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History of DGAR and the Chagossians Since 1964

Prior to 1964, the Chagos Archipelago, part of the dependent territory of Mauritius, was for the most part uninhabited with the exception of contract workers brought in from the Seychelles and Mauritius by the Copra plantation owners to work on the plantations.

In 1964, discussions between the U.S. and the UK Governments over the possible establishment of defense facilities in the Chagos Archipelago or other Indian Ocean islands commenced. Based upon these discussions, over the next several years, HMG created the British Indian Ocean Territories (BIOT), which included the Chagos Archipelago and other islands. It also purchased the lease holds on Diego Garcia from the company that ran the copra plantations and re-leased them under revocable leases until such time as the islands were to be used for defense purposes.

On December 30, 1966, in an Exchange of Notes, the UK and U.S. Governments agreed that the islands, which were to remain under HMG sovereignty, should be available to meet their various defense needs for an initial period of 50 years, and thereafter for 20 years, unless either Government gave notice to terminate the agreement. It provided that upon initial U.S. requirement for the use of a particular island, the Parties would consult with respect to the administrative measures to be taken by the UK authorities in order to meet that defense requirement.

On September 3, 1968, the UK approved the U.S.'s request for construction on Diego Garcia of a facility for communications and other uses.

On April 16, 1971, the BIOT Commissioner enacted BIOT Immigration Ordinance No. 1 of 1971. This made it unlawful for someone to enter or remain in the territory without a permit; it provided for the Commissioner to make an order directing that person's removal from the territory. This Ordinance served as the basis for HMG's transfer of the Chagossians from the islands to Mauritius and Seychelles.

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Classified by PM/ISO Director Charles P. Wilson

Reason: E.O. 12958, 1.4 (b) and (d)

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK H PEREZ
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CONFIDENTIAL

- 2 -

On September 4, 1972, a payment of £650,000 (\$1.4 million dollars) was agreed upon between the UK and Mauritian Governments to meet the cost of resettling the Chagossians displaced from the Archipelago since 1965 and who were yet to come. It was paid in March 1973.

In October 1972, a UK/U.S. Exchange of Notes agreed to the construction of the previously informally agreed to naval communications facility at Diego Garcia. In February, 1976, the US and UK entered into another agreement expanding the scope of the naval communications station to a naval support facility, which remains today.

In March 1980, a petition by the Chagossians was sent to the British with a detailed letter of instruction. In that letter, the Chagossians stated they would renounce their right to return to Diego Garcia in exchange for a proper amount of compensation.

On October 22, 1982, a check for £4 million was handed over to a Chagossian Board of Trustees. The Chagossian Board of Trustees distributed £556 to each of the 1,260 Chagossian adults and 80 minors.

In November, 2000, the British High Court held in a suit brought by the Chagossians against HMG that the British Indian Territory Ordinance that supported the removal of the Chagossians from the Chagos Archipelago exceeded the authority of the BIOT commissioner. While HMG did not appeal the ruling, immediate action was taken to enact an FCO regulation that allows the former inhabitants of the Chagos Archipelago to resettle anywhere within the area but Diego Garcia and its 3 NM territorial sea.

In December 2001, the Chagossians filed a complaint in U.S. District Court asking for an injunction against the U.S. to stop the U.S. from excluding them from the island of Diego Garcia and from discriminating against them in employment. On February 25, 2002, the U.S. filed an opposition to the Chagossian's motion followed on March 21, 2002, by the U.S. filing a motion to dismiss the case. The U.S. District Court has not ruled on the U.S. Government's request for dismissal.

October 9, 2003, the UK Royal Courts of Justice found in favor of the British Government in a similar case filed against them by the Chagossians.

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