal with the question until detailed arrangements for the administration of the territory have been worked out. If a resolution is tabled calling on us to accept Charter obligations for the territory you should seek instructions but we hope this can be avoided.

6. Your paragraph 6. We agree; see also paragraph 4. above.

7. Your paragraph 7. We agree. You could also say that the two Governments have been fully consulted about and are in agreement with the new arrangements.

SSSSS

SECRET

ANNEX 34

Colonial Office Telegram No. 305 to Mauritius, 10 November 1965

CONFIDENTIALOUTWARD TELEGRAMFROM THE SECRETARY OF STATE FOR THE COLONIESTO MAURITIUS (Sir J. Rennie)

Cypher

Sent 10th November, 1965.

PAC 93/892/016

15.30 hrs.

PRIORITY
CONFIDENTIAL
No. 505Addressed to Governor Mauritius.
Repeated " " Seychelles No. 368.

Chagos Archipelago Fishing.

Grateful to receive by savingram brief report
indicating:

- (a) nature of fishing practised by people in Chagos Archipelago;
- (b) indication of use made of international waters in Archipelago and of any facilities in islands by vessels of any other countries other than those of Seychelles;
- (c) extent of territorial waters round islands;
- (d) value to Mauritius of waters in Archipelago as sources of fish.

2. It would seem possible that Messrs. Chagos Agalega Ltd., registered in Seychelles, may be able to supply information about some of above points more readily than Mauritius Government. Grateful, therefore, if you will repeat gist of reply by telegram to Governor Seychelles and if he will furnish such additional information as may be available to him.

(Encyphered text sent to Ministry of Defence for transmission to Mauritius).

Copies sent to:-

Cabinet Office

" "

Treasury

"

Foreign Office

" "

Commonwealth Relations Office

Ministry of Overseas Development

Ministry of Defence

" " "

- Mr. F. A. K. Harrison
- Mr. T. W. Hall
- Mr. P. Nicholls
- Mr. J. A. Patterson
- Mr. G. G. Arthur
- Mr. Moreland
- Mr. J. G. Doubleday
- Mr. I. H. Harris
- Mr. M. Holton
- Mr. P. H. Moberly

CONFIDENTIAL

ANNEX 35

UK Mission to the United Nations, New York, Telegram No. 2971
to the UK Foreign Office, 16 November 1965

2
TOP COPY

FROM NEW YORK TO FOREIGN OFFICE
 (United Kingdom Mission to the United Nations)

En Clair

TRUSTEESHIP DISTRIBUTION

Lord Caradon

D. 0344 17 November 1965
 R. 0410 17 November 1965

No. 2971

16 November 1965

PRIORITY
BUILD

20/212

Addressed to Foreign Office telegram No. 2971 of 16 November
Repeated for information to: Mauritius Seychelles
and Saving to: Washington

Fourth Committee - British Indian Ocean Territory.

This was raised in today's debate by Tanzania, Cuba, Yugoslavia and in passing by India. Speakers quoted Press reports of the United Kingdom announcement of 10 November and concentrated on

- (a) creation of a new 'colony';
- (b) inadmissibility of detaching land from a colonial Government regardless of compensation ('hush money') paid;
- (c) damage to interests of a minority even if representatives of the majority had been persuaded to agree; and
- (d) violation of Resolution 1514 (xv).

2. In his general winding up statement at conclusion of today's meetings Brown included a short passage in reply to these points immediately after describing outcome of Mauritius Conference. Text is in my immediately following telegram.

Foreign Office please pass Priority to Mauritius 2 and Seychelles 1.

[Copy sent to Colonial Office for repetition to Mauritius and Seychelles]

PPPPP

17 NOV

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 1965

ANNEX 36

UK Mission to the United Nations, New York, Telegram No. 2972
to the UK Foreign Office, 16 November 1965

2

FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair

Lord Caradon

No. 2972

16 November, 1965

PRIORITY
BUILD

TRUSTEESHIP DISTRIBUTION

D. 0313 17 November, 1965

R. 0400 17 November, 1965

Addressed to Foreign Office telegram No. 2972 of 16 November
Repeated for information to:- Mauritius and Seychelles
and Saving to:- Washington.

My immediately preceding telegram: Indian Ocean.

Text is as follows:

Questions have been raised about the plans of the United Kingdom Government for certain Islands in the Indian Ocean. The facts are these - the Islands in question are small in area, widely scattered in the Indian Ocean, with a total population of only about 1500 persons who, apart from a few officials and estate managers, consists of labourers from Mauritius and Seychelles employed on copra estates, giano extraction, and the turtle industry, together with their dependents. They were uninhabited when my Government first acquired them. They were attached to the Mauritius and Seychelles administrations for reasons of administrative convenience.

After discussing with the Mauritius and Seychelles Governments and with their agreement, new arrangements for the administration of these Islands were introduced on 8 November. The Islands will no longer be administered by the Mauritius and Seychelles Governments but by a Commissioner. My Government thought it right, at the present stage in the constitutional progress of Mauritius and Seychelles towards self-government, to discuss these proposals with these governments, including the elected representatives of their peoples. Those Governments have approved them.

My Government made it clear to the Governments of Mauritius and the Seychelles that they did not wish them to incur any expense or loss as a result of the new arrangements. By agreement appropriate compensation is to be paid not only to the Governments of Mauritius and the Seychelles, but also to any commercial and private interests which may be affected. Great care has been and /will

U.K. via New York telegram No. 2972 to Foreign Office

-2-

will be taken to look after the welfare of the few local inhabitants and we shall be discussing with the Governments of Mauritius and Seychelles, the arrangements that can most suitably be made for them.

Finally there is no question of these proposals resulting in the splitting up of natural territorial units. The Islands are widely scattered. The Chagos archipelago for instance is 1200 miles from Mauritius. The Islands have been administered as dependencies of Mauritius and the Seychelles purely as a matter of convenience. All that is involved here is an administrative re-adjustment, freely worked out with the Governments and elected representatives of the people concerned.

Foreign Office please pass Mauritius No. 3 and Seychelles No. 2.

[Transmitted to C.O. for repetition to Mauritius and Seychelles]

bbbbb

ANNEX 37

Mauritius Telegram (unnumbered) to the Secretary of State for the
Colonies, 17 November 1965

CONFIDENTIAL
INWARD TELEGRAM
TO THE SECRETARY OF STATE FOR THE COLONIES

FROM MAURITIUS (Sir J. Rennie)

Cypher D. 17th November, 1965.
 R. 17th " " "

10.20 hrs.

24/217 (A)

PRIORITY
CONFIDENTIAL
 Unnumbered

Please pass following telegram to Governor Seychelles
 as my No. M.72.

Begins.

Secretary of State's telegram No. 305 of 10th November.

Chagos Archipelago Fishing.

Reply forwarded by savingram on following lines:-

- (a) Nature fishing practised: mainly handline with some basket and net fishing by local population for own consumption.
- (b) Use of international waters: nil, though vessels from Seychelles and occasionally Mauritius use anchorage facilities.
- (c) Extent territorial waters: unknown. Area covered by banks (up to 80 fathoms) about 6,000 square miles.
- (d) Value as source of fish: best reference report Wheeler Ommamey, Mauritius Seychelles Fisheries Survey. Fishable area roughly 2,433 square miles. Available potential: fish 95,000 tons, shark 147,000 tons.

Ends.

(Passed to Seychelles as Colonial Office
 telegram No. 381)

Copies sent to:-

Cabinet Office	- Mr. F.A.K. Harrison
" "	- Mr. T.W. Hall
Treasury	- Mr. P. Nicholls
" "	- Mr. J.A. Patterson
Foreign Office	- Mr. G.G. Arthur
" "	- Mr. Moreland
Commonwealth Relations Office	- Mr. J.G. Doubleday
" " "	- Mr. Posnett
Ministry of Overseas Development	- Mr. I.H. Harris
Ministry of Defence	- Mr. M. Holton
" " "	- Mr. P.H. Moberly

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ANNEX 38

United Nations General Assembly Resolution 2066 (XX),
16 December 1965

the Cook Islands¹³ and the information on subsequent developments,¹⁴

Having heard the statements made by the United Nations Representative for the Supervision of the Elections in the Cook Islands and the representative of New Zealand,

Noting that, under the Constitution which came into force on 4 August 1965, the people of the Cook Islands have reserved their right to move to a status of complete independence,

1. *Approves* the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Cook Islands;

2. *Notes* the findings and conclusions of the United Nations Representative for the Supervision of the Elections in the Cook Islands and expresses its high appreciation to the Representative and his staff;

3. *Expresses its appreciation* of the co-operation extended to the United Nations by the Government of New Zealand in the study of the question of the Cook Islands;

4. *Notes* that the Constitution of the Cook Islands came into force on 4 August 1965, from which date the people of the Cook Islands have had control of their internal affairs and of their future;

5. *Considers* that since the Cook Islands have attained full internal self-government, the transmission of information in respect of the Cook Islands under Article 73 e of the Charter of the United Nations is no longer necessary;

6. *Reaffirms* the responsibility of the United Nations, under General Assembly resolution 1514 (XV), to assist the people of the Cook Islands in the eventual achievement of full independence, if they so wish, at a future date;

7. *Expresses the hope* that the United Nations Development Programme and the specialized agencies will endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands.

*1398th plenary meeting,
16 December 1965.*

2065 (XX). Question of the Falkland Islands (Malvinas)

The General Assembly,

Having examined the question of the Falkland Islands (Malvinas),

Taking into account the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas),¹⁵ and in particular the conclusions and recommendations adopted by the Committee with reference to that Territory,

Considering that its resolution 1514 (XV) of 14 December 1960 was prompted by the cherished aim of bringing to an end everywhere colonialism in all its

forms, one of which covers the case of the Falkland Islands (Malvinas),

Noting the existence of a dispute between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the said Islands,

1. *Invites* the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas);

2. *Requests* the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the negotiations.

*1398th plenary meeting,
16 December 1965.*

2066 (XX). Question of Mauritius

The General Assembly,

Having considered the question of Mauritius and other islands composing the Territory of Mauritius,

Having examined the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Mauritius,¹⁶

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Regretting that the administering Power has not fully implemented resolution 1514 (XV) with regard to that Territory,

Noting with deep concern that any step taken by the administering Power to detach certain islands from the Territory of Mauritius for the purpose of establishing a military base would be in contravention of the Declaration, and in particular of paragraph 6 thereof,

1. *Approves* the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Mauritius, and endorses the conclusions and recommendations of the Special Committee contained therein;

2. *Reaffirms* the inalienable right of the people of the Territory of Mauritius to freedom and independence in accordance with General Assembly resolution 1514 (XV);

3. *Invites* the Government of the United Kingdom of Great Britain and Northern Ireland to take effective measures with a view to the immediate and full implementation of resolution 1514 (XV);

4. *Invites* the administering Power to take no action which would dismember the Territory of Mauritius and violate its territorial integrity;

¹³ *Ibid.*, Twentieth Session, Annexes, agenda items 23 and 24, document A/5962.

¹⁴ *Ibid.*, document A/5961.

¹⁵ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter XXIII; *ibid.*, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XXII.

¹⁶ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter XIV; *ibid.*, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XIII.

5. *Further invites* the administering Power to report to the Special Committee and to the General Assembly on the implementation of the present resolution;

6. *Requests* the Special Committee to keep the question of the Territory of Mauritius under review and to report thereon to the General Assembly at its twenty-first session.

*1398th plenary meeting,
16 December 1965.*

2067 (XX). Question of Equatorial Guinea (Fernando Póo and Río Muni)

The General Assembly,

Having examined the situation in the Territories of Fernando Póo and Río Muni,

Having heard the statements of the administering Power and the petitioners,

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Taking particularly into account the conclusions and recommendations of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the aforesaid Territories,¹⁷

Noting that the Territories of Fernando Póo and Río Muni have been merged and named Equatorial Guinea,

1. *Reaffirms* the inalienable right of the people of Equatorial Guinea to self-determination and independence;

2. *Requests* the administering Power to set the earliest possible date for independence after consulting the people on the basis of universal suffrage under the supervision of the United Nations;

3. *Invites* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to follow the progress of the implementation of the present resolution and to report thereon to the General Assembly at its twenty-first session.

*1398th plenary meeting,
16 December 1965.*

2068 (XX). Question of Fiji

The General Assembly,

Having examined the question of Fiji,

Having studied the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Fiji,¹⁸

Recalling its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962 and 1951 (XVIII) of 11 December 1963 and the resolution adopted by the Special Committee on 5 November 1964,¹⁹

Noting with regret that the administering Power has not yet taken effective measures to implement the resolutions of the General Assembly,

¹⁷ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter IX, para. 111.

¹⁸ *Ibid.*, chapter XIII; *ibid.*, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XII.

¹⁹ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter XIII, para. 119.

Taking into account the fact that any further delay in the implementation of those resolutions would create further hardships for the people of the Territory,

Considering that the constitutional changes contemplated by the administering Power would foment separatist tendencies and stand in the way of the political, economic and social integration of the people as a whole,

1. *Approves* the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Fiji, and endorses the conclusions and recommendations set forth therein;

2. *Reaffirms* the inalienable right of the people of Fiji to freedom and independence in conformity with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. *Invites* the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to implement immediately the resolutions of the General Assembly;

4. *Requests* the administering Power to take, as a matter of urgency, measures to repeal all discriminatory laws and to establish an unqualified system of democratic representation based on the principle of "one man, one vote";

5. *Further requests* the administering Power to report to the Special Committee and to the General Assembly on the implementation of the present resolution;

6. *Invites* the Special Committee to keep the question under consideration and to report thereon to the General Assembly at its twenty-first session;

7. *Decides* to include the question of Fiji in the provisional agenda of its twenty-first session.

*1398th plenary meeting,
16 December 1965.*

2069 (XX). Question of American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands

The General Assembly,

Having considered the question of American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands,

Having examined the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to these Territories,²⁰

²⁰ *Ibid.*, chapters XIV-XVII, XIX, XX, XXIV and XXV; *ibid.*, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapters XIII-XVI, XVIII, XIX, XXIII and XXIV.

ANNEX 39

Despatch dated 7 January 1966 from C.G. Eastwood, Colonial
Office to F.D.W. Brown, UK Mission to the
United Nations, New York

CONFIDENTIALMr du Boulay
P.U.S.D. 10/1

C. Ten

10/1

IRD 140/458/01

7th January, 1966.

It now looks as though we are not going to reach very rapid conclusions in the Indian Ocean Territory as regards the resettlement of the present inhabitants and the sorting out of their future status. In the circumstances, we must consider the likelihood that the U.N. will want to put the Territory on their list of non-self-governing territories (and expect us to report on it under Article 73(e)) before we have got far with resettlement. We assume that when the Committee of 24 resumes its operations and gets down to drawing up a list of non-self-governing territories we shall probably find the Indian Ocean Territory there, but should be grateful for your advice on this.

24/206 (65)

2. The extent of our thinking at present is summarised in Foreign Office telegram No. 4361 which we sent to you on the 10th November in response to your request for instructions for the Fourth Committee debate. We shall, however, have to submit the matter to Ministers, and the purpose of this letter is to exchange views with you before we put forward a recommendation to them.

3. The Colonial Office view is that we should not accept an obligation to report on the Territory under Article 73(e), even if the refusal to do so is likely to produce a strong reaction in the Committee of 24 and the General Assembly. The main reason for this view is that we cannot in respect of the Indian Ocean Territory accept that "the interests of the inhabitants of these territories are paramount". We should therefore get into a false position at once if we agreed that the Territory fell within the scope of Chapter XI of the Charter. We also believe that the Americans would be strongly opposed to acceptance by us of a Charter responsibility for the Territory.

4. If this argument is accepted as conclusive, we are left with two questions; what reaction can we expect in the United Nations, and how best can we justify our decision? No doubt you will advise us on the first point. On the second I will sketch out briefly the basis of argument which we have in mind at present and should be grateful for your comments from the United Nations point of view.

5. In November we decided not to risk the assertion that there are no permanent inhabitants in the detached islands. I gather that in subsequent discussion Robert Newton thought that the point was arguable. But it depends on what one means by a "permanent inhabitant" and we can, of course, be sure that the strictest tests would be applied by the Committee of 24 to any proposition of this sort which we put forward. Our conclusion is that we should continue to avoid use of the phrase "permanent inhabitants" until resettlement has reached the stage at which we can say without fear of

F.D.W. Brown, Esq., C.M.G.,
U.K. Mission to the United Nations.

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contradiction that the Territory has none. It may be some time before we finally reach that stage, as the defence requirement now seems rather less urgent than we thought and the planters may be able to continue to operate their plantations for the time being with their existing labour force. However, we hope shortly to strengthen our position :-

- (1) by buying out the landowners and giving them options, if they wish, to lease their plantations on a short term basis, and
- (2) by issuing all the labourers and their families with temporary residence permits, showing each of them to be a resident of either Mauritius or Seychelles and restricting their residence in the Territory to short periods (which could, of course, be renewed at intervals until evacuation takes place).

6. In the meantime if we have to say anything in the U.N. we see no alternative to developing the line (which you touched on in your statement on the 16th November) that the people in the islands are Mauritians and Seychellois. We should say that these people are making a living on the basis of contract or day-to-day employment by the companies engaged in exploiting the islands; that where the new use of any, or all, of the islands of the Territory makes it impossible for these operations to continue on the old scale the people concerned will be resettled in Mauritius or Seychelles; that where it is possible for some of them to continue, at any rate for a time, to be employed by the concerns operating in the islands arrangements will be made for them to have temporary residence permits; but that they will remain "belongers" of Mauritius or Seychelles.

I am copying this letter to Sam Falle at the Foreign Office and Ian Watt at the C.R.O.

(C.C.Eastwood)

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