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Written Statement

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**British Indian Ocean Territory (BIOT)**

**The Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs (Mr Bill Rammell):**

I would like to inform the House of developments in relation to the British Indian Ocean Territory.

In 1965, prior to Mauritius achieving independence in 1968, and with the agreement of the Mauritius Council of Ministers, the islands of the Chagos Archipelago were detached from Mauritius to form part of the British Indian Ocean Territory. The Territory was created to provide for the defence needs of both Britain and the United States of America. Subsequently, the plantations on which the population of the islands had depended for their livelihood were run down and closed; and the inhabitants – the Chagossians – were in due course relocated to Mauritius and Seychelles, from where they or their families originated. The vast majority of them automatically acquired Mauritian or Seychelles citizenship when those countries respectively achieved independence. In addition, the British Overseas Territories Act 2002 gave a large number of them British citizenship. This carries with it the right of abode in this country, which some of them have already taken up, and freedom of access to other EU countries. Following the relocation, Britain made £650,000 available for the express purpose of assisting resettlement. And in 1982 Britain made a further *ex gratia* payment of £4 million for the benefit of the Chagossian community in Mauritius.

In November 2000 the High Court in the UK held in judicial review proceedings that a provision of the Territory's immigration law which had previously precluded the Chagossians from returning to the Territory without a permit was invalid. In the circumstances which then obtained, it was decided not to appeal against that ruling, and the immigration law was amended to reflect it.

Following the departure of the Chagossians in the late 60s and early 70s, the economic conditions and infrastructure which had supported the community of plantation workers ceased to exist. While the judicial review proceedings were still pending, the Government therefore commissioned a feasibility study by independent experts to examine and report on the prospects for re-establishing a viable community in the outer islands of the Territory. The latest report of the study was delivered after the November 2000 judgment and it was then placed in the Library of the House. It concluded that "*..whilst it may be feasible to resettle the islands in the short-term, the costs of maintaining long-term inhabitation are likely to be prohibitive. Even in the short-term, natural events such as periodic flooding from storms and seismic activity are likely to make life difficult for a resettled population... Human interference within the atolls, however well managed, is likely to exacerbate stress on the marine and terrestrial environment and will accelerate the effects of global warming. Thus resettlement is likely to become less feasible over time.*" Specifically with reference to climate change, the report advised that "*the main issue facing a resettled population on the low-lying islands will be flooding events, which are likely to increase in*

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*periodicity and intensity and will not only threaten infrastructure, but also the freshwater aquifers and agricultural production. Severe events may even threaten life."* The report also highlighted the implications for resettlement on such low-lying islands of the predicted increase in global sea levels as a result of climate change.

In effect, therefore, anything other than short-term resettlement on a purely subsistence basis would be highly precarious and would involve expensive underwriting by the UK Government for an open-ended period – probably permanently. Accordingly, the Government considers that there would be no purpose in commissioning any further study into the feasibility of resettlement; and that it would be impossible for the Government to promote or even permit resettlement to take place. After long and careful consideration, we have therefore decided to legislate to prevent it.

Equally, restoration of full immigration control over the entire territory is necessary to ensure and maintain the availability and effective use of the Territory for defence purposes, for which it was in fact constituted and set aside in accordance with the UK's treaty obligations entered into almost 40 years ago. Especially in the light of recent developments in the international security climate since the November 2000 judgment, this is a factor to which due weight has had to be given.

It was for these reasons that on 10 June 2004 Her Majesty made two Orders in Council, the combined effect of which is to restore full immigration control over all the islands of the British Indian Ocean Territory. These controls extend to all persons, including members of the Chagossian community.

The first of these two Orders replaces the existing Constitution of the Territory and makes clear, as a principle of the Constitution, that no person has the right of abode in the Territory or has unrestricted access to any part of it. The second Order replaces the existing Immigration Ordinance of the Territory and contains the detailed provisions giving effect to that principle and setting out the necessary immigration controls. These two Orders restore the legal position to what it had been understood to be before the High Court decision of 3 November 2000. I am arranging for copies of the Orders to be placed in the Library of the House.

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