

Filed on Behalf of: Respondent
Signatory: RD Wilkinson
Statement no: 1
Exhibit: RDW1
Signed: 21 June 2000

CO/3775/98

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

CROWN OFFICE LIST

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

B E T W E E N:

THE QUEEN

- AND -

(1) SECRETARY OF STATE FOR THE FOREIGN
AND COMMONWEALTH OFFICE
(2) HER MAJESTY'S COMMISSIONER
FOR THE BRITISH INDIAN OCEAN TERRITORY

ex parte
LOUIS OLIVIER BANCOULT

WITNESS STATEMENT

I, RICHARD DENYS WILKINSON CVO, Director, Americas Command, Foreign and Commonwealth Office **WILL SAY** as follows:

1. I have recently taken over from Peter John Westmacott (who swore an affidavit in this matter on 25 August 1999) as the Director of the Americas Command, Foreign and Commonwealth Office. I am authorised to make this witness statement on behalf of the First Respondent.

2. I recently asked the US State Department to clarify their position in relation to any proposal that any of the islands in the British Indian Ocean Territory should be resettled by a civilian population. There is exhibited to this statement at "RDW1" a true copy of a letter dated 21 June 2000 from Mr Newsom, the Assistant Secretary of State for Political-Military Affairs in the US Department of State which explains the US Government's concerns.

Statement of truth

3. I believe the facts stated in this witness statement are true.

Dated this 26th day of June 2000

Richard Denys Wilkinson

Richard Denys Wilkinson, CVO

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WITNESS STATEMENT

TREASURY SOLICITOR
Queen Anne's Chambers
28 Broadway
LONDON, SW1H 9JS

Ref: L98/4150C/LMD

Solicitor for the Respondents

329 A

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E X H I B I T

This is the exhibit marked "RDW1" referred to in the witness statement of Richard Denys Wilkinson, CVO.

Dated this 26th day of June 2000

Richard Denys Wilkinson
Richard Denys Wilkinson, CVO



United States Department of State

Assistant Secretary of State
for Political-Military Affairs

Washington, D.C. 20520

June 21, 2000

Mr. Richard D. Wilkinson, CVO
Director for Americas
Foreign and Commonwealth Office
London
United Kingdom

Dear Mr. Wilkinson:

I would like to take this opportunity to express the United States Government's serious concern over the inevitable compromise to the current and future strategic value of Diego Garcia that would result from any move to settle a permanent resident population on any of the islands of the Chagos archipelago. Please let me provide some detail on our concerns and on the strategic considerations on which they rest.

In carrying out our defense and security responsibilities in the Arabian Gulf, the Middle East, South Asia and East Africa, Diego Garcia represents for us an all but indispensable platform. For this reason, in addition to extensive naval requirements, the USG is seeking the permission of your government to develop the island as a forward operating location for expeditionary air force operations -- one of only four such locations worldwide. These locations, to which considerable funds have already been committed, are intended to serve as primary staging points for defense activities in key regions for quite some time to come. We anticipate that our commitment of resources to the island will grow in the years ahead in order to develop the necessary infrastructure to sustain, should it become necessary, intensified military operations. Moreover, as resources for defense diminish in other areas, the centrality of the islands for ensuring U.S. and British security interests will only increase.

In addition to its other facilities, Diego Garcia currently is the home of Detachment 2, 22nd Space Operations Squadron of the U.S. Air Force, which is the newest of eight worldwide satellite command and control stations that constitute the Air Force Satellite Control Network. This Detachment is essential for launch, operation, and in-orbit command, control, and mission data recovery of over 110 U.S. Department of Defense and other National and Civil Agency satellites that enhance the capabilities of conventional forces of the U.S. and allied nations. This Detachment also provides support to NASA's Space Shuttle and Goddard Spaceflight Center, NATO and United Kingdom satellites.

In looking to the future strategic importance of the Chagos archipelago, it is also worthwhile to consider the central role the facility on Diego Garcia has in recent years played in the defense activities and military operations of our two governments. For example, during Operation Earnest Will, which involved protection of merchant shipping in the Persian Gulf during the Iran-Iraq war, the U.S Air Force used Diego Garcia as a staging site for a large number of supply flights to the region by C-5 and C-141 aircraft from the Military Airlift Command. In Operations Desert Shield and Desert Storm, over 600 combat missions were flown from the island, and facilities there housed over 2000 additional personnel required to support those missions. During September and October of 1996, B-52, KC-135 and KC-10 aircraft operated from Diego Garcia in direct support of Operation Desert Strike. In November 1997, B-52, KC-10 and RC-135 aircraft operated from Diego Garcia in support of Operation Desert Thunder. In 1998, over 400 personnel reported to the Diego Garcia installation to support B-52 and KC-10 aircraft operations in support of Operation Desert Fox.

It has been suggested that military bases in Europe function close to civilian population centers, and hence the facilities on Diego Garcia could do so as well. This assertion misses several points. Diego Garcia's desirability as a location for such varied past and future military operations hinges on the combination of its strategic location and isolation, which is unique among operating locations around the world. The settlement of a permanent civilian population on the islands of the Chagos

archipelago, even those at some distance from Diego Garcia, would seriously diminish that isolation and as a consequence erode the island's nearly unparalleled strategic importance. If a resident population were established on the Chagos archipelago, that could well imperil Diego Garcia's present advantage as a base from which it is possible to conduct sensitive military operations that are important for the security of both our governments but that, for reasons of security, cannot be staged from bases near population centers.

Settlements on the outer islands would also immediately raise the alarming prospect of the introduction of surveillance, monitoring and electronic jamming devices that have the potential to disrupt, compromise or place at risk vital military operations. In or near population centers in Western Europe or the United States, efforts by other states or hostile organizations to introduce and employ surveillance, monitoring and electronic jamming devices close to a military base carry a considerable risk of discovery, if only because of the large number of people in the surrounding area. By contrast, the return of small and scattered populations onto islands of the archipelago would make introduction and use of such devices possible with much less risk of discovery because this would occur in an isolated and undeveloped area. In this connection, we note that the largest of the outer islands, the Peros Banos and Salomon atolls, are located only about 140 miles north of Diego Garcia -- a location quite well-suited for monitoring military movements from Diego Garcia in reaction to any Persian Gulf or other contingency.

We have other serious concerns as well. Introduction of settlements on the outer islands of the archipelago would put facilities on Diego Garcia more easily within potential reach of hostile states or terrorists operating by boat. As you know, the potential danger from such an attack on the 21 prepositioning ships located at Diego Garcia would be very serious. For the first time in the history of our military cooperation on Diego Garcia, significant personnel and other assets would be required solely for the purposes of protecting the forces, materials, and facilities located there. Initiation of such requirements on the island would, beyond the considerable expense for both of our governments, possibly

entail reconfiguration of base facilities and potential limitations on a number of activities and operations.

In addition, in the event of hostilities during which Diego Garcia and other islands of the archipelago were attacked, the U.S. would not be in a position to ensure the safety and welfare of any resident civilian population on the outer islands. At the same time, however, your Government's need to provide for their protection or rescue in these circumstances could well require diversion of forces from the island, complicating and possibly impeding fulfillment of other critical missions.

Finally, the suggestion that commercial or touristic projects on the outer islands could be implemented and kept viable without ties to Diego Garcia, its airport, and its other infrastructure and services appears to us very questionable. It strikes us as highly doubtful that the outer islands could support a resident civilian population and be developed economically without access to an international airport. Use of the military facility on Diego Garcia for this purpose, however, cannot be contemplated.

Nor, in the unlikely event that an international airport were built on one of the outer islands to support limited touristic activities, could the sensitive military facility at Diego Garcia serve as a back-up airport. In this connection, you will recollect that applicable agreements between our two governments restrict civilian aircraft from using military airfields in the Chagos archipelago, except in exceptional circumstances and under such terms and conditions as may be defined by the two governments. Moreover, the medical, resupply, and communications infrastructure on Diego Garcia would also not be available for any touristic activities in the outer islands or indeed for any of the other purposes of a civilian population there. Yet the absence of other practicable sources of back-up supplies and services for the nearby civilian population is one of the most telling factors distinguishing the situation of the military facility on Diego Garcia from U.S. bases in the United Kingdom.

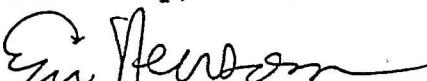
In addition, it is important to consider the impact of military requirements on the viability and future of any settlement. The needs of naval forces to operate through numerous and changing shipping lanes could at any time conflict with plans to base a settlement's economy on fishing or tourism. Furthermore, currently unforeseeable circumstances could require the future use of the outer Chagos islands for defense purposes. In considering the impact of such a situation on a settlement, it is useful to recall that the 1966 Exchange of Notes stipulates that the islands of Diego Garcia and the remainder of the Chagos archipelago shall be available to meet the defense needs of both nations as they arise.

In sum, our view is that any settlement of a resident civilian population even on the outer islands of the archipelago would significantly degrade the strategic importance of a vital military asset unique in the region to both our governments. Such a step would necessitate a serious reevaluation of current and future U.S. defense plans involving the island as well as U.S. strategic planning more generally. I certainly hope this can be avoided.

In the spirit of the open and frank exchanges that characterize relations between our two governments, I very much appreciate this opportunity to lay out my government's views on this important issue. I and my staff would be pleased to provide any additional information you would find helpful and hope this matter can be resolved in a mutually satisfactory manner.

With very best wishes,

Sincerely,


Eric Newsom