

UNCLASSIFIED

E92

SECRET

RELEASED IN PART  
B1, 1.4(B), 1.4(C), 1.4(D)

PAGE 01 STATE 157509 171420Z  
ORIGIN PM-00

INFO	LOG-00	NP-00	AF-00	ACQ-00	CIAE-00	SMEC-00	INL-00
	DOTE-00	DS-00	EB-00	EUR-00	FAAE-00	FBIE-00	VC-00
	TEDE-00	INR-00	L-00	VCE-00	NEA-00	NSAE-00	P-00
	IRM-00	SS-00	SA-00	PMB-00	DSCC-00	SAS-00	/000R

157509  
SOURCE: CBLEXCLS.004345  
DRAFTED BY: PM/ISO:MPADAMS -- 08/17/2000 202-736-7742  
APPROVED BY: EUR/EB:KPITTERLE  
PM:ENEWSOM  
PM/ISO:GCRUZE  
L/PM:DGROGAN  
L/OES:AROACH  
JCS/J5:JABORCHARDT  
OSD:CLILIENFELD  
PACOM/SJA:AKAUFMAN

DESIRED DISTRIBUTION:

AF, EUR, EUR/UBI, P, PM, SA

-----7AF580 171422Z /38

P 171417Z AUG 00  
FM SECSTATE WASHDC  
TO AMEMBASSY LONDON PRIORITY  
INFO SECDEF WASHDC PRIORITY 0000  
JOINT STAFF WASHDC PRIORITY 0000  
USCINCPAC HONOLULU HI//J3/J5// PRIORITY  
NAVSUPPFAC DIEGO GARCIA PRIORITY

SECRET

PAGE 02 STATE 157509 171420Z  
S E C R E T STATE 157509

E.O. 12958: DECL: 08/09/2020  
TAGS: MARR, MOPS, PREL, UK  
SUBJECT: LETTER FOR BIOT COMMISSIONER, JOHN WHITE

REF: A. A) LONDON 5462  
B. STATE 123281

CLASSIFIED BY ASSISTANT SECRETARY ERIC NEWSOM. REASON 1.6 X6.

1. (U) THIS IS AN ACTION REQUEST. PLEASE SEE PARA FOUR  
BELOW.

UNCLASSIFIED

UNCLASSIFIED

B1

UNCLASSIFIED

UNCLASSIFIED

B1

UNCLASSIFIED

UNCLASSIFIED

B1

(U) THE 1976 AGREEMENT, DONE EXPLICITLY PURSUANT TO PARAGRAPH TWO (B) OF THE 1966 BIOT AGREEMENT, AND WHICH PERMITTED THE EXPANSION OF THE COMMUNICATIONS FACILITY TO A NAVAL SUPPORT FACILITY, COMPLIED WITH THE REQUIREMENT ALLUDED TO IN THE AGREED MINUTE OF THE SAME YEAR. THUS, AS THE CONSTRUCTION CURRENTLY BEING PROPOSED DOES NOT GO BEYOND THE

SECRET

PAGE 06 STATE 157509 171420Z

SCOPE OF THE 1976 AGREEMENT, THE REQUIREMENT OF THE AGREED MINUTE OF 1966 HAS BEEN MET, AND THE TWO GOVERNMENTS NEED NOT CONCLUDE YET ANOTHER AGREEMENT SPECIFICALLY TARGETING THE PROPOSED CONSTRUCTION.

(U) RECALL THAT THE 1966 AGREEMENT PERMITTED ONLY A SMALL COMMUNICATIONS FACILITY, AND REQUIRED ADDITIONAL AGREEMENT BEFORE USES COULD BE EXPANDED. THAT ADDITIONAL AGREEMENT FOR EXPANDED USES WAS ACCOMPLISHED IN 1976. IN THE NEGOTIATIONS WHICH LED TO THE 1976 AGREEMENT PERMITTING THE EXPANSION OF THE SMALL COMMUNICATIONS FACILITY TO A LARGER NAVAL SUPPORT FACILITY, THE ISSUE OF USE OF THE FACILITY AS AN AIR STAGING BASE WAS EXPLICITLY CONSIDERED AND IMPLICITLY AGREED TO. FURTHERMORE, HISTORICAL PRACTICE OF USE OF THE FACILITY SINCE 1976 FOR PRECISELY THAT PURPOSE, THAT IS, AS AN AIR STAGING FACILITY, CONFIRMS THIS. THUS, THE 1966 MINUTE IS INAPPOSITE TO THE CURRENT ISSUE. THE 1976 AGREEMENT IS THE CONTROLLING DOCUMENT.

(U) BY THE 1976 AGREEMENT, HER MAJESTY'S GOVERNMENT GRANTED TO THE UNITED STATES GOVERNMENT THE RIGHT TO DEVELOP FACILITIES ON DIEGO GARCIA AS "A SUPPORT FACILITY OF THE UNITED STATES NAVY AND TO MAINTAIN AND OPERATE IT." THE CHOICE OF THE NAME OF THE FACILITY, AS A "NAVAL" SUPPORT FACILITY, IS NOT DISPOSITIVE OF THE USE FOR WHICH IT MAY BE PUT.

B1

UNCLASSIFIED

UNCLASSIFIED

"THE UK DELEGATION EMPHASIZED REPEATEDLY THROUGHOUT THE  
SECRET

PAGE 07 STATE 157509 171420Z

B1

(U) THE PURPOSE OF THE FACILITY, ACCORDING TO PARAGRAPH (2) OF THE 1976 AGREEMENT, INCLUDED FURNISHING "SUPPORT FOR SHIPS AND AIRCRAFT OWNED OR OPERATED BY OR ON BEHALF OF EITHER GOVERNMENT." PARAGRAPH (4) (B) PROVIDES THAT AIRCRAFT "OWNED OR OPERATED BY OR ON BEHALF OF EITHER GOVERNMENT MAY FREELY USE THE . . . AIRFIELD." PER PARAGRAPH (3), IN NORMAL CIRCUMSTANCES, EACH PARTY IS TO INFORM THE OTHER OF INTENDED MOVEMENTS OF SHIPS AND AIRCRAFT, AND "IN OTHER CIRCUMSTANCES THE USE OF THE FACILITY SHALL BE A MATTER FOR THE JOINT DECISION OF THE TWO GOVERNMENTS." THE TWO GOVERNMENTS HAVE, ON MANY OCCASIONS SINCE 1976, AGREED TO THE USE OF THE NSF IN SUPPORT OF U.S. AIR FORCE OPERATIONS, UNDER THE AUSPICES OF THE 1976 AGREEMENT.

B1

(U) RATHER THAN REQUIRING A NEW OR SUPPLEMENTAL AGREEMENT FOR THE APPROVAL OF THESE INITIATIVES BY HER MAJESTY'S GOVERNMENT, THE APPROPRIATE MECHANISM FOR APPROVAL IS THAT EXISTING PER PARAGRAPH (1) OF THE 1976 AGREEMENT. THE CURRENT PROPOSAL DOES NOT CONTEMPLATE THE CONSTRUCTION OF A NEW FACILITY, NOR DOES IT INVOLVE CONSTRUCTION OUTSIDE THE

UNCLASSIFIED

UNCLASSIFIED

SPECIFIC AREA SHOWN IN THE PLAN ATTACHED TO THE 1976 AGREEMENT, WHICH SHOWS THE SCOPE OF THE UNITED STATES NSF. PER PARAGRAPH (1) (A) OF THE 1976 AGREEMENT, "IMMOVABLE STRUCTURES, INSTALLATIONS AND BUILDINGS FOR THE FACILITY MAY, AFTER CONSULTATION WITH THE APPROPRIATE ADMINISTRATIVE AUTHORITIES OF THE UNITED KINGDOM, BE CONSTRUCTED WITHIN THE SPECIFIC AREA SHOWN IN THE PLAN ATTACHED TO THIS NOTE." THE 1976 AGREEMENT EXPLICITLY AUTHORIZED THE FACILITY TO CONSIST OF "AN ANCHORAGE, AIRFIELD, SUPPORT AND SUPPLY ELEMENTS AND ANCILLARY SERVICES, (AND) PERSONNEL ACCOMMODATION . . . ." THE PROPOSED CONSTRUCTION WILL SUPPORT THESE AGREED USES, DOES NOT CHANGE THE FUNDAMENTAL NATURE OR CHARACTER OF THE AGREEMENT, AND IS CONSISTENT WITH THE INTENT AND PRACTICE OF BOTH GOVERNMENTS. GIVEN THESE FACTS, THERE IS AMPLE LEGAL BASIS FOR APPROVAL OF THE PROPOSED CONSTRUCTION AFTER CONSULTATION AT THE APPROPRIATE ADMINISTRATIVE LEVEL.

END TEXT.

SECRET

PAGE 09            STATE    157509    171420Z

##

TALBOTT

SECRET

<< END OF DOCUMENT >>

UNCLASSIFIED