

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**



REPLY OF THE REPUBLIC OF MAURITIUS

VOLUME II

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18 November 2013

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7th April, 1965

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

DEFENCE FACILITIES IN THE INDIAN OCEAN

Memorandum by the Secretary of State for Foreign
Affairs and the Secretary of State for Defence

Discussions with the Americans have been proceeding for some time at the official level about proposals for the establishment of military facilities on one or more of the small island dependencies of Mauritius and Seychelles.

2. Ever since the Chinese attack on India, and possibly even before that, the Americans have been conscious of a gap in their military dispositions in the Indian Ocean area. They have no forces continuously deployed between the Mediterranean and the South China Sea and no bases between the Mediterranean and the Philippines. In December 1963 they announced that a carrier task force would pay periodic visits to the Indian Ocean area. Her Majesty's Government welcomed this move, and two visits have since taken place. In February 1964 it was agreed between United States and British officials that, subject to the results of a survey, a United States military communications station and supporting facilities should be built on the island of Diego Garcia in the Chagos Archipelago, administered by Mauritius but over a thousand miles North-East of the main island. It was further agreed that this might turn out to be the beginning of a project on a wider scale with other facilities in the western part of the Indian Ocean (perhaps on Aldabra, an island administered by the Seychelles), with the possibility of more facilities in the eastern part of the Indian Ocean (perhaps in the Cocos-Keeling Islands, which are administered by Australia). The Americans were at pains to emphasise that this initiative was intended to complement, and not to replace, the British military effort in the area. They also made it plain that any islands chosen for military facilities must be free from local pressures which would threaten security of tenure, and that in practice this must mean that the islands would be detached from the administration of Mauritius (which may become independent fairly soon) and of the Seychelles (where pressure for independence is beginning to be felt).

3. It was agreed to recommend that the United States Government would pay for any facilities constructed, allowing us joint use at all times; while Her Majesty's Government would be responsible for making the chosen islands available and for paying the necessary compensation to local interests. Ministers in London agreed to consider the issues of principle once the results of the necessary surveys were available.

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4. A joint Anglo-American survey of a number of likely islands, including Diego Garcia, was carried out from June to August 1964. The Council of Ministers of Mauritius and the Executive Council of the Seychelles were informed beforehand and raised no objection to the survey. An approach was also made to the Premier of Mauritius about the possibility of detaching islands in the Chagos Archipelago from the Mauritius administration. His reaction was guarded. Rumours had for some time been current in the islands that the Americans proposed to build "bases" in the area. At about this time there appeared a number of speculative stories in the world press. These in turn gave rise to unfavourable reactions from some of the governments of African and Asian countries bordering on the Indian Ocean, as well as from the Soviet Union, the United Nations, and the Cairo Conference of Non-Aligned Countries. The public line we took in reply was that certain communications and other facilities were a possibility but that no decision had been taken.

Latest United States Proposals

5. In February 1965 the American Embassy produced proposals for the use for defence purposes of various islands administered by Mauritius and the Seychelles, listed in three categories of priority. First comes Diego Garcia (where it is proposed to make a start as soon as possible on the construction of a communications station, together with an airstrip) and in the interests of security and future expansion, the rest of the Chagos Archipelago; second comes the island of Aldabra as a site for an air staging post, to be constructed at some time unspecified in the future; and thirdly, a list of five islands, (Coetivy, Agalega, Farquhar, Desroches and Cosmoledos) which the Americans considered might be useful for other defence facilities at some future date. A map and notes about the islands are at Annexes I and II.

British Interests

6. So long as we operate militarily in the Indian Ocean area, we have a strong interest in having the use of air, naval and communications facilities and also in seeing the Americans involved, so far as they are willing. On the other hand, if and when we wished to reduce our commitment there is everything to be said for having the Americans already present in the area. Again, if we had lost one or both of our existing bases East of Suez and still wished to operate in the area, the system of United States facilities would help us to do so. The particular facilities which the islands could offer us are as follows:

a. Central Indian Ocean

Chagos Archipelago

An airfield on Diego Garcia would be a useful alternative to Gan, situated 420 miles to the north. If Gan were ever denied to us by the Maldivian Government, Diego Garcia would become an essential link in the air route to the Far East. It is also well placed for strategic communications facilities, and we are considering plans for a naval oil storage depôt there, for which we should have to pay.

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b. Western Indian Ocean

Aldabra

An airfield in the Western Indian Ocean would be an essential next link after Ascension Island on an air route to the Far East which crossed or skirted Southern Africa. Aldabra is well suited to this purpose (it was surveyed by the Royal Air Force in 1962) especially as the present alternative on Mauritius could not be depended upon after Mauritius independence.

Farquhar

Similar considerations apply as to Aldabra, which however is the island in this area preferred by the Americans. On the other hand Farquhar has a better anchorage than Aldabra.

Desroches

The main value of this island, which lies to the north-east of Aldabra and Farquhar, is in its suitability as an anchorage.

Coetivy, Agalega and Cosmoledos

No direct British interest at present. (Coetivy has similar advantages as Desroches, but the cost of communication and resettlement would be higher).

7. Diego Garcia and Aldabra by themselves would meet the specific military requirements now foreseen. But there is a strong case, emphasised by the United States, that on military and security grounds the rest of the Chagos Archipelago should be added to Diego Garcia. There are also good military reasons for detaching Farquhar and Desroches, as well as Aldabra, in the western Indian Ocean. A single isolated island such as Aldabra, is dangerously vulnerable in an emergency or bad weather, and leaves no scope for flexibility in use or for additional supporting facilities nearby (e.g. navigation aids) which might be found necessary once British and American aircraft began using this single island in earnest. Aldabra can take aircraft but not easily ships; Desroches is suitable as an anchorage but less so as an airfield; Farquhar has possibilities for both. No one island by itself is enough. Taken as a group these three are so geographically spread as to provide the best guarantee of being able to meet the strategic demands of ten or fifteen years ahead in this area.

8. We reluctantly accept the political and financial arguments against detaching the three remaining islands (Coetivy, Agalega and Cosmoledos) for which the Americans have asked.

Problems of Detachment

9. The administrative detachment of the islands chosen from Mauritius and the Seychelles is essential. If this is not handled carefully it will give rise to local dissatisfaction, which would be inflated by interests hostile to Her Majesty's Government and to the idea of foreign bases in general. We must secure the acquiescence of local leaders and be able to maintain in public that we have done so. To do this we shall

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clearly have to compensate Mauritius and the Seychelles generously for the detachment of the islands and probably to settle certain outstanding local problems. There will in any case be considerable criticism from neutralist and Communist Governments in the United Nations and elsewhere of the decision to bring a foreign military presence into an area previously free of military forces. With local acceptance and the full support of the United States Government, we should be able to withstand this criticism. We should however need to consider carefully how and when to explain our intentions to Commonwealth and other Governments in the area.

Finance

10. There are three elements of cost involved in compensating the local interests. First, compensation to the Government for the detachment of the islands. It is impossible at this stage to estimate the sum involved, but it would be by far the largest element. Next, the commercial interests would have to be bought out. The Colonial Office roughly estimate the cost at about £700,000. Only £225,000 of this would be required immediately for Diego Garcia, the only firm candidate for United States development, the other islands being left as they are but under direct United Kingdom control. Finally, there would be the cost of resettling displaced local labour which the Colonial Office can only roughly estimate to be £720,000. Of this £334,000 would be required immediately for Diego Garcia. Again, the balance of the cost of resettlement would not arise unless and until firm plans were made by the United States.

11. The possibility of getting the Americans to pay some of these costs was explored during the initial talks in February, 1964 and rejected by the Americans at that time. Subsequent discussions between officials of the two Governments have been on the cost-sharing basis described in paragraph 3 above. At a time when strenuous efforts are being made to cut defence costs, we consider that we should try to get the United States to pay some part of the initial expenses of the project. The larger part of these expenses will be for compensating the Governments of the territories concerned, a kind of payment which Americans have special difficulties in making, for Congressional reasons. We do not believe that this strategically valuable and imaginative project should be allowed to founder, because the Americans prove unwilling to go beyond the basis for the sharing of costs previously envisaged, and we should, in that event, recommend that these costs be borne by Her Majesty's Government.

The Case for Early Action

12. It may be objected that it is wrong to embark on new strategic projects when our world-wide defence posture is under review. Nevertheless, as time goes on and speculation continues in Mauritius and Seychelles, and as the dates when Mauritius may become independent draws nearer, the political and financial price for these islands will certainly increase. If the Americans meanwhile run into further difficulties in South-East Asia, we cannot be certain the United States Government will remain indefinitely willing to enter upon this new commitment. Whatever the outcome of the defence review, the growing importance of the Indian Ocean area is not in doubt; and the Prime Minister has stated publicly that the Government intend to uphold Britain's world peace-keeping rôle, notably east of Suez. We must hope that the Americans will be

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prepared to share the burden. The development of joint user facilities in Indian Ocean islands would recreate a situation in which they could reasonably be expected both to share our tasks and help us with the logistic burden.

RECOMMENDATIONS

13. We accordingly recommend our colleagues to agree:

- a. that the Chagos Archipelago (including Diego Garcia) should be detached from Mauritius, and the islands of Aldabra, Farquhar and Desroches from the Seychelles, and instead administered directly by the United Kingdom, and appropriate compensation paid to the Mauritius and Seychelles Governments;
- b. that the cost of buying out the commercial interests and resettling the inhabitants should be accepted by Her Majesty's Government, but only to take effect as each island is required for military purposes; Diego Garcia is the only island on which an immediate start must be made;
- c. the United States Government should be invited to make some contribution towards reimbursing Her Majesty's Government for the cost of a. and b. above;
- d. that the United States Government should be permitted to build at United States expense such facilities as are agreed with Her Majesty's Government on the islands in question, provided these facilities are open to British use;
- e. that the United States Government should be informed of the above decisions and invited to confirm their agreement to d.;
- f. that consideration should be given, in consultation with the United States Government, to the method and timing of informing independent Commonwealth and foreign Governments of our general plans.

M.S.
D.W.H.

Foreign Office,
Whitehall, S.W. 1.

7th April, 1965.

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ANNEX I

BRIEF NOTES ON THE ISLANDS CONCERNED

MAURITIUS

The Chagos Archipelago lies about 1,200 miles north east of Mauritius. Population about 1,000, mostly contract labour from Mauritius and the Seychelles for coconut plantations. Consists of six main units (atolls or single islands) as follows:-

1. Peros Banhos Atoll Inhabited
2. Salomon Atoll Inhabited
3. The Three Brothers or Nelson Islands
4. Eagle, Sea Cow and Danger Islands
5. Egmont Atoll
6. Diego Garcia

Numbers 3 to 6 form part of the Great Chagos Bank.

Diego Garcia, the southern most island of the Chagos, is V-shaped with a land area of eleven square miles, measuring thirty-one miles overland from tip to tip. Large lagoon with safe anchorage. Population about 500. Guano produced as well as coconuts (4,500 acres). Small weather station manned from Mauritius.

Agalega consists of two islands 580 miles from Mauritius and 370 miles from the nearest island in the Seychelles. Population 370. 4,000 acres of coconut plantations.

SEYCHELLES

Aldabra lies about 760 miles from Mahé, 700 miles from the East African coast and 200 miles from Madagascar. The atoll is made up of four islands. Total land area is 6.4 square miles. In 1960 100 people were living on the west island, which is flat, producing dried fish and copra. A rare species of giant tortoise, (which nature conservancy bodies, both in the United States and United Kingdom, are seriously concerned about) is found.

Farquhar Atoll lies about 500 miles south-west of Mahé, has a shallow central lagoon, good anchorage and coconut plantations. In 1960 there was a population of 172. Total land area about 2½ square miles.

Coetivy lies about 200 miles south of Mahé. Area over 2½ square miles planted with coconuts. Population about 210.

The Cosmoledos Group have a shallow central lagoon with low coral islands around. Total land area about 1½ square miles. Population (in 1960) 57. About 60 miles east of Aldabra Island.

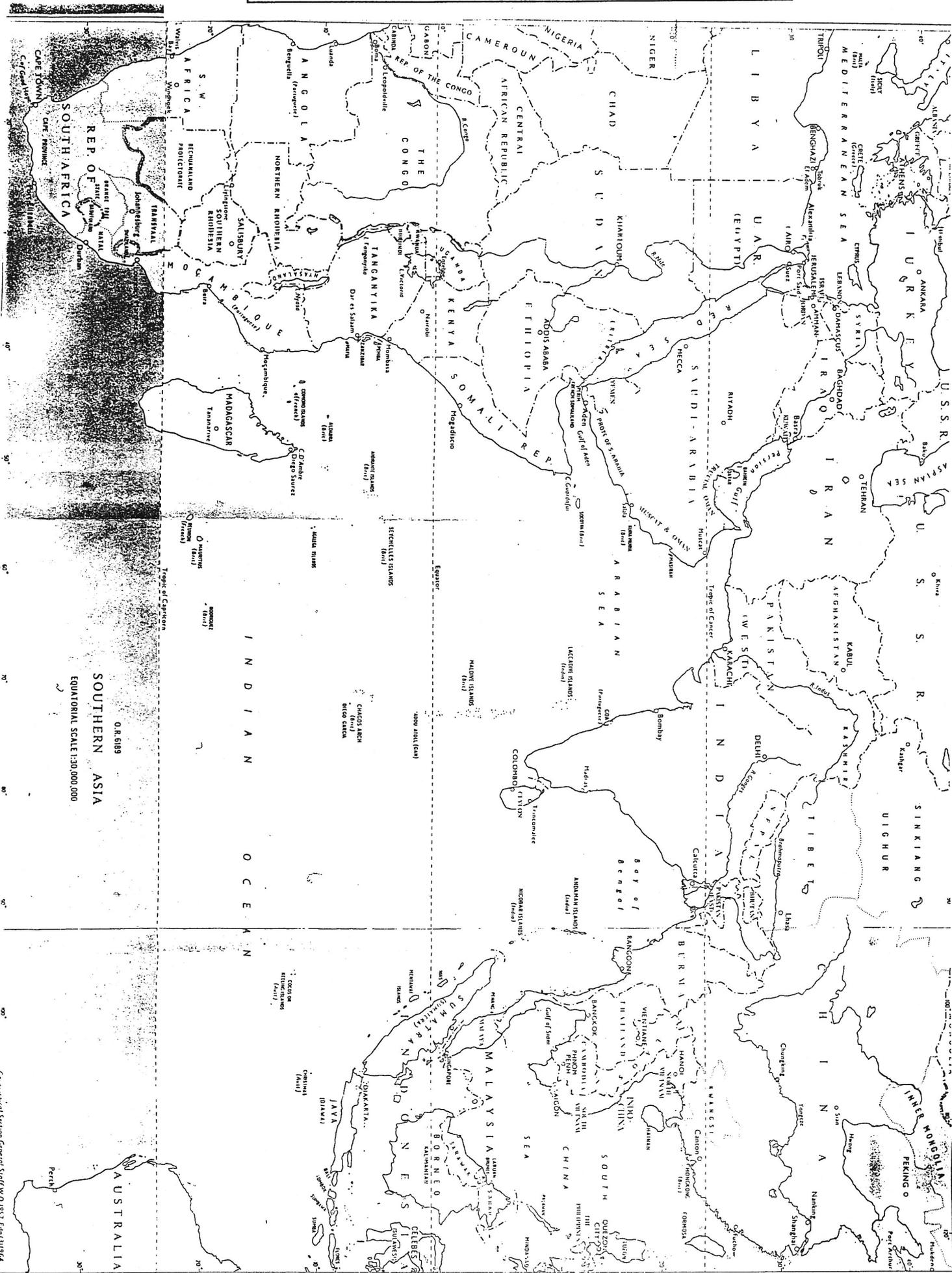
Desroches. An atoll with a land area of under two square miles. Population about a hundred. Situated about 500 miles North-East of Aldabra.

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Annex 30

Extract from Minutes of 21st Meeting of the Defence and Oversea Policy Committee held on 12 April 1965, Cabinet Office, 13 April 1965

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O.P.D. (65)
21st Meeting

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CABINET

Defence and Oversea Policy Committee

MINUTES of a Meeting held at 10 Downing Street, S.W.1, on
Monday, 12th April, 1965, at 10.30 a.m.

Present:

The Right Hon. HAROLD WILSON, M.P., Prime Minister

The Right Hon. MICHAEL STEWART, M.P., Secretary of State for Foreign Affairs	The Right Hon. Sir FRANK SOSKICE, Q.C., M.P., Secretary of State for the Home Department
The Right Hon. DENIS HEALEY, M.P., Secretary of State for Defence	The Right Hon. ARTHUR BOTTOMLEY, M.P., Secretary of State for Common- wealth Relations

The Right Hon. ANTHONY GREENWOOD,
M.P., Secretary of State for the
Colonies

The following were also present:

The Right Hon. DOUGLAS JAY, M.P., President of the Board of Trade (<i>for Items 2, 3, 4 and 5</i>)	The Right Hon. THE EARL OF LONGFORD, Lord Privy Seal
The Right Hon. FRANK COUSINS, M.P., Minister of Technology (<i>for Item 1</i>)	The Right Hon. BARBARA CASTLE, M.P., Minister of Overseas Development (<i>for Items 2, 3, 4, 5 and 6</i>)
The Right Hon. FREDERICK MULLEY, M.P., Deputy Secretary of State for Defence and Minister of Defence for the Army	The Right Hon. GEORGE WIGG, M.P., Paymaster General
Mr. JOHN DIAMOND, M.P., Chief Secretary, Treasury	Mr. AUSTEN ALBU, M.P., Minister of State, Department of Economic Affairs
Admiral of the Fleet THE EARL MOUNTBATTEN OF BURMA, Chief of the Defence Staff (<i>for Items 3, 4, 5, 6 and 7</i>)	Admiral Sir DAVID LUCE, Chief of the Naval Staff and First Sea Lord (<i>for Items 4, 5, 6 and 7</i>)
General Sir JAMES CASSELS, Chief of the General Staff (<i>for Items 4, 5, 6 and 7</i>)	Air Vice-Marshal P. C. FLETCHER, Assistant Chief of the Air Staff (<i>for Items 4, 5, 6 and 7</i>)
Sir WILLIAM PENNEY, Atomic Energy Authority (<i>for Item 1</i>)	

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Secretariat :

Sir BURKE TREND
Mr. P. ROGERS
Mr. D. S. LASKEY
Air Vice-Marshal J. H. LAPSLEY
Commander J. R. STEPHENS

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pointed out that the elections would probably not be held until late this year while the Budget must, according to the Constitution, be presented by the end of April. Moreover, if our aid were made conditional on the Maltese Government increasing taxation it would be less likely to appear to be a device to assist Mr. Borg Olivier.

Summing up the discussion *the Prime Minister* said that considerable weight must be given to the defence arguments. On the other hand there seemed little doubt that the Maltese Government could considerably increase their revenues through higher taxation and through preventing tax evasion. We should therefore provide £1.2 million in budgetary aid this year subject to the Maltese Government effecting economies in the Budget and increasing taxation by amounts which we judged to be reasonable. The Maltese Government should also be informed that we regarded steps to deal with tax evasion as essential and would be prepared to consider providing them with expert advice for this purpose if they so wished. Budgetary aid in 1966-67 would depend on effective measures being taken in this field. It should be made clear that we would not propose to provide any budgetary aid in subsequent years.

The Committee—

Invited the Commonwealth Secretary to arrange for the Maltese Government to be informed in the sense of the Prime Minister's summing up.

6. Defence facilities in the Indian Ocean

The Committee considered a memorandum by the Secretary of State for Foreign Affairs and the Secretary of State for Defence (O.P.D. (65) 68) about defence facilities in the Indian Ocean.

The Secretary of State for Defence said that the United States Government were interested in establishing military communications facilities on islands in the Indian Ocean. The islands concerned were Diego Garcia and the rest of the Chagos Archipelago, administered by Mauritius; and Aldabra, with two smaller islands, Farquhar and Desroches, administered by the Seychelles. It was proposed that we should be responsible for making the islands available and for paying the necessary compensation to local interests; and that the United States should construct the facilities at their own expense, allowing us joint use at all times. If the conclusion of the Defence Review was that we should maintain a capability East of Suez these facilities would be of great value to us. For instance, the airfield at Gan was an essential link in our communications but we did not own it and could not count on keeping it indefinitely. Diego Garcia would be an effective alternative. These bases would also be invaluable if, owing to local opposition, we were forced to withdraw from Aden. If, as a result of the Defence Review, we decided that we must reduce our commitments in the Indian Ocean, it would be easier for us to do so if the United States had established bases there. There was, therefore, a strong case for pursuing the proposal and it would be desirable to do so without delay since it was likely to become increasingly difficult to reach agreement with the Governments in Mauritius and the Seychelles for the detachment of the islands from their administration.

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The Colonial Secretary said that it would be essential to secure the agreement of the Governments of Mauritius and the Seychelles. This would not be easy since they would probably prefer to lease the islands rather than give up sovereignty over them. The present coalition Government in Mauritius was under heavy strain and if this issue were raised with them it might increase the internal stresses and threaten the Government's survival with a consequent threat to racial feeling and internal stability. He would, therefore, prefer not to broach the matter until the Constitutional Conference, which we were proposing to hold in September or October. Even then this might well prove a divisive issue at the conference. In the Seychelles a new party was gaining ground under a leader who was very anti-American. If he won the elections in two years' time, he might well invite the Soviet Union to establish a base as a rival to that of the United States. The cost of the proposal was likely to be substantially higher than that suggested in the memorandum by the Foreign Secretary and the Secretary of State for Defence. In addition to compensation for the Governments of Mauritius and the Seychelles and for buying out local interests and resettling the local population in the islands, we might have to offer concessions on such matters as immigration from Mauritius to the United Kingdom and to seek a quota for the export of sugar from Mauritius to the United States. All these payments would have to be distinct from and additional to the development aid which we would be giving to Mauritius and the Seychelles.

In discussion the following points were made—

(a) Criticism of the arrangements in the United Nations and elsewhere might be severe. However, while some of the Commonwealth Governments in Africa, such as Ghana and Tanzania, might be hostile, others might well feel that the existence of these bases afforded some protection to them and any criticism on their part would therefore be restrained.

(b) The cost of resettling the local population might be less than was estimated if there were a need for local labour in the islands concerned; but it was understood that the United States' intention was that the population should be settled elsewhere.

(c) If the cost to the United Kingdom proved to be much higher than had been so far estimated we should be in a strong position for asking the United States Government to make some contribution.

(d) The legal position should be clarified. Although these islands were administered by Mauritius and the Seychelles it did not necessarily follow that they had legal sovereignty over them. This aspect might be of importance in dealing with criticism in the United Nations.

Summing up the discussion, *the Prime Minister* said that if the Defence Review showed that we needed to retain a capability to intervene East of Suez, the facilities proposed might be most valuable. They could, for instance, afford an alternative to those at Simonstown. Alternatively if we should seek to limit our commitments, the existence of the United States bases might facilitate such a course. We should, therefore, agree in principle to pursue the proposal further and should initiate discussions with the Governments in Mauritius

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and the Seychelles in order to see what price we might have to pay. We could also raise with the United States the question of their making a contribution to the cost of compensation. We should not be committed at this stage to the proposals and might still have to decide against them, if for instance we found after examination that the cost would be too high and that we could not obtain an adequate contribution from the United States.

The Committee—

- (1) Invited the Colonial Secretary to circulate a report on the legal status of the islands concerned.
- (2) Invited the Foreign Secretary, in consultation with the Secretary of State for Defence, to pursue discussions with the United States Government and the Colonial Secretary to initiate discussions with the authorities in Mauritius and the Seychelles, on the lines indicated by the Prime Minister in his summing up.

*7. Kenya

The Commonwealth Secretary said that in view of reports that Mr. Oginga Odinga might attempt to seize power, President Kenyatta had asked that one or more ships of the Royal Navy should be available in Kenyan waters and that, if an emergency arose, United Kingdom troops should be flown into Nairobi. It had been possible to arrange for H.M.S. *Albion* to visit Mombassa from 14th-18th April on her way to the Far East and thereafter other ships of the Royal Navy would be visiting Mombasa or could do so at short notice. It would be possible to fly in one company to Nairobi in 18 hours and a battalion, in 36 hours. Since this request had been made a cache of Soviet arms in Nairobi had been discovered and seized and the danger of an attempted *coup* by Mr. Oginga Odinga seemed to have receded. Nevertheless it would be prudent to be prepared for an attempt and he therefore proposed to inform President Kenyatta that in principle we would be ready to respond to a request for troops in the circumstances envisaged. It would be made clear that the role of the troops would be restricted to releasing Kenya forces and police for action against the rebels; guarding President Kenyatta and friendly Ministers of the Kenya Government as well as public buildings and other key points in Nairobi; and maintaining control over the airport. Our troops would not operate outside Nairobi, would not engage in action against dissident forces and would not fight except in self-defence. The latter condition would also apply to the members of the British Special Air Service team now advising the Kenya police though they would have authority to assist in defending President Kenyatta if an attempt were made on him.

The Committee—

Approved the Commonwealth Secretary's proposal.

Cabinet Office, S.W.1,
13th April, 1965.

* Previously recorded in a Confidential Annex.

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Annex 31

Note dated 27 April 1965 by the Secretary of State for the Colonies to the Defence and Oversea Policy Committee, "Defence Interests in the Indian Ocean: Legal Status of Chagos, Aldabra, Desroches and Farquhar"

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O.P.D. (65) 73
27th April, 1965

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CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

DEFENCE INTERESTS IN THE INDIAN OCEAN

Legal Status of Chagos, Aldabra,
Desroches and Farquhar

Note by the Secretary of State for the Colonies

At the meeting of the Committee on the 12th April I was invited to circulate a report on the status of the Indian Ocean islands which it is proposed should be made available for joint U.K./U.S. defence developments. This I now circulate at Annex.

2. The islands in question are the Chagos Archipelago (i.e. Diego Garcia, Six Islands, Peros Banhos, Salomon Islands and Trois Frères, including Danger Island and Eagle Island), the Aldabra Group, Desroches and Farquhar and, as the annexed report makes plain, they are all legally established as being parts of the Colonies of Mauritius or Seychelles. To separate them from Mauritius and Seychelles would require the making of amendments to existing constitutional instruments.

3. To establish the islands as a separate new administration would require a further and separate Order in Council.

A.G.

Colonial Office,
Great Smith Street, S.W.1.

27th April, 1965 SECRET

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A N N E X

Note on the Legal Status of the Islands of
the Chagos Archipelago, the Aldabra Group
and the Farquhar Islands

Chagos Archipelago

There can be no legal doubts about the position over the Lesser Dependencies of Mauritius, which include the Chagos Archipelago. Section 90(1) of the Mauritius (Constitution) Order, 1964 defines Mauritius as meaning "the island of Mauritius and the Dependencies of Mauritius". "Dependencies" are defined in section 3(1) of the Mauritius Interpretation and General Clauses Ordinance, 1957, as being "Rodrigues and the Lesser Dependencies" commonly called the "Oil Islands". The "Oil Islands" are defined as including the islands of the Chagos Archipelago.

Aldabra Group, Desroches and the Farquhar Islands

2. There is also no doubt as to the legal status of these islands since they form part of the Colony of Seychelles by virtue of the definition of the boundaries of that Colony in clause 1(1) of the Seychelles Letters Patent of 15th March, 1948.

Separation

3. The separation of the Chagos Islands from Mauritius could best be achieved by an amendment of section 90(1) of the Mauritius Constitution Order in Council, 1964, so as to include a reference to the Dependencies by name; the Mauritius Interpretation and General Clauses Ordinance, 1957, should be amended accordingly. Separation of Aldabra, Desroches and Farquhar from Seychelles would necessitate suitable amendments being made to the Letters Patent.

New Administrative Unit

4. The establishment of a new administrative unit consisting of all these islands would require a prerogative Order in Council, perhaps containing a reference to the Colonial Boundaries Act, 1895, as an enabling power. This would probably best be on the model of the British Antarctic Territory Order in Council, 1962. This would establish the office of e.g. High Commissioner, allowing anyone

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(e.g. the Governor of Seychelles) to be appointed to this post, and would provide that he should exercise such functions as are conferred on him by the Order or assigned by Her Majesty. The High Commissioner could be empowered to make laws for the territory and to constitute offices.

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Annex 32

Telegram No. 3665 dated 3 May 1965 from UK Foreign Office to UK Embassy, Washington

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FROM FOREIGN OFFICE TO WASHINGTON

Cypher/OTP

FO(S)/CRO(S)/WH(S)/DISTRIBUTION

No. 3665
3 May 1965

B.1740 3 May 1965

IMMEDIATE
SECRET

Addressed to Washington telegram No. 3665 of 3 May
Repeated for information to: U.K. Mission New York.

My telegram No. 3644 [of 1 May].

Answers to questions in your telegram No. 1666 are as follows:

Your paragraph 2. Constitutional conference has not been finally arranged but will probably take place in the autumn; Colonial Secretary has proposed September. Outcome is unlikely to take Mauritius further than full internal self-government. It is impossible to estimate when or indeed if Mauritius will achieve full independence. The great debate in Mauritius concerns the ultimate status of the island: both "Independence" and "Association" have strong support.

2. Figure of £10 million is an outside estimate given the need to reach a quick settlement. It consists of:

- (a) Resettlement and buying out commercial interests - £1½ million.
- (b) Airfield in Mahé (thought necessary to secure Seychelles acceptance) - £2-3 million.
- (c) At least equal compensation for Mauritius (population 720,000 as against Seychelles 45,000) - £2-3 million.
- (d) Allowance for fact that this is likely to become a bargaining counter in constitutional negotiations in Mauritius unless it is settled speedily (and therefore generously) - say £2½ million.

3. Myers' point is a fair one. But economic difficulties (particularly in defence field) have increased since February 1964, and estimated compensation is much greater than we thought then. United States Embassy (Newman) are more relaxed about financial point and all we would like to propose at present is that a discussion on this might be initiated.

4. No objection to above figures being given to State Department but it must be understood that they are very rough approximations. Please let us know when Mr. Rusk would be ready to discuss. What are his plans between last day of S.E.A.T.O. for which we hope he will be present and the opening of the N.A.T.O. Council?

MMMM

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Annex 33

Letter dated 13 July 1965 from Trafford Smith, Colonial Office to J.A. Patterson, Treasury, FO
371/184524

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Enter

PAC 93/892/05

13th July, 1965

20/86

You wrote on 17th June about defence interests in the Indian Ocean. Since then we have, as you know, during the Oxford Conference, discussed with the Governors of Mauritius and Seychelles the implications of detaching the various Islands from Mauritius and Seychelles. We know from the memorandum which they submitted to the Foreign Office on the 24th June (see Arthur's letter to Wright of the 25th June) that the Americans wished to discuss with H.M.G. as soon as possible "the principles on which access to the Islands, following their detachment, would be available to the United States". Finally as you know we hope, subject to the views of my Secretary of State, to ask the Governor of Mauritius and the Acting Governor, Seychelles to begin discussions with their Governments in the week beginning the 19th July on the defence proposals as a whole (in fact the matter would be put to unofficials on 22nd July in Seychelles and on 23rd July in Mauritius when regular meetings of the Executive Council and of the Council of Ministers would take place). Before this is done we ought to try to provide some guidance on the implications of detachment and, so far as we can see them at this stage, on the sort of arrangements we envisage for the Islands concerned after detachment; in particular we ought to try to provide as full an answer as possible to the questions raised in Seychelles telegram No. 143. From several points of view therefore there is some urgency in clarifying our views on these matters.

2. As we see it questions arise under the following main heads:-

- (1) Legal
- (2) Administrative
- (3) Financial.

The views jointly agreed between the Colonial Office and the two Governors on the points arising under these heads are set out below.

3. We are all agreed that the Islands must be constitutionally separate from the Colonies of which at present they form part. As I think you know our idea is that the High Commissioner for the detached Islands should be the Governor of Seychelles wearing a separate hat. We are advised that the following action would be necessary:-

- (a) Chagos would be separated from Mauritius by an amendment of section 90(1) of the Mauritius Constitution Order in Council, 1964 so as to include a reference to the dependencies by /name;

J.A. Patterson, Esq.,
Treasury.

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name; the Mauritius Interpretation and General Clauses Ordinance, 1957 would be amended accordingly. Separation of Aldabra, Desroches and Farquhar from Seychelles would necessitate suitable amendments to the Letters Patent.

- (b) An Order in Council, similar in form to the British Antarctic Territory Order in Council, 1962 - copy attached - would be made to establish a separate territory.

As regards the law which would apply in the detached islands you will see that the British Antarctic Territory Order in Council provided for the previously existing law to continue to apply after the appointed day and gave the High Commissioner power to make laws. We could not follow this pattern precisely in the present case since we are advised that it would not be legally practicable for there to be two codes of law applicable in the detached islands - namely, Seychelles law in Aldabra, Desroches and Farquhar and Mauritius law in the Chagos archipelago. We therefore consider that the Order in Council should provide that the Seychelles law will apply throughout the detached islands from the appointed day.

As regards Diego Garcia we should have to work out in consultation with the Ministry of Defence, the Americans and the Governor how cases arising, once British and American service personnel started moving in, should be dealt with. In the interim, however, (as far as Diego Garcia is concerned) and indefinitely (as regards detached islands not at once required for defence purposes) the island managers at present possess magisterial powers and the High Commissioner could, whether by law or by administrative arrangement, make provision for this to continue and for cases requiring it to be handled by the Courts of Seychelles. Some of the islands in the Chagos Archipelago are at present visited by Mauritius magistrates and the High Commissioner would no doubt have to ensure that this continued, by arrangement with the Mauritius Government, at any rate until alternative arrangements were made.

4. As regards administration the present position is that the islands to be detached, and also those which will remain with Seychelles and Agalga which will remain with Mauritius, are barely administered. Broadly speaking such limited services as are provided, are provided by the island owners, though the Mauritius Government does not believe provide teachers and nurses in at any rate Diego Garcia and possibly in other islands of the Chagos Archipelago. Apart from this, however, the two Governments at present scarcely do more than arranging infrequent visits by the Governor and officials including medical officers and (in the Mauritius islands) magistrates. Seychelles has been actively considering improving matters (and they clearly should be improved - nurses and teachers on more of the islands are obvious needs) and Mauritius has been considering improving the administration of justice, but even so nothing very elaborate would be involved. As regards the detached islands our view is that, particularly as any or all of them may have to be evacuated at any time, there is no sense in setting up an elaborate administrative machine; we presume that the Ministry of Defence, who would no doubt have to finance whatever administration was established, would concur in this. Our suggestion would be that in the detached islands the level of services provided should, in the short term, remain precisely as it is at present and that, as regards any improvements to be made in the longer term, the detached islands should keep in step with what is done in the remaining

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summarise
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remaining Seychelles islands; neither more nor less should be provided. This might involve the continued secondment of e.g. Mauritius teachers and nurses to certain of the detached islands, but the High Commissioner could no doubt make the necessary arrangements for this. As Seychelles improved its administration of its remaining islands some increase in costs in the detached islands would be involved; but the costs arising would in fact be negligible and any additional staff needed could be recruited in Seychelles by the High Commissioner. Similarly staff (e.g. medical staff) needed for periodic visits could be provided from Seychelles on loan; whether visiting magistrates were still borrowed from Mauritius or whether arrangements were made for Seychelles to find them is a matter the High Commissioner could sort out.

5. By far the most difficult administrative problem arising from detachment however will clearly be the resettlement problem which at present of course arises only in connection with Diego Garcia, involving about 480 people. We and the two Governors are agreed that our aims in this operation should be as follows:-

- ✓ (i) to resettle these people in other out-islands rather than in Mauritius or Seychelles themselves; this should cause a great deal less difficulty, making it easier for unofficials to accept our proposals as a whole, be more likely to be acceptable to the individuals concerned and finally be cheaper;
- ✓ (ii) not to resettle them on other detached islands if this can be avoided; this is obviously desirable so as to avoid increasing our problem in these islands if and when they are needed for defence purposes;
- ✓ (iii) to aim at resettling as many as possible (and certainly the Mauritians who are "ilecis") in Agalega. This is owned by the Chagos/Agalega Company which also owns Chagos; Mr. Moultrie, the main shareholder, also owns Farguhar.
- (iv) to secure American agreement to providing employment on Diego Garcia for as many as possible of those to be resettled, for as long as possible, during the construction phase. This would have the effect of spreading out the resettlement operation and thus facilitating its smooth progress; it would also ease the difficulties of Seychelles in taking back any Seychellois who could not be resettled in Agalega since the longer they could stay on working in Diego Garcia the nearer would be the time then work on airfield construction in Mahé (assuming that this is agreed as part of the compensation to secure Seychelles acquiescence in the defence project) would be available for them (the Governor estimates that work on the ground might start 18-24 months after a decision to build an airfield were taken).

Why so long

6. We have considered the staff and other requirements of the resettlement operation. As far as we can judge at present these would in the main consist of:-

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- (i) staff - the High Commissioner would need one good expatriate administrative officer, together with a local assistant (who could be recruited in Seychelles) and supporting local staff for himself and the administrative officer;
- (ii) a ship to enable the detached islands to be administered (and which might also help with the resettlement operation); this would have to be large enough to cover over 2000 miles of open sea (from Mahé to Diego Garcia and back) and might cost as much as £150,000 (unless the Ministry of Defence could provide something suitable) though we have no firm figures yet; it could be crewed by Seychellois and serviced in Seychelles with major overhauls in Mombasa; there might however be some difficulty about finding a master mariner in Seychelles to command it.

We can foresee no need for separate buildings, telegraph facilities etc. for the High Commissioner and his staff. Existing facilities in Seychelles could be made use of and paid for. Per contra Seychelles might well wish to make some use of the ship in connection with their intention of improving services to their own remaining out-islands; it would no doubt be possible for this to be arranged in conjunction with the resettlement operation and the High Commissioner could make a suitable charge to Seychelles for this assistance.

7. As regards financial matters the revenue deriving from these islands consists essentially of export duty on their copra shipped out through Seychelles and company tax on the profits of Moulinie's Seychelles-registered company. It would be impossible in practical terms to separate this revenue out, and we think we should allow Seychelles to keep this revenue as an offset against the cost of services they will be providing for the detached islands. The cost of such services as the High Commissioner has to provide direct would be met from U.K. funds. It is relevant that all the detached islands, apart from Aldabra which is Crown land, are owned either by the Chagos/Agalega Company, which is registered in Seychelles, or by individuals resident in Seychelles. Against this background we have, in consultation with the two Governors, considered the financial problems with particular reference to the questions asked by Lloyd in the fourth paragraph of his telegram No. 143. These are:-

- (a) whether we propose to settle the compensation figure at the time when an island is actually required for defence purposes or now, in advance?
- (b) whether islands now forming part of Seychelles may benefit from facilities provided by the Seychelles Government (e.g. agricultural bank loans, fertilizer subsidies etc., and will pay Seychelles taxes).

8. The first question to consider is whether it is in our interest that development of detached islands not immediately required, should be encouraged. It is, of course, obvious that if the islands were developed this would mean that compensation, if paid when they were later required for defence purposes, would be higher than if they had been neglected; and this applies a fortiori if Government had actually encouraged development. The continued active encouragement of long term development would therefore be a short sighted policy. On the other hand, it may well be that the Americans will not require the islands, other /than

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than Diego Garcia, for some years to come, and some limited development which might result in increased employment opportunities, could facilitate the smooth solution of the resettlement problem.

9. Against this background our conclusions were:-

- (i) no taxes should be levied by the High Commissioner in the detached islands; correspondingly no development incentives should be provided by the High Commissioner;
- (ii) the Government of Seychelles should be free to continue to raise revenue in relation to commercial activities which continue in those of the detached islands which are not at once needed for defence purposes; it would continue, e.g. to levy export duties on the products of the islands which were exported through Seychelles and to tax the island owners; one consequence of this would be that the budgetary deficit position of Seychelles would not be adversely affected at this stage by the detachment operation;
- (iii) no long-term development incentives (e.g. tax remission for replanting) would be given to the owners of the detached islands which were not immediately needed.
- (iv) short-term development incentives (e.g. temporary tax holidays and fertilizer subsidies) would be given in relation to the detached islands which were not immediately needed. Full scale incentives both short and long-term would be given to the Chagos/Agalega Company in relation to Agalega; if necessary, amendments to Seychelles law to make this possible would have to be made. We are advised that despite the fact that Agalega is Mauritius territory arrangements of this sort would not be ultra vires.
- (v) the points covered in (iii) and (iv) above would have to be covered in agreements over compensation negotiated with the Island owners. Bearing in mind (ii) above one of the conditions of the agreements would have to be that the Company would continue to be registered in Seychelles and that the produce would continue to be exported through either Seychelles or Mauritius as in the past;
- (vi) if conditions on these lines were imposed we might have to recognise that compensation for the Island owners might have to be paid over at the time of detachment, rather than when the islands were actually taken for defence use. In negotiation with the Island owners we should at least have to leave this possibility open. In these circumstances the former owners might continue to run the detached islands not immediately required as agents for the High Commissioner.

10. Two further points remain. In the first place, particularly as we could want help from Mr. Moulins and the Chagos/Agalega Company in resettlement on Agalega and bearing in mind that a good deal of development has already gone into some of the detached islands which they own, and that further long-term development plans which they have would have to be given up /except

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(except in Agalega), we should have to recognise that these factors would have to be taken into account in fixing compensation and we should have to authorise the Acting Governor when he consults his unofficals about the defence proposals as a whole to make plain to Mr. Moulins that these factors would be taken into account.

11. The second point concerns the position of Agalega. Newton in his report recommended that, in any case, this should be detached from Mauritius and attached to Seychelles. This would make sense, particularly as we would press the Chagos/Agalega Company to resettle labour from Diego Garcia there. Sir John Bende thinks that it could well be raised in Mauritius and the Mauritius Government might well think that to disembarrass themselves of the problem of administering a single remaining out-island would make sense. If this were proposed from Mauritius there would be no objection to going ahead with this change as a separate exercise from the detachment operation.

12. For the reasons given at the beginning of this letter there is great urgency about reaching at least provisional conclusions on these matters. I hope that you and Harris (O.R.H.), Walsh Atkins (S.R.O.), Peck (P.O.) and Wright (M.O.B.) to whom this letter has been copied can let me know by noon on Friday, 16th July that you agree to what is proposed. If there are any difficulties I suggest that we should meet at 3 p.m. on Friday to try and sort them out so that we may decide what guidance to telegraph to, in particular, the Acting Governor Seychelles.

(Stafford Smith)

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STATUTORY INSTRUMENTS

1962 No. 400

SOUTH ATLANTIC TERRITORIES

The British Antarctic Territory Order in Council, 1962

Made - - - - 26th February, 1962

Laid before Parliament 2nd March, 1962

Coming into Operation 3rd March, 1962

At the Court at Buckingham Palace, the 26th day of February, 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887 and 1945(a), the Colonial Boundaries Act, 1895(b), 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.—(1) This Order may be cited as the British Antarctic Territory Order in Council, 1962. Citation and commencement.

(2) This Order shall come into operation on the third day of March, 1962, and shall be published in the Falkland Islands Government Gazette.

2.—(1) In this Order—

“the British Antarctic Territory” means all islands and territories whatsoever between the 20th degree of west longitude and the 80th degree of west longitude which are situated south of the 60th parallel of south latitude;

“the Territory” means the British Antarctic Territory.

(2) The Interpretation Act, 1889(c), 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. On the day of the commencement of this Order all the islands and territories whatsoever which were immediately before such commencement comprised in the Dependencies of the Colony of the Falkland Islands as defined in the Letters Patent dated the 21st day of July, 1908(d), and the 28th day of March, 1917(e), and are situated south of the 60th parallel of south latitude between the 20th degree of west longitude and the 80th degree of west longitude shall form a separate colony which shall be known as the British Antarctic Territory. British Antarctic Territory to be a separate colony.

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

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (b) 58 & 59 Vict. c. 34.
 (c) 52 & 53 Vict. c. 63. (d) Rev. VII, p. 583. (e) Rev. VII, p. 585.

Powers and duties of High Commissioner.

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

Oaths to be taken by High Commissioner.

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

Discharge of High Commissioner's functions during vacancy, etc.

7.—(1) Whenever the office of High Commissioner is vacant or the High 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 person 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 High 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 the office of High Commissioner.

(3) For the purposes of this section—

(a) the High Commissioner shall not be regarded as absent from the Territory, or as prevented from, or incapable of, discharging the duties of his office, during his passage from any part of the Territory to another or to any other British territory south of the 50th parallel of south latitude, or while he is in any part of the last mentioned territory; and

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

Discharge of High Commissioner's functions by deputy.

8.—(1) The High Commissioner may, by Instrument under the Public Seal of the Territory, authorize a fit and proper person to discharge for and on behalf of the High 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 High Commissioner as may be specified in that Instrument.

(2) The powers and authority of the High 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 High Commissioner as the High 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 High Commissioner by Instrument under the Public Seal.

There shall be a Public Seal for the Territory. The High Commissioner shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal. Public Seal.

10. The High Commissioner, in Her Majesty's name and on Her Majesty's behalf, may constitute offices for the Territory, make appointments to any such office and terminate any such appointment. Constitution of offices.

11.—(1) The High Commissioner may, by Regulations, make laws for the peace, order and good government of the Territory. Power to make Regulations.

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

(3) Whenever any Regulation has been disallowed by Her Majesty, the High Commissioner shall cause notice of such disallowance to be published in such manner and at such place or places in the Territory as he may direct.

(4) Every Regulation disallowed shall cease to have effect as soon as notice of disallowance is published, and thereupon any enactment amended or repealed by, or in pursuance of, the Regulation disallowed shall have effect as if the Regulation 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 High 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 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 punishment imposed on that person for any offence; or
- (c) substitute a less severe form of punishment for any punishment imposed on that person for any offence; or
- (d) remit the whole or any part of any punishment imposed on that person for any offence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence.

13.—(1) Subject to the provisions of this section, the existing laws shall continue to have effect in the Territory after the commencement of this Order and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order. Existing laws.

(2) The provisions of subsection (1) of this section shall be without prejudice to any powers conferred upon the High Commissioner by section 11 of this Order.

(3) For the purposes of this section "existing laws" means all Ordinances, Laws, rules, regulations, orders and other instruments having the effect of law in the Territory immediately before the commencement of this Order.

14.—(1) The High Commissioner may, by Regulations made under this Order, establish such courts of justice in and for the Territory as he may think fit and may make such provisions as he may think Establishment of courts.

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fit respecting the jurisdiction and powers of any such court, the proceedings in any such court, the enforcement and execution of the judgments, decrees, orders and sentences of any such court given or made in the exercise of such jurisdiction and powers, and respecting appeals therefrom.

(2) A court established under this section shall sit in such place or places in the Territory as the High Commissioner may appoint:

Provided that it may also sit in such place or places within any other British territory south of the 50th parallel of south latitude as the High Commissioner, acting with the concurrence of the Governor of such territory, may appoint, in which case it may exercise its jurisdiction and powers in like manner as if it were sitting within the Territory.

(3) The High Commissioner may constitute all such judgeships and other offices as he may consider necessary for the purposes of this section and may make appointments to any office so established, and any person so appointed, unless otherwise provided by law, shall hold his office during Her Majesty's pleasure.

Amendment of section 1 (1) of the Falkland Islands (Legislative Council) Order in Council, 1948.

15. Subsection (1) of section 1 of the Falkland Islands (Legislative Council) Order in Council, 1948(a), shall be amended by the deletion therefrom of the definition of "the Dependencies" and the substitution therefor of the following definition:

"the Dependencies" means all islands and territories whatsoever between the 20th degree of west longitude and the 50th degree of west longitude which are situated between the 50th parallel of south latitude and the 60th parallel of south latitude; and all islands and territories whatsoever between the 50th degree of west longitude and the 80th degree of west longitude which are situated between the 58th parallel of south latitude and the 60th parallel of south latitude."

W. G. Agnew.

Section 6. SCHEDULE

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE OF HIGH COMMISSIONER

I, DO SWEAR (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of High Commissioner of the British Antarctic Territory.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for the constitution into a new colony under the name of the British Antarctic Territory of part of the Dependencies of the colony of the Falkland Islands and for the administration of the new colony.

(a) S.I. 1948/2573 (Rev. VII, p. 591; 1948 I, p. 1018).

Annex 34

Letter dated 22 July 1965 from E.J. Emery, British High Commission, Ottawa to J.S. Champion, UK
Commonwealth Relations Office

SECRET

344/1



Secret

British High Commission,
80 Elgin Street,
Ottawa 4, Canada.

22 July, 1965.

Dear John,

The Department of External Affairs are thin on the ground this month (cottage time and summons^{as} by Mr. Martin to his bedside in Windsor) but yesterday I saw the Acting Head of the Commonwealth Division, Mr. Beattie, to carry out the instructions in C.R.O. telegram No. 61 Saving^s about defence interests in the Indian Ocean. I had previously consulted my opposite number in the United States Embassy and had agreed with him that I should speak for his Mission as well as ours.

2. I handed Mr. Beattie a bout de papier describing the current proposals as set out in C.R.O. telegram No. 60 Saving^s and giving the facts about the islands in question as in C.R.O. telegram No. 62 Saving^s. I emphasised the strategic importance of the proposed development of joint user facilities in the Indian Ocean and expressed the hope of the British and United States Governments that if there were international criticism, e.g. at the United Nations, the Canadian attitude would be sympathetic and helpful.

3. Mr. Beattie said he was confident that the Canadian Government would not question the strategic value from the /western

J.S. Champion, Esq. O.B.E.,
Defence Department,
Commonwealth Relations Office,
London, S.W.1.

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western point of view of what was proposed. He thought, however, that there might well be a great hullabaloo at the United Nations and Canada would have to consider carefully how best she could help us if that were so. He was speaking without briefing but he seemed to recall that Canada had been specially associated with a resolution at the United Nations some years ago condemning the transfer of sovereignty of any part of a state without the consent of the inhabitants. The Department of External Affairs would be grateful for more information about how consultation with Mauritius and the Seychelles would be conducted. Would the Legislative Assembly of Mauritius and the Legislative Council of the Seychelles be consulted and if so were the inhabitants of the islands earmarked for detachment directly represented in those bodies? *Had we* contemplated some method of direct consultation with the inhabitants of the islands in question? Satisfactory answers to these questions might well make it easier for Canada to help us at the United Nations. I pointed out that the populations involved were very small and, in the case of the Chagos Archipelago, were "mostly contract labour from Mauritius and the Seychelles". This might mean that their real homes were in Mauritius and the Seychelles and that they only went ^{to} in the Chagos Archipelago for brief contract periods, not for permanent residence. I promised to make inquiries about this and to ask you for any further information you could give us at this stage to answer Mr. Beattie's queries

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and to help reassure the Canadians that if they stood up for us in this at the United Nations they would not be open to accusation that they were going back on any resolution to which they had earlier put their hand. I shall be grateful to know what more I can say to the Department of External Affairs.

4. I am copying this letter to Eric Le Tocq in Canberra, Barry Smallman in Wellington, James Scott in New York and Oliver Forster in Washington, and I enclose an extra copy for your use.

Yours ever,

E. J. Emery

(E. J. Emery)

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Annex 35

Letter dated 26 July 1965 from S. Falle, UK Foreign Office to F.D.W. Brown, UK Mission to the United Nations, New York, FO 371/184526

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(Z 4/111)

FOREIGN OFFICE, S.W.1.

26 July, 1965

Thank you for your letter (1199/40/65) of 14 July about defence facilities on the Indian Ocean islands. We have asked the Colonial Office to reply direct to the list of questions in paragraph 5. (You will already have seen Colonial Office telegram no. 222 to Seychelles repeated Personal No. 199 to Mauritius which dealt with some of these questions).

2. We agree (your paragraph 4) that if something has to be said in the U.N. it will need to go further than the statement in your telegram No. 1113 of 13 May, which is out of date. The facts as we know them and all the arguments we have been able to think up to explain and defend this project are contained in the C.R.O. telegrams to which you refer and our telegram No. Guidance 297 of 16 July as amended by the Corrigendum of 20 July. It is impossible to define the scope of the proposals more precisely. In essence, we want to take up now a political option - the detachment of the islands - in order to have real estate available for defence purposes in (say) five or ten years time. The only immediate facility planned is a U.S. Communication state on Diego Garcia. We cannot say now exactly what more we will want to build or when, but we believe that it will get progressively more difficult to detach the islands if Mauritius gets nearer to independence and impossible to do so if she becomes full independent. Similar considerations apply, though less strongly, to the Seychelles.

3. Unless this becomes essential we would much prefer not to take an initiative in the U.N. nor to make a formal statement. Your letter suggests that you think we can avoid this and may not have to answer criticism until the autumn. Much will depend on the reactions and discretion of the governments to whom we have spoken and we should know more of this next week.

4. We would prefer not to give you detailed instructions until we see how the initial approaches are received and how any criticism develops. But by all means concert with the U.S. Mission a line based on the information in paragraphs 1 and 4 - 8 of C.R.O. telegram W Circular 60, using the arguments in the other telegrams under reference and in F.O. Guidance tel. no. 297 as a precautionary measure.

5. I am sending copies of this letter to those who received yours.

*Dispatched
in W/O Dept
26/7/65.
(S. Falle)*

F.D.W. Brown, Esq., C.M.G.,
United Kingdom Mission,
NEW YORK.

S E C R E T

*MRM
27/7
X
B.U. 10/8/65*

Annex 36

Letter dated 2 August 1965 from J.S. Champion, UK Commonwealth Relations Office to E.J. Emery,
British High Commission, Ottawa

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23/E

2-DKF.86/237/1E

COMMONWEALTH RELATIONS OFFICE,
DOWNING STREET,
S.W.1.

2 August, 1965

Thank you for your letter 344/1 of 22 July about the reactions of the Canadians to our proposals for certain islands in the Indian Ocean. I have consulted the Colonial Office on Mr. Beattie's queries. They have replied as follows.

X

The legal position is that no part of the Chagos Archipelago is included in any electoral constituency for the Legislative Assembly of Mauritius. The islands of Aldabra, Desroches and Farquhar, however, are parts of a constituency of the Legislative Council of Seychelles, and their elected member is also a member of the Executive Council. At the moment, however, this member happens to be on a six-months' leadership training course in the United States (he is a young man of 25 years of age - and very pro-American we are told). The Colonial Office are considering whether, and if so how, he might be consulted.

As yet the Governor of Mauritius and the Acting Governor of Seychelles have been instructed to consult only the Council of Ministers and the Executive Council respectively. These consultations are on a strictly confidential basis (see para 9 of our W Circular 60 Saving) and there has therefore been no question at this stage of consultation with the legislatures. At a later stage, however, debates in the legislatures will no doubt take place. We are grateful to Mr. Beattie for drawing attention to the importance of timing in this connection, and indeed for his other comments also.

This is really only an interim reply to the questions raised in your letter, but I hope they may be helpful. The detailed arrangements and procedures to be followed after we have received the views of the Mauritius Council of Ministers and the Seychelles Executive Council, are still being worked out here. We will certainly keep you in touch so that you can keep the Department of External Affairs fully briefed.

Copies of this letter go to all recipients of yours.

(J. S. CHAMPION)
Defence Department

Miss S. J. Esery,
OTTAWA.

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Annex 37

Letter dated 11 August 1965 from R. Terrell, Colonial Office to P.H. Moberly, Ministry of Defence, FO
371/184527

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Enter

11 August, 1965.

PAC 36/748/08.

IMMEDIATE

On the 7th September the Mauritius constitutional conference will open in London.

2. The conference is expected to deal with two main topics. First, it will discuss the long-term future status of the island; and secondly, it will, we hope, agree that Mauritius should go forward within the next few months to internal self-government. The Mauritian political parties are divided over the question of long-term status. Some are demanding independence within the Commonwealth; others look to some form of continued association with Britain. We doubt whether it will be possible for the conference to resolve these differences, but it might succeed in arriving at definitions of "independence" and "free association" which could in due course be put to the Mauritius electorate, and in deciding that the future status of the island should depend on the outcome of an election or a referendum.

3. We know that, whatever the long-term views of the parties, all are deeply concerned about defence and internal security. All fully recognise:

- (a) that Mauritius will be virtually unable to provide for its own defence against any determined external attack; and
- (b) that, when Mauritius Ministers assume responsibility for internal security, situations may arise in which the Government of the day will need external assistance in the form of troops. The prospect of building up the existing Special (Mobile) Force of 150 policemen trained in the use of infantry small arms to the extent that would be required (in theory) to make any need for external forces unnecessary in an emergency is not very attractive, particularly because it would be difficult or impossible in a society rent with communal differences to recruit a force of the required communal balance, or which could be fully relied upon in the kind of communal trouble to be expected.

4. We know that Sir Seewoosagur Ramgoolam, the Premier and leader of the Mauritius Labour Party, which wants independence within the Commonwealth, hopes to negotiate a defence treaty with Britain, and we must also expect that he will seek an undertaking from Her Majesty's Government to come to the assistance of the Government of Mauritius with British troops in the event of

/a

P. H. MOBERLY, ESQ.,
MINISTRY OF DEFENCE,
DS.11,
MAIN BUILDING,
WHITEHALL,
LONDON, S.W.1.

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a serious internal threat. You will have seen from the Governor's Personal telegram No. 175 that the Premier has informed him that his Ministers "would like any agreement over the use of Diego Garcia to provide also for the defence of Mauritius".

5. We are now engaged in preparing briefs for Ministers for the September conference. One of the most important of these must deal with defence and internal security so far as the latter involves the use of British forces.

nor anywhere else

6. Our Secretary of State's basic policy is, of course, to arrive at a constitutional formula for each territory that will (a) reconcile conflicting party policies about the future status of the territory; (b) ensure law and order; (c) satisfy international opinion so far as possible. Whilst Mauritius is a comparatively law-abiding and sensible place, to apply the basic policy there is not easy. The chances of success, we feel, will depend very largely on the firmness of the statements which the Secretary of State is able to make when crucial questions are put to him in the course of the conference. In this context the most important basic consideration, we assume, is the strategic value to the British Government of the main installations - the naval wireless station, H.M.S. MAURITIUS and Plaisance Airport.

7. Whilst current plans for developing alternative communications and staging facilities elsewhere in the Indian Ocean would presumably reduce the value of those in Mauritius, such plans are not yet firm and in any event must take some time to carry out. At the present stage, therefore, it ought presumably to be practical politics for the Secretary of State to make it clear that, whatever the outcome of the conference, Her Majesty's Government would not lightly permit any threat to internal security to prejudice the continued use of H.M.S. MAURITIUS or the availability of Plaisance Airport as a staging post. Do you agree, and if so, in what terms from your point of view could such an assurance be given?

8. Whilst at the present time any substantial threats to internal security would probably come from the right wing of Mauritius politics and would not in themselves appear to constitute any danger to H.M.S. MAURITIUS or Plaisance Airport or to Anglo-U.S. defence plans, it must be expected that left wing, pro-communist (Chinese and Soviet) threats to internal security will inevitably become stronger in the future. Moreover, such threats are likely to be stimulated rather than subdued by the Anglo-U.S. plans.

ND

9. In this situation, if Mauritius is independent at the time when the proposed Anglo-U.S. installations in Diego Garcia and elsewhere are brought into use will Her Majesty's Government then continue to be as concerned about the internal security of Mauritius as at the present time? If so, it would, perhaps, be helpful if the Secretary of State could say so at the conference. Whilst it will presumably be necessary for him firmly to refuse to define the hypothetical circumstances in which Britain would send troops to assist the civil power in an independent Mauritius or in a Mauritius freely associated

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with Britain, he should if possible be in a position to make very clear to the conference, and to any of the leaders who might question him in private, that the internal security of Mauritius is likely to be of great concern to Her Majesty's Government for an indefinite period ahead - if this is the case.

10. If the internal security of Mauritius is to be of great concern to Her Majesty's Government for an indefinite period ahead, it would strengthen the argument for a defence agreement. We know, of course, that no such agreements have been made latterly with independent African states. Moreover, no external threat to Mauritius is yet apparent. But, as indicated above, the Premier has already asked that any agreement over the use of Diego Garcia should also cover the defence of Mauritius, and it must be expected that all parties will want a defence agreement with Britain and that it should contain something about the provision of British troops for an internal security role. We know that one of the parties demanding independence at the same time actually wants a garrison of British troops to be stationed permanently in the island. It seems to us that there is probably no great risk involved in having a defence agreement. Do you agree? What line can we take about this in briefing the Secretary of State?

11. I am sorry to trouble you with so long a letter. But, as you will understand, the success of the constitutional conference is likely to turn very largely on the line the Secretary of State takes when dealing with the points I have raised. We must, if possible, have the briefs at least in first draft inside the next fortnight. I should, therefore, be most grateful if you could let me have your advice as soon as possible.

12. I should like to conclude with a warning that, if the Secretary of State is able to make only vague noises when dealing with some of these questions, it may well turn out to be impossible for Mauritius to advance from the status of dependency at all, with the consequences that all the existing defence commitments in respect of the island will have to remain intact. A decision to perpetuate them in substance, whatever the future status of Mauritius, therefore, may not involve any material alteration to the position that would otherwise obtain.

13. If you will give me a ring we can consider whether to have a meeting about this or whether you would prefer to write.

14. I am sending copies of this to Morland at the Foreign Office, Champion at the C.R.O. and Patterson at the Treasury who will, no doubt, comment if they wish.

(R. Terrell)

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Annex 38

Report submitted by Chiefs of Staff on 26 August 1965 for 1965 Mauritius Constitutional Conference,
CO 1036/1150

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COS 154/65

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MINISTRY OF DEFENCE
CHIEFS OF STAFF COMMITTEE

MAURITIUS CONSTITUTIONAL CONFERENCE

Note by the Secretary

1. The Chiefs of Staff have approved (1) the report (2) at Annex A.
2. In approving the report the Chiefs of Staff invited the Defence Secretariat to forward it to the Colonial Office as an expression of their views.

J.H. Lapsley
Air Vice-Marshal
Secretary
Chiefs of Staff Committee

Annex: A. Mauritius Constitutional Conference.

Notes:

1. COS 43rd Meeting/65, Minute 3.
2. DP 58/65, as amended.

Ministry of Defence
Main Building
Whitehall SW1

26th August 1965

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Annex A to COS 154/65

MAURITIUS CONSTITUTIONAL CONFERENCE

INTRODUCTION

1. The Mauritius constitutional conference will open in London on 7th September 1965. The Colonial Office are preparing briefs for Ministers, one of which will deal with defence and internal security, in so far as the latter involves the use of British forces.

2. The Colonial Office have asked (1) for a military view on certain points and the Defence Secretariat have consolidated these into the four following questions, on which they have asked our views:

a. To what extent should we undertake to assist Mauritius over internal security after independence?

b. To what extent should we undertake to assist Mauritius over external defence after independence, in the form of a defence agreement (bearing in mind the possible development of Anglo-American facilities on islands whose future still has to be negotiated with Mauritius and Seychelles)?

c. What assurance can we give about our continued use of the naval wireless station (HMS Mauritius) and of Plaisance Airport for staging purposes, either in public or privately, to Mauritius leaders?

d. Should we offer to help in building up the Special (Mobile) Force so that it can play a larger part in controlling internal security?

AIM

3. To answer the questions asked by the Defence Secretariat.

BACKGROUND

Strategic Importance of Mauritius

4. We have previously stated (2) that there are two major facilities in Mauritius which are most important to British strategy. These are:

a. The Naval and Strategic Wireless Station (HMS Mauritius). This is required to provide:

(1) Command and control of Commonwealth naval and merchant shipping in the Indian Ocean, Arabian Sea, and Persian Gulf.

(2) A link in our defence strategic communications to the Middle East, Far East, and South Africa, and as a link into the United States defence communications network.

Notes:

1. Annex to COS 2194/16/8/65.
2. COS 75/64.

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Annex A to COS 154/65
(Continued)

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b. The Airfield at Plaisance. This is required as a valuable, and in some cases essential, staging post between the Middle East and Central Africa for Tac T (MR) aircraft, should staging or overflying in East Africa be denied. It could also become an essential airfield on the proposed reinforcement route to the Middle and Far East, flying round or over Southern Africa.

5. Any alternative to either of these facilities might take three to five years to construct.

US/UK Defence Interests in the Indian Ocean

6. In February 1964 it was agreed at official level that the United States should, at their own expense, develop certain defence facilities in the Indian Ocean which could also be used by the United Kingdom if HM Government made the islands concerned available. As a result of subsequent surveys the Americans have plans for the early construction of a communications station and facilities, including an airstrip, on Diego Garcia, one of the islands in the Chagos Archipelago which is a dependency of Mauritius.

7. The matter was considered (3) by Ministers last April, and the Colonial Office subsequently instructed (4) the Governor of Mauritius to inform his Ministers that, subject to the agreement of the Government of Mauritius, HM Government would be prepared in principle to pursue the proposed detachment of the whole of the Chagos Archipelago (including Diego Garcia) for the purpose of joint development with the Americans.

8. Discussions with the United States, Mauritius, and Seychelles are continuing. The islands earmarked for detachment from Mauritius are the Chagos Archipelago, including Diego Garcia. The islands which it is proposed to detach from the Seychelles are Aldabra, Farquhar, and Desroches.

QUESTIONS TO BE ANSWERED

Question a. To what extent should we undertake to assist Mauritius over internal security after independence?

9. There is an existing plan (5) to introduce up to one infantry battalion group into Mauritius for internal security duties if required and, subject to the current defence review, we expect to continue to have this capability. However, the extent, if any, to which HM Government should agree to provide British military assistance to maintain public order in Mauritius after full independence is primarily a political question. Although we have in certain cases taken military action at the request of the government concerned, or made plans to do so, we have no formal commitments of this kind towards other independent Commonwealth countries except Malta.

Notes:

3. OPD(65)21st Mtg.
4. Colonial Office telegram No 198 to Mauritius dated July 1965.
5. RTP(ME)19(Second Revise).

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ANNEX A TO COS 154/65
(Continued)

10. It would be very much in our interests to be able to use British forces to assist the local authorities in dealing with threats to the functioning of the airfield at Plaisance or of the Naval and strategic wireless station, HMS MAURITIUS. Such action would be facilitated both politically and militarily if we had a formal agreement to assist Mauritius in internal security.

11. On the other hand, it would be undesirable for us to be permanently committed to intervene in communal disorders at the behest of the Government of a genuinely independent Mauritius. Such a commitment might involve us in deploying to Mauritius forces more urgently needed elsewhere quite apart from incurring the odium of backing one community alternately against the other. Consequently, we believe that any internal security commitment that we accept in order to help to secure agreement to the excision of the Chagos Archipelago should be limited in time to the period during which we have defence facilities in Mauritius, and in scope to assistance to the local authorities in the protection of our facilities and of essential public utilities.

Question b. To what extent should we undertake to assist Mauritius over external defence after independence, in the form of a defence agreement (bearing in mind the possible development of Anglo-American facilities on islands whose future still has to be negotiated with Mauritius and Seychelles)?

12. We are advised that the conclusion of a defence agreement with a newly independent Commonwealth country is generally speaking undesirable. Furthermore, the acceptance of any more defence agreements at a time when our world-wide commitments are under review should be avoided unless there is an overriding political or military advantage to be gained.

13. While there are certain external communist influences at work in Mauritius, we can at present foresee no likely external military threat to either Mauritius or its dependencies. However, the Governor of Mauritius has reported (1) that the Premier has informed him that his Ministers "would like any agreement over the use of Diego Garcia to provide also for the defence of Mauritius".

14. We would much prefer that the detachment of Diego Garcia and the other dependencies from Mauritius should, once the compensation terms have been agreed, proceed without any consequential military commitment for the external defence of Mauritius. However, if Mauritius Ministers make detachment of the dependencies or retention of our staging facilities and wireless station conditional on an external defence agreement we should

Note:

1. Annex A to COS 2194/16/8/65.

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ANNEX A TO COS 154/65
(Concluded)

agree, since we would not like our plans for the development of US/UK defence interests or retention of our existing facilities in the Indian Ocean to founder on this point; however, the commitment need not necessarily be in the form of a formal Defence Agreement.

15. We are advised that a defence agreement covering only external defence would not satisfy Mauritius Ministers, and that a defence agreement covering internal security and not external defence is unlikely to be politically acceptable to them. We therefore consider that in spite of the disadvantages it would, on balance, be in our interests to enter into a defence agreement covering both internal security and external defence if this was the only way we could ensure the retention and safeguarding of our facilities and the successful outcome of our negotiations to detach the Chagos Archipelago. Such an agreement would obviously cease to be of any advantage to us once the negotiations for detachment had been completed or if in due course we had ceased to retain our facilities for any reason.

Question c. What assurance can we give about our continued use of the naval wireless station (HMS MAURITIUS) and of Plaisance Airport for staging purposes, either in public or privately, to Mauritius leaders?

16. There will be a naval requirement for communications facilities on the present scale in Mauritius for as far ahead as can be foreseen.

17. Similarly the airfield at Plaisance will continue to be a valuable, and in some cases essential, staging post, particularly if use of routes round or over southern Africa is developed. Even in the event of an airfield being built on Aldabra, Plaisance would continue to provide a useful alternative and we would wish to retain the facilities for staging aircraft through there in an emergency.

18. We should therefore assure the Mauritius Government that we foresee a continuing use for both facilities. There would be no objection to this being stated publicly.

Question d. Should we offer to help in building up the Special (Mobile) Force so that it can play a larger part in controlling internal security?

19. We consider that the proper way for Mauritius to maintain a satisfactory internal security situation is to build up the Special (Mobile) Force so that it can adequately cope with any foreseen eventuality. Although it might be assumed that the country has the ability and will to control its own affairs, since self-government in the near future is being considered, we are advised that the communal situation in Mauritius presents special problems in building up a reliable internal security force. Nevertheless a strong police force would ensure that British troops were less likely to be called on for internal security. Therefore we should be prepared to offer any necessary training assistance for this force on the understanding that its cost would not fall on the Ministry of Defence vote.

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Part I to COS 43rd Meeting/65
24th August 1965

3. MAURITIUS CONSTITUTIONAL CONFERENCE SECRET

The Committee had before them a paper (1) by the Defence Planning Staff and a Secretary's minute (2) covering a draft Defence and Oversea Policy Committee (OPD) paper.

SIR RICHARD HULL said that the Colonial Secretary had not been able to persuade the Mauritian Ministers to agree to the detachment from Mauritius of Diego Garcia and the other islands of the Chagos Archipelago, in the context of the proposed development of Anglo/American military facilities in the Indian Ocean, in advance of the Mauritius Constitutional Conference, which would open in London on 7th September 1965. Thus, at the conference, defence and internal security issues were expected to assume particular importance. The report by the Defence Planning Staff answered four specific questions on points of Defence policy relating to Mauritius posed by the Colonial Office. The Defence Secretariat had prepared a draft OPD paper seeking to establish the importance of having joint UK/US military facilities in the Chagos Archipelago in relation to the other issues of defence policy towards Mauritius.

This OPD paper had been drafted in consultation with the Foreign Office, at official level, as a joint submission by the Deputy Secretary of State for Defence and the Minister of State for Foreign Affairs. It was important that it should be considered by the Defence and Oversea Policy Committee at their meeting on Tuesday 31st August 1965, as this would be the last opportunity for Ministers to consider the matter before the Constitutional Conference.

Both the DP paper and the draft OPD paper were in general agreement, but in the draft OPD paper a different line had been taken on guarantees for Mauritian internal security. In considering defence arrangements and the internal security problem, the DP paper concluded that we could guarantee the external defence of Mauritius once the island became genuinely independent and, because of our naval establishment there, we might in the worst case accept certain responsibilities for internal security. On the other hand, the OPD paper, whilst also accepting the commitment for external defence, only allowed for the protection of our own forces and facilities, and argued against our becoming involved in an internal security role. The Committee would wish to hear the views of representatives of political departments.

Notes:

1. DP 58/65 (Final).
2. COS 2224/23/8/65.

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Part I to COS 43rd Meeting/65
24th August 1965

MR SMITH (Colonial Office) outlined the present position in Mauritius and the possible outcome of the Constitutional Conference. The island was divided into two basic communities: the Indians and the Creoles. The Prime Minister, an Indian, was aiming to achieve independence for Mauritius whilst retaining full external defence and internal security agreements with the United Kingdom; his objective was a seat in the United Nations; he was unlikely to achieve this under such arrangements. The Creole opposition wished to retain British supervision for their protection against the Indians and were therefore aiming for something less than independence. The outcome of the Conference was uncertain and his Secretary of State had stated that he was open to consider any kind of solution. The most likely course of events was that the Conference was unlikely to agree on full autonomy, but would accept that Mauritius should proceed to full internal self-government, with the possibility of further progress after a future referendum. Until that time British interests would be represented by a High Commissioner or Governor General. The Colonial Secretary was anxious to detach the Chagos Archipelago by consent and was disinclined to detach it arbitrarily by an Order in Council, which would have international political repercussions. The Mauritian Premier would press for a quid pro quo for the detachment of the Chagos Archipelago and it was the opinion of the Colonial Office that we should not get the bases by consent unless guarantees covering external defence and internal security were given.

MR WALSH ATKINS (Commonwealth Relations Office) said that his Department generally agreed with the draft OPD paper. They were not in favour of defence agreements with Commonwealth countries and agreements with regard to internal security found even less favour. In the case of Mauritius any British internal security action after full independence would have widespread repercussions in the Indian Ocean area owing to racial connections with other countries. In this connection, it was important to differentiate between total independence and independence under "free association"; if Mauritius achieved independence in "free association" with the United Kingdom, intervention in an internal security role might be more politically acceptable. While the legal position was not clear, it was noteworthy that the view existed in Whitehall that there was a right for a state to intervene in another country to protect its own people, even if no written agreement existed. With regard to defence agreements, his department had found that their stated policy of never entering into defence agreements, though not rigidly adhered to, had proved a valuable bargaining point in such discussions.

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Part I to COS 43rd Meeting/65
24th August 1965

In discussion, the following points were made:

a. There was a risk that we might, under pressure, accept an indefinite responsibility for internal security in Mauritius. As the likely outcome of the conference was partial independence, in which circumstance we would still have an internal security commitment under a British High Commissioner, the paragraph in the draft CPD paper on internal security should be amended to reflect this.

b. The Foreign Office agreed that commitments for the defence and internal security of a genuinely independent Mauritius were most undesirable, but they attached such importance to the detachment of the island bases that, if such agreements were the only method of achieving it, this would be considered as a special case. In their view, the presence of our naval forces in Mauritius and our position in the Indian Ocean as a whole would make it imperative for us to accept responsibility for the external defence of Mauritius whether we were invited to do so or not.

c. The naval communications station on Mauritius was a main centre for all naval communications East of Suez. As such it was of vital importance to the Navy and a station of this sort would remain so as long as forces were required to operate East of Suez; it was therefore essential that we should retain the right to protect it. The station had cost £5m to build and, whilst it was technically possible for it to be re-installed elsewhere, the financial penalty would be of the same order.

d. The Air Force Department considered that the provision of the island bases in the Chagos Archipelago was of such importance to our future strategy in the Indian Ocean that we should, if forced, accept whatever external defence or internal security commitments were necessary to ensure their detachment.

e. Several minor amendments to both the draft CPD paper and the DP paper were agreed.

Summing up, SIR RICHARD HULL said that the Committee would agree with the Foreign Office that it was a matter of prime importance that the detachment of the Chagos Archipelago from Mauritius should be achieved before any moves towards Mauritian independence, whether partial or complete, were agreed. It might be necessary for a commitment for the internal security of Mauritius to be accepted during the period of internal self-government short of full independence, but they wished at all costs to avoid a commitment to assist a genuinely independent

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member of the Commonwealth in controlling her own affairs, especially when that country had racial problems of a particularly difficult kind. The papers before them, as amended in the light of their discussion, would serve to define their objectives with regard to Mauritian independence. The draft OPD paper would make clear the joint Ministry of Defence and Foreign Office position and would enable Ministers to balance our military requirements against political considerations.

The Committee:

- (1) Agreed with the remarks of the Chief of the Defence Staff in his summing up.
- (2) Approved the DP paper, as amended in the light of their discussion, and invited the Defence Secretariat to forward it to the Colonial Office as an expression of their views.
- (3) Took note of the draft OPD paper and invited the Defence Secretariat to incorporate the views of the Chiefs of Staff in the final version.

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NOTE

DP.58/65(Final)

In accordance with the instructions of the Chief of the Defence Staff, the attached paper will be tabled for consideration by the Chiefs of Staff at their meeting on Tuesday 24th August 1965.

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COPY NO 124

DP.58/65(Final)

20th August 1965

CHIEFS OF STAFF COMMITTEE

DEFENCE PLANNING STAFF

MAURITIUS CONSTITUTIONAL CONFERENCE

Report by the Defence Planning Staff

In accordance with the instructions (1) of the Chief of the Defence Staff we have answered the following four questions posed by the Defence Secretariat:

- a. To what extent should we undertake to assist Mauritius over internal security after independence?
- b. To what extent should we undertake to assist Mauritius over external defence after independence, in the form of a defence agreement (bearing in mind the possible development of Anglo-American facilities on islands whose future still has to be negotiated with Mauritius and Seychelles)?
- c. What assurance can we give about our continued use of the naval wireless station (HMS Mauritius) and of Plaisance Airport for staging purposes, either in public or privately, to Mauritius leaders?
- d. Should we offer to help in building up the Special (Mobile) Force so that it can play a larger part in controlling internal security?

2. We have consulted the Foreign Office, the Colonial Office, the Defence Secretariat, and the Defence Signal Staff. Our report is at Annex.

Recommendation

3. We recommend that, if they approve our report, the Chiefs of Staff should invite the Defence Secretariat to forward it to the Colonial Office as an expression of their views.

(Signed) R.E. COAKER
E.G.N. MANSFIELD
R.P.S. ERSKINE-TULLOCH
P.H.G. WINTLE

MINISTRY OF DEFENCE. SW1

Note:

1. COS 2194/16/8/65

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Annex 39

Memorandum by the Deputy Secretary of State for Defence and the Parliamentary Under-Secretary of State for Foreign Affairs to the Defence and Overseas Policy Committee, "Defence Facilities in the Indian Ocean", 26 August 1965

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OPD(65)124

COPY NO. _____

26th August, 1965

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

DEFENCE FACILITIES IN THE INDIAN OCEAN

Memorandum by the Deputy Secretary of State for
Defence and the Parliamentary Under-Secretary
of State for Foreign Affairs

We are both much concerned with the urgency of obtaining further decisions on the proposed detachment of certain islands from Mauritius and Seychelles for the military purposes of the United States and ourselves. The islands in question are Diego Garcia and the rest of the Chagos Archipelago (which belong to Mauritius); and Aldabra, Farquhar and Desroches (which belong to Seychelles). The only island for which immediate plans exist is Diego Garcia, where the Royal Navy have plans to establish an oil fuel depot (to replace that in Ceylon), and where the Americans wish to build a communications station with supporting facilities. Details of the proposals were given in OPD(65)68, which the Committee considered at their meeting on April 12th.

2. At that meeting the Committee agreed in principle to pursue the proposal further, and that the price we might have to pay should be discussed with the Governments in Mauritius and Seychelles. As a result, the Governor of Mauritius has explained the situation to his Ministers, and the Governor of Seychelles to his Executive Council, and sought their reactions. The Seychelles Executive Council was lukewarm but raised no objection of principle. They thought that construction of a civil airfield on Mahe would be satisfactory compensation. Mauritius Ministers are reported to be sympathetically disposed, but they have raised a number of difficulties. In particular, they wish any agreement over the use of Diego Garcia to provide also for the defence of Mauritius; they would prefer a 99-year lease instead of detachment under permanent UK sovereignty; they suggest a greatly increased US sugar quota for Mauritius (and hope that the United States might also be helpful about immigration); and they mention an unspecified capital sum for development.

3. The Mauritius Constitutional Conference opens in London on September 7th. Although there is much to be said for keeping constitutional and defence questions apart, and for dealing with islands as a separate affair, Mauritius leaders have asked to discuss the matter while in London. Moreover, we understand that, in discussing the ultimate status of Mauritius (independence or something short of it), Mauritian politicians are likely to be specially interested in the extent to which Britain is prepared to remain responsible for their external defence and their internal security. This being so, the line taken by the Colonial Secretary with Mauritius leaders at the Conference on future defence arrangements will profoundly affect our chances of carrying them with us in the proposed

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detachment of Diego Garcia and the Chagos Archipelago. If we fail to persuade them now, we may never again be in a position to do so at an acceptable cost. Indeed if Mauritius opts for independence at this conference, this will be our last chance to secure the Chagos Archipelago.

4. We should like at this stage to underline the arguments set out by the Foreign Secretary and the Defence Secretary in their earlier paper (OPD(65)68). In the summing up of the discussion, the minutes of the OPD(65)21st Meeting record:-

"If the Defence Review showed that we needed to retain a capability to intervene East of Suez, the facilities proposed might be most valuable
Alternatively, if we should seek to limit our commitments, the existence of the US bases might facilitate such a course."

In the studies on future strategy now being prepared for the Defence Review, it is assumed that these islands will be available in the long term. Recent events in Singapore have given a new urgency to these considerations. We regard the perpetuation of British sovereignty over the islands as extremely important both for their potential strategic value and because they are essentially a joint investment with the Americans. Moreover, if we fail to secure the islands now, the Americans will have neither the inclination nor the means to give us cooperation and logistic support which we shall need in the area.

5. We turn now to the terms on which we can still get these islands. The main ingredients, as suggested by Ministers in Mauritius and Seychelles, are considered below:-

- a. Lease. The Americans have said at official level that it is extremely unlikely that the United States would want to go through with the deal unless the islands were to be permanently detached. Since we see the Americans as an essential partner we must regard American views against a lease as decisive. Moreover, any lease agreement is bound to bring Mauritius under very strong Afro-Asian pressure to revise it in due course. Although in possession of the islands we should be fully entitled and able to resist such pressure, it would nevertheless bedevil our relations with Mauritius and provide a continuing excuse for hostile powers to make trouble. We should therefore stick to the original proposal for detaching the islands once and for all and placing them under British sovereignty.
- b. Sugar. This, of course, is for the Americans to decide, but we have strong reason to believe that they will find it impossible to go more than a very short way to meet the Mauritius bid.
- c. Finance. At their meeting on April 12th the Committee agreed that the United States Government should be asked to contribute to the cost of compensating Mauritius and Seychelles for the loss of their islands. The US Government have recently replied that they are prepared in principle to provide a contribution to the detachment costs, up to one half of the roughly estimated £10m. total, through deduction of an agreed amount of

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UK payments due in research and development surcharges. American officials are thinking of R and D costs of the Polaris programme for this purpose, but we have not yet received detailed proposals from them. Despite discussions in Mauritius and Seychelles, no precise estimate can yet be made of the overall cost of development aid, buying out the commercial owners of the islands and resettling the inhabitants. Nevertheless, the American offer is a clear advance on the original basis on which the project was discussed with them, namely that the UK would pay the costs of detachment, while the US would pay for the construction of the facilities they required, and give us joint use. We believe that the American offer is the best we can hope for and that, although the costs are still unknown, we should tell the Seychelles that we are prepared to pay about £3million towards the cost of an unsophisticated civil airfield, Mauritius being offered aid for some suitable project at no greater cost than Seychelles. An immediate offer to Mauritius should help to overcome any disappointment over their other demands.

- d. External Defence. Normally, we are unwilling to enter into formal arrangements for the external defence of newly independent Commonwealth countries. We should only undertake an obligation in return for a clear-cut political and strategic benefit. In this case, in return for accepting an obligation which we are extremely unlikely ever to be called upon to meet, we stand to gain the advantages already referred to. We therefore propose that, if it seems essential to secure Mauritian acceptance, we should offer, perhaps in a confidential memorandum of understanding, to be responsible for the future defence of an independent Mauritius on condition that Mauritius agrees now to transfer the Chagos Archipelago to British sovereignty.
- e. Internal Security. Internal trouble appears a more real danger in Mauritius than external attack. If Mauritius remains a British dependency, we shall anyhow be responsible for internal security. We see serious objection, however, to being obliged to assist any genuinely independent member of the Commonwealth in controlling her own affairs, especially when that country has racial problems of a particularly difficult kind. Indeed, restoring order in an internal security situation might well take the form of backing one community against the other, according to the Government in power at the time. We believe this situation should be firmly avoided, and that we should press on with detaching the islands without getting ourselves involved in an internal security commitment to an independent Mauritius. If our agreement to accept some obligation to assist in internal security should turn out to be the only way of securing Mauritian acceptance of the detachment of Chagos, we should consider it in the context of a status short of genuine independence (in which case the obligation might indeed be held to remain anyway); thereafter, in the event of genuine independence, we should limit our commitment both in time and scope, tying it to the period of

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the continued use of our existing military facilities on Mauritius (a naval wireless station and a staging airfield) and limiting it to the protection of these facilities and of essential public utilities.

Conclusions

6. a. Perpetuation of British sovereignty over the islands is extremely important, both for their potential strategic value and because they will be a joint investment with the Americans.
- b. As negotiation in Mauritius has failed to establish agreement on terms, we regard it as essential that, during their stay in London, Mauritius Ministers should be made aware of HMG's determination to go through with this project on terms which in HMG's view adequately compensate Mauritius for the loss of the remote and neglected Chagos Archipelago.
- c. These terms should be financial compensation for Mauritius in the form of development or other aid comparable to the sum of about £3million to be offered to the Seychelles, plus a promise of continued British responsibility for the external defence of Mauritius, only as a last resort should we indicate willingness to commit ourselves to assist in internal security after full independence, and then we should limit our commitment to the period of the continued use of our existing defence facilities in Mauritius itself and to the protection of these and of essential public utilities.
- d. If Mauritius Ministers refuse this offer, they should be told that, in that case, HMG will have to consider any proposals for the future status of Mauritius without the Chagos Archipelago, and will exercise their right to transfer Chagos to permanent British sovereignty under order-in-council, financial compensation as above being paid to the Mauritius Government.
- e. With Seychelles we should press on with arrangements for the detachment of Aldabra, Farquhar and Desroches, in return for subsidising unsophisticated civil airfield on Mahe up to a limit of about £3million.
- f. We should accept the US Government's offer to repay us half the costs of detachment and should invite their urgent views on how payment should be made.

Recommendation

7. We invite our colleagues to endorse the conclusions in para. 6 above.

F.J.M.

W.

Whitehall, S.W.1.
26th August, 1965.

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