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

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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 Hilton Poynton
Sir John Rennie
Mr. E. R. Hoakes
Mr. E. Stacpoole

Sir S. Ramgoolam
Mr. S. Bissanodyal
Mr. J. H. Patward
Mr. A. R. Mohamed

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)
(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. STR 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. BISSONDOYAL 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. PATUREAU 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. BISSONDOYAL asked whether there could be an assurance that supertoe British Government would be used as 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. STR S. RAMGOOLAM asked the reason for Mr. Koenig's absence from the meeting and MR. BISSONDOYAL 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.

/10.
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 £500,000 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 £2m 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 £2m, 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. FOYTON 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. BISOUNOUYAL 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.

/18.
18. MR. PATUBU 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.B. & 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 Mr. Ramgoolam, Mr. Bissondooyal 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:

/(a)/
SECRET

(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. Dossouroyal 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 Mauritians 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. Patuau 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. HENKIS 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. Ramgoolum 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 an understanding.

SECRET

[Table with reference numbers and codes]
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. Omanso. Mr. Fatumnu said he was unable to concur.
ANNEX 20


• 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
CONFIDENTIAL

FOREIGN OFFICE, S.W. 1.


Thank you for your letter 113101/65G 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.

CONFIDENTIAL
List of Officials who took part in U.S./U.K.
Talks on Defence Facilities in the Indian Ocean
21-26 September, 1965

U.S. Side

Jeffrey C. Kitchin
State Department

Howard Meyers
State Department

Capt. Anbury Corrard
State Department

Ray Borden
OSD/IGA (FMR)

C. J. Allen
OSD/Assistant General Council

Capt. R.M. Timmerman
USN, Joint Chiefs of Staff

Mr. T.J. Bissel
(NCC-3), Navy, Op/Nav

Mr. R.O. Hancock
Air Force, Office of Secretary of the Air Force/Assistant General Council

Mr. T.J. Allen
Navy, Bureau of Weapons

Col. Hendtath
USN

Mr. Philip R. Barringar
U.S. Embassy

Mr. H. Dannen
U.S. Embassy

U.K. Side

Mr. F.J. Peck
Foreign Office

Mr. F.L. Banks-Fox
Foreign Office

Mr. J.R.J. Graham
Foreign Office

Mr. H.R. Young
Foreign Office

Mr. W.R. Norland
Foreign Office

Mr. J. Surline
Def. 11, Ministry of Defence

Mr. P. Eberly
Def. 1, Ministry of Defence

Mr. E. Bolton
(AUS/NAV) Space (N), Ministry of Defence

Mr. E.J. Penny
M.A.T, Ministry of Defence

Mr. R. Bland
Colonial Office

Mr. A.T. Fairclough
M.A.T, Ministry of Defence

Mr. R. Blackley
M.A.T, Ministry of Defence

Mr. R. Terrell
M.A.T, Ministry of Defence

Mr. Baker
Treasury Solicitors Office

/Sigs/ F. Michie

SECRET
SECRET

DEFENSE FACILITIES IN THE PACIFIC OCEAN

Record of a Meeting with an American Delegation headed by Mr. Fred Atcheson, on
28 September, 1956. Held in the
chair

Mr. Peck began by thanking the Americans for coming. He explained that the Constitutional Conference on the future of Burundi has not yet ended; it should finish at the end of the week, and that British Ministers' attention to the defense project was still not finally clear. The present talks must therefore be without commitment and without prejudice to the conclusion of a satisfactory settlement in Burundi. 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. Farquhar then explained the position reached in the Burundi constitutional conference. The British side had tried to keep the independence issue separate from the defense project, but the outcome of the latter was found to depend partly on the former problem. One main party in Burundi with a different policy from that of the Government but belonging to the coalition government, favoured some continuing link with Britain. By Burundi'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. Second or the loose nature of the coalition government the defense project had not been discussed with Ministers from all parties. Both pro and anti independence parties regarded the defense project as a bargaining card which they might use either to achieve or to avoid complete independence. No party leader wanted to settle the defense project before the independence issue was settled. All Burundi Ministers had given a positive response to the defense project in that they agreed with us that it was in the interests of Burundi. Discussion had turned on their demand for financial assistance to bolster up the economy of Burundi in the long term. Burundian Ministers had adhered strictly to their demand for such arrangements, particularly for a large American sugar quote. They had pointed out that if a foreign country, the United States, wanted defense facilities on Burundian territory and that the Americans should therefore pay taxes. They recalled that the United States Administration's recommendation to Congress in 1952, that Burundi should be given a sugar quote of 80,000 tons. They failed to understand why it was not practicable to get a quote of this order now. At the last meeting held with Burundian Ministers to discuss the defense project earlier this week they had generally maintained their position on this but had hinted that they would move from it if the United States gave them financial aid equivalent in value to the benefits of a very large sugar quote. The likely outcome appeared to be independence for Burundi as a result of the detachment of the islands required for defense facilities in return for suitable compensation but Burundian Ministers were insistent that such compensation should be of a kind which would

/line

ANNEX 20
help the long-term economic stability of Mauritius. This meant, we had told the Mauritians, that a sugar quota of this order of magnitude was probably impossible.

Mr. Fairclough confirmed that a sizeable sugar quota was impossible and asked about Mauritius demands for a short time 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 reversal clause allowing the return of the islands to Mauritius if and when they were no longer required for U.S./U.K. defense 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 January that an agreement of the kind made over Ascension Island was required. Nothing since then had caused them to change their mind. As for the American side’s views on a lease, Mr. Fairclough was asked for a restoration clause. Mr. Kitchen said he would prefer to deal with this in the sub-committees. 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 strong agitation recently in the U.K. press against any kind of sugar quotas for countries outside the Western hemisphere. The State Department considered that they had done some work in getting a quota of 15,000 tons for Mauritius. The situation in 1958 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 size 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 five 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 1952 and had been told that U.K. G.O. were to be responsible for the costs of detachment and had offered to contribute a substantial sum. No more funds were available. It would be too long to raise the necessary appropriations even if they had been willing to do so. Mr. Peck expressed gratitude on HM GO’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 1958 approach to the Executive Council, since nothing could be settled there. This question was relisted. The Executive Council 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 Mahe until the compensation for the main project had been settled. Finalization of the tracking station agreement was seen as an interim measure of the main project. It appeared that the letter would be welcome to the Seychellois and that the compensation they asked for was of the size recommended proportions. We would not, however, make a firm proposal to the Seychellois 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.
Mrs. Kitchen suggested that the reverse process might have merits, supposing we reached a settlement with the Seychelles over the islands only required for defence purposes the Mauritian 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. Mrs. Kitchen said that after all, one planning also encompassed the possibility of the availability of facilities some time on Aden and other of the Seychelles islands.

Mrs. 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 log-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 emphasized that they regarded this as closely related to draft A covering the American financial contributions. 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 drafts.

It was agreed that a discussion of draft C should continue in the afternoon, while draft A would be taken tomorrow morning. Draft A would be discussed in a separate sub-committee in the Ministry of Defence.
ANNEX 20

DEFENCE FACILITIES IN THE INDIAN OCEAN


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. Beatiek 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 could 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 problem of jurisdiction over the islands detached. This was continued in the "plenary" meeting.
SECRET

EXTENT FACILITIES IN THE INDIAN OCEAN

Summary record of 'plenary' meeting between the United Kingdom and United States officials (i.e. Mr. Kitchen, Mr. Reck in the Chair) on 21st September, 1959

Mr. Patelchand 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 proviso 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 difficulties 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. Babcock 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 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. Terrill reported that the sub-committee had reached agreement on all points of substance in draft 'C' (Mabé\textendash;US Navy) with certain definitions needing 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 May, and had demanded a substantial full page insert.

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

/Executive

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Executive Council (subject to the advice of the Governor) along with the proposal for the detachment of Aldabra, Fergana and Derraun, for which substantial compensation was to be paid. This should provide the required guidance.

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

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

Mr. Bokan explained that in preparing draft 'A', 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. Bokan went on to explain that the Ministry of Defence request of (5), (8) and (9) was repetitious and (2) seemed unduly restrictive. The phrase 'initial agreement' was difficult for them.

Mr. Nekely 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.

Ms. Nekely 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. Bokan said that the United States side agreed to the amended wording of (5), (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 land (i.e., Seychelles and Mauritius) labour. (9) covering jurisdiction would need considerable further thought, but the United States would make proposals.

Mr. Bokan 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.

/ Mr. Kitton
Mr. Kitchen said that they would like to consider further the terms of years to be inserted in (12) - the review clause. They were thinking of a 20 year agreement, with a review after (say) 20 years.

Mr. Fairbough explained that some fixed term would help vis-à-vis Mauritian 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 Office, 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.
ANNEX 20

REPORT
DEFENCE FACILITIES IN THE INDIAN OCEAN
NOTE ON FUTURE ACTION

United States Side

Draft 'B'

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 that terms of years should be inserted in (10) (review clause).

Draft 'C'

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 ensure the agreement of the Exmo. to the detachment of Alphonse Farquhar and Rodrigues in return for compensation to be settled, and to the terms of a formal agreement covering the tracking station on Rodrigues.

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

SUBJECT

[1234567890]

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

Secret

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.
ANNEX 21

Colonial Office Despatch No. 423 to the Governor of Mauritius,
6 October 1965, FO 371/184529
Annex 21

Our Ref. PAC 91/892/01

MAURITIUS

No. 423

6 October, 1965.

Sir,

I have the honour to refer to the discussions which I held in London recently with a group of Mauritian 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 Mauritian 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
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 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. Patriceau, 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 detachment 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. Pack, Esq.,
Foreign Office.

SECRET
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 Murlene, Ministry of Defence, Harris Ministry of Overseas Development and Champion of Commonwealth Relations Office.

Yours in

Trafford Smith

(trafford smith)
ANNEX 23

CONFIDENTIAL

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

Cypher/OTP FILE S

No. 4104
27 October, 1965

D. 23.00 27 October, 1965

IMMEDIATE CONFIDENTIAL

Addressed to U.K.Miss. New York telegram No. 4104 of
27 October,
Repeated for information to: Mauritius (Personal to Governor)

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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ANNEX 24

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

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

Cypher/OTP

TRUSTEESHIP DISTRIBUTION

Lord Caradon

No. 2597
28 October, 1965

28 October, 1965

IMMEDIATE
CONFIDENTIAL

BUILD

Addressed to Foreign Office telegram No. 2597 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
Rt. United Nations Dept.
Resident Clerk

CONFIDENTIAL

The National Archives
ref: FO 371/184529
04593786
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. Renne)

Cypher

D. 5th November, 1965
R. 5th " 1530 hrs.

EMERGENCY

No. 267

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. P.M. 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) quote and negotiations should have

been pursued and pressed more strongly. They were also dis-

satisfied with mere assurances about (v) and (vi). They also

gave points (1), (2) and (3) in paragraph 1 above.

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. F. Nicholls
Mr. G.J. Arthur
Mr. J.G. Doubleday
Mr. I.H. Harris
Mr. W. Holton
Mr. W.H. Moherly

SECRET

Ref: FO 371/184509

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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
Prime Minister

DEFENCE FACILITIES IN THE INDIAN OCEAN

At their 21st Meeting on 12 April the D.O.F. 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. U.S.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. 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.
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 6th 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
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 Defence and Overseas Policy Committee and to the Minister for Overseas Development.

ANTHONY GREENWOOD

5. 11. 65
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.
ANNEX 27

Colonial Office Telegram No. 267 to Mauritius, No. 356 to Seychelles, 6 November 1965, FO 371/184529
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, 1969, 03.50 hrs.

PRIORITY SECRETS AND PERSONAL TO MAURITIUS No. 396

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.


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;

/ (A)
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 heartily 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
Foreign Office
Commonwealth Relations Office
Ministry of Overseas Development
Treasury
Ministry of Defence

Mr. P.A.K. Harrison
Mr. T.W. Hall
Mr. G.J. Arthur
Mr. Moreland
Mr. J.G. Doubleday
Mr. I.H. Harris
Mr. P. Nicholls
Mr. M. Holton
Mr. P.H. Moherly
ANNEX 28

Foreign Office Telegram No. 4310 to the UK Mission to the United Nations, New York, 6 November 1965, FO 371/184529
ANNEX 28

SECRET

TOP COPY

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

Cypher/OTP

TRUSTEESHIP DISTRIBUTION

No. LE10

D. L. 15 6 November, 1965

6 November, 1965

IMMEDIATE

SECRET

Addressed to UKMIS New York telegram No. LE10 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
3 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 political 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 would have to seek the consent of
Mauritius and Seychelles to the detachment of these islands.

5. You should consult 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.

uuuu
ANNEX 29

Colonial Office Telegram No. 298 to Mauritius, 8 November 1965,
FO 371/184529
SECRET
OUTWARD TELEGRAM
FROM THE SECRETARY OF STATE FOR THE COLONIES

TO MAURITIUS (Sir J. Rennie)
Cypher

PAC. 93/822/01

Sent 8th November, 1965
13.47 hrs

IMMEDIATE
RECEIVED
NO. 298

Your telegram No. 247.

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 FMSD Ministers are not opposed in principle to detachment but consider compensation inadequate. For islands some 1,200 miles from Mauritius from which the Mauritian Government has never derived much if any revenue, the payment of £2 million as development aid to Mauritius in addition to direct compensation to landowners and to costs of resettlement 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 FMSD 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 disclosures would be made at this stage, that no 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 (8.I. 1965 No. (to follow)), has been made constituting the "British Indian Ocean Territory" consisting of the Chagos Archipelago and Aldhbra, 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.

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
Treasury - Mr. T. W. Hall
Foreign Office - Mr. F. Nicholls
Commonwealth Relations Office - Mr. J. A. Patterson
Ministry of Overseas Development - Mr. G. G. Arthur
Ministry of Defence - Mr. Moreland

Ministry of Overseas Development - Mr. J. G. Doubleday
Ministry of Defence - Mr. I. M. Harris
Ministry of Defence - Mr. W. Holton
Ministry of Defence - Mr. P. H. Moberly
ANNEX 30

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

From: Captain-on-Order 20 New York
(United Kingdom Mission to the United Nations)

Cypher/OTP

No. 1327
6 November, 1965

Trusteeship Distribution

B. 13/18 6 November, 1965

Addressed to: HMS New York, telegram No. 1327 of
8 November

Repeated for information to: Washington [Immediate]

My telegram No. 4110 (of 6 November: Indian Ocean),
paragraph 2.

Following is text of Part 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 30th 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 population is 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.O. has
been answered:

Begins:
ANNEX 30

SECRET

FOR PERSONAL USE ONLY. NOT TO BE RELEASED TO THE PUBLIC.

BEGIN:

(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 Year. 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 Defence Review decisions. No. Construction of any new facilities will 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.

(i) Cost Sharing. In principle each Government will pay for the facilities they require.

(j) Joint use. There will be provision for joint use.

(k) Compensation
SECRET

Foreign Office telegram No. 127 to UKMIS New York

(1) **Compensation Costs.** Compensation costs are the responsibility of Her Majesty's Government.

(a) **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.

(b) **Other Islands.** We have no plans for making similar arrangements elsewhere.

(c) **Use as Stepping-Posts for Ships or Aircraft.** This might be possible. We have no firm plans.

Ends.
ANNEX 31

UK Mission to the United Nations, New York, Telegram No. 2837
to the UK Foreign Office, 8 November 1965
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 Jerrum's letter IND 110/50/01 of 28 July to Brown.

The statement in paragraph (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
ANNEX 31

SECRET

U.K.Mis. New York telegram No. 9837 to Foreign Office

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 detract attention from status of the new territory). This is likely to attract wide support.

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.
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—
   "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—
   (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.
ANNEX 32

APPENDIX B—continued

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.

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.

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.

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.

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—

(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.

(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.
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.

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.

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.

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.

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,

(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 Amendment of 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.

(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).

(sd) W. G. AGNEW

SCHEDULE 1

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 "Polynnie Island" were inserted immediately after the words "Cocoanut Island ".

ANNEX 33

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

Cypher/UF

No. 4361
10 November, 1965

IMMEDIATE
SECRET

IMMEDIATE
SECRET
HULLE

Addressed to UKMIS New York telegram No. 4361 of 10 November
Repealed 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. 4322) 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 extrac-
tion, and the turtle industry together with their
dependants."

Ends.

/1. If questioned

SECRET
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 defense 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 75(s). 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.
ANNEX 34

Colonial Office Telegram No. 305 to Mauritius, 10 November 1965
APPENDIX 34

CONFIDENTIAL

OUTWARD TELEGRAM

FROM THE SECRETARY OF STATE FOR THE COLONIES

TO MAURITIUS (Sir J. Rennie)

Cypher


PRIORITY

CONFIDENTIAL

No. 305

Addressed to Governor Mauritius.

Repealed " Seychelles No. 366.

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.

(Enciphered 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. Dobleday
- Mr. I. H. Harris
- Mr. M. Holton
- Mr. P. H. Moberly
ANNEX 35

UK Mission to the United Nations, New York, Telegram No. 2971 to the UK Foreign Office, 16 November 1965
FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair
Lord Caradon

No. 2971
16 November 1965

TRUSTEESHIP DISTRIBUTION

Addressed to Foreign Office telegram No. 29/1 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 Indian. 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 ('Irish 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 3, i.e.
Seychelles 1.

[Copy sent to Colonial Office for repetition to Mauritius
and Seychelles]
ANNEX 36

UK Mission to the United Nations, New York, Telegram No. 2972 to the UK Foreign Office, 16 November 1965
FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair
Lord Caradon

TRUSTEESHIP DISTRIBUTION

D. 0313  17 November, 1965
R. 0400  17 November, 1965

PRIORITY
BUILD

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, ginsn 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 Govern-
ments 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
those 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//
Mr. H's 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]
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).

R. 17th " " 10.20 hrs.

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 Orameny, 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. 384)

Copies sent to:-

Cabinet Office " " Mr. F.A.K. Harrison
Treasury " " Mr. T.W. Hall
Foreign Office " " Mr. P. Nicholls
Commonwealth Relations Office " " Mr. J.A. Patterson
Ministry of Oversea Development " " Mr. G.G. Arthur
Ministry of Defence " " Mr. Moreland

Mr. J.G. Doubleday
Mr. Posnett

Mr. I.H. Harris
Mr. W. Holton
Mr. P.H. Woberly
ANNEX 38

United Nations General Assembly Resolution 2066 (XX),
16 December 1965
ANNEX 38

Resolutions adopted on the reports of the Fourth Committee

the Cook Islands and the information on subsequent developments.

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 Mauritius

(5) 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), 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 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,

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.

18 Ibid., Twentieth Session, Annexes, agenda item 23 and 24, document A/5962.
14 Ibid., document A/5961.
18 Ibid., Nineteenth Session, Annexes, annex No. 8 (part 1) (A/5800/Rev.1), chapter XXII; ibid., Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XXII.
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 Rio Muni)

The General Assembly,

Having examined the situation in the Territories of Fernando Póo and Rio 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 aforementioned Territories, 17

Noting that the Territories of Fernando Póo and Rio 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,

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,

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 these Territories, 20

Reaffirming 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 these Territories, 21

2. Reaffirms the inalienable right of the people of these Territories 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 Governments of the United States of America, United Kingdom of Great Britain and Northern Ireland, as the administering Powers, to implement immediately the resolutions of the General Assembly;

4. Requests the administering Powers 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 Powers 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 these Territories in the provisional agenda of its twenty-first session.

1398th plenary meeting, 16 December 1965.

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17 Ibid., Nineteenth Session, Annexes, annex No. 8 (part I) (A/S/800/Rev.1), chapter IX, para. 111.
18 Ibid., chapter XII; ibid., Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XII.
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

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.S. 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.

2. The extent of our thinking at present is summarized in Foreign Office telegram No. 4781 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 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 an argument which we have in mind at present and should be grateful for your comments on the United Nations point of view.

5. In November we decided not to risk the assertion that there are no permanent inhabitants on 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 inhabitant" until resettlement has reached the stage at which we can say without fear of contradiction.

F.D.W. Brown, Esq., C.M.G.,
contradiction that the Territory has none. It may be some time before we finally reach that stage, as the defense 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, specifying 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 Mauritian 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 companies 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 Sir Falle at the Foreign Office and Ian Watt at the C.S.I.O.

(C.G.Bestwood)