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B1, 1.4(A), 1.4(B), 1.4(D), 1.4(G), B5

SECRET

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ORIGIN PM-00

INFO	LOG-00	NP-00	AF-00	AID-00	AMAD-00	ACQ-00	CIAE-00
	SMEC-00	INL-01	DOEE-00	DOTE-00	WHA-00	SRPP-00	DS-00
	EAP-00	EB-00	EUR-00	OIGO-02	FAAE-00	FBIE-00	VC-00
	H-01	TEDE-00	INR-00	IO-00	L-00	VCE-00	NASA-01
	AC-01	NEA-00	DCP-01	NSAE-00	NSCE-00	NSF-01	OES-01
	OMB-01	PA-00	PRS-00	ACE-00	P-00	SP-00	IRM-00
	SS-00	TRSE-00	T-00	USIE-00	SA-00	IIP-00	SNIS-00
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USCINCPAC HONOLULU HI//J3/J5// PRIORITY

NAVSUPPFAC DIEGO GARCIA UO PRIORITY

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S E C R E T STATE 123281

E.O. 12958: DECL: 06/27/2010

TAGS: MARR, MOPS, PREL, UK

SUBJECT: DOCUMENTS CONCERNING USAF PLANS ON DIEGO GARCIA

REF: LONDON 4043

CLASSIFIED BY ASSISTANT SECRETARY ERIC NEWSOM. REASONS 1.5  
B/D.

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

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BELOW.

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3. (U) THE COVERING LETTER, PAPER ON CONSTRUCTION UPGRADES AND LEGAL ANALYSIS ARE RESPECTIVELY AT PARAS FOUR, FIVE AND SIX. DEPARTMENT REQUESTS EMBASSY TO DELIVER THESE DOCUMENTS TO MR. WHITE. EMBASSY SHOULD POINT OUT TO HIM THAT, WHILE THE LARGE MAJORITY OF THE LEGAL ANALYSIS IS UNCLASSIFIED, WE HAVE CLASSIFIED THAT DOCUMENT AS SECRET OWING TO SENSITIVE REFERENCES IN TWO PARAGRAPHS. THE COVER LETTER AND LIST OF CONSTRUCTION UPGRADES ARE BOTH UNCLASSIFIED.

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4. (U) BEGIN TEXT OF LETTER

MR. JOHN WHITE  
COMMISSIONER  
BRITISH INDIAN OCEAN TERRITORIES  
FOREIGN AND COMMONWEALTH OFFICE  
LONDON  
UNITED KINGDOM

DEAR MR. WHITE:

I AM WRITING TO FOLLOW UP ON OUR MAY 8-9 DIEGO GARCIA TALKS AND TO PASS ALONG THE TWO PAPERS WE VOLUNTEERED AT THAT TIME TO PREPARE FOR YOU. THE FIRST PROVIDES A LIST OF THE PROPOSED CONSTRUCTION AND UPGRADES TO DEVELOP FURTHER THE FACILITY ON THE ISLAND AS A LOCATION FOR OPERATIONS BY AN AIR EXPEDITIONARY FORCE. THE SECOND PAPER IS A LEGAL ANALYSIS OF AUTHORITIES EXISTING IN CURRENT AGREEMENTS BETWEEN OUR TWO COUNTRIES WHICH, WE BELIEVE, PROVIDE A FIRM LEGAL BASIS FOR THESE IMPROVEMENTS.

I WISH TO REEMPHASIZE THAT THE PROPOSED CONSTRUCTION WILL NOT EXPAND THE CURRENT "FOOTPRINT" OF THE BASE ON DIEGO GARCIA. SIMILARLY, NO CHANGE IS PLANNED IN THE NATURE OR TEMPO OF THE KINDS OF AIR FORCE OPERATIONS FOR WHICH NSF DIEGO GARCIA HAS HISTORICALLY PROVIDED SUPPORT. THESE PROPOSED IMPROVEMENTS WILL, HOWEVER, PERMIT BETTER AND LESS EXPENSIVE SUPPORT BOTH TO THE ROUTINE TRAINING DEPLOYMENTS ASSOCIATED WITH THE AEF

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CONCEPT, AND TO THE LARGER DEPLOYMENTS THAT OCCASIONALLY  
OCCUR IN SUPPORT OF CONTINGENCY OPERATIONS.

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PLEASE ALSO NOTE THAT THE PENULTIMATE PARAGRAPH OF THE LEGAL  
ANALYSIS DOES NOT PROVIDE THE SAME AMOUNT OF DETAIL ABOUT THE  
PROPOSED CONSTRUCTION AS DOES THE PAPER WE HAVE INCLUDED  
SPECIFICALLY FOR THAT PURPOSE. THIS LATTER DOCUMENT SHOULD  
BE REGARDED AS AUTHORITATIVE.

SHOULD YOU HAVE ADDITIONAL QUESTIONS OR REQUIRE ANY FURTHER  
INFORMATION, WE WILL BE PLEASED TO ASSIST YOU. WE HOPE THAT  
THIS ADDITIONAL INFORMATION WILL PUT YOU IN A POSITION TO  
ALLOW THE PROCESSING OF OUR VARIOUS REQUESTS TO GO FORWARD.

SINCERELY,

GREG CRUZE  
DIRECTOR, OFFICE OF  
INTERNATIONAL SECURITY OPERATIONS

5. (U) BEGIN TEXT OF DOCUMENT ON CONSTRUCTION UPGRADES

AEF INFRASTRUCTURE UPGRADES

IN ACCORDANCE WITH THE RECENT DISCUSSIONS BETWEEN  
REPRESENTATIVES OF OUR TWO GOVERNMENTS AND SUBJECT TO UK  
GOVERNMENT APPROVAL, THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA, SUBJECT TO THE AVAILABILITY OF FUNDS, PLANS TO  
UNDERTAKE THE FOLLOWING INFRASTRUCTURE UPGRADES:

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PRE-ENGINEERED BUILDINGS (PEBS) USD \$5M

CONSTRUCTION OF 100 UNITS ON EXISTING CONCRETE PADS

CONSTRUCTION OF THREE SMALL MASONRY BUILDINGS TO HOUSE THE  
POWER DISTRIBUTION UNITS WHICH  
WILL PROVIDE ELECTRICITY TO THE PEBS

CONSTRUCTION OF A SMALL CONCRETE PAD FOR AN EMERGENCY  
BACK-UP POWER GENERATOR

PAVING OF ACCESS ROADS WITHIN THE TENT AREA

MUNITIONS STORAGE MAGAZINES USD \$5.5M

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CONVERSION OF FOUR (4) OPEN AIR BUNKERS TO MODULAR  
MUNITIONS STORAGE MAGAZINES

CURRENT CLEAR "SAFETY" ZONE REQUIREMENTS WOULD STILL APPLY

LAND MOBILE RADIO REPEATER

USD \$50K

CONSTRUCTION OF A (7X7 FOOT) BUILDING ADJACENT TO THE WATER  
TOWER TO SHELTER SUPPORT  
EQUIPMENT

UPGRADE OF EXISTING CLASSIFIED STORAGE FACILITIES USD \$400K

AT THE PRESENT TIME, WE ARE AWARE OF NO FURTHER PLANNED  
CONSTRUCTION IN SUPPORT OF THE AEF UPGRADE. IN THE EVENT  
THAT FURTHER CONSTRUCTION SHOULD BE REQUIRED, THE U.S.

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GOVERNMENT WILL CONSULT WITH UK AUTHORITIES IN ACCORDANCE  
WITH OUR AGREEMENTS AND PAST PRACTICE.

6. (S) BEGIN TEXT OF LEGAL ANALYSIS

SECRET (RELEASABLE TO THE UK)

(U) AN ANALYSIS OF THE LEGAL BASIS UNDER EXISTING AGREEMENTS  
FOR INFRASTRUCTURE IMPROVEMENTS IN SUPPORT OF U.S. AIR FORCE  
ACTIVITIES ON NAVAL SUPPORT FACILITY, DIEGO GARCIA, BRITISH  
INDIAN OCEAN TERRITORY

ISSUE:

(U) WHETHER IMPROVEMENTS REQUESTED BY THE UNITED STATES TO  
INFRASTRUCTURE ON THE UNITED STATES NAVAL SUPPORT FACILITY,  
DIEGO GARCIA, BRITISH INDIAN OCEAN TERRITORY, IN SUPPORT OF  
UNITED STATES AIR FORCE ACTIVITIES ON THAT FACILITY HAVE AN  
ADEQUATE LEGAL BASIS UNDER EXISTING AGREEMENTS BETWEEN THE  
UNITED KINGDOM AND THE UNITED STATES.

CONCLUSION:

(U) PARAGRAPH (1) (A) OF THE AGREEMENT CONSTITUTED BY THE  
EXCHANGE OF NOTES DATED FEBRUARY 25, 1976 BETWEEN THE  
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA PROVIDES AN ADEQUATE LEGAL BASIS FOR THE PROPOSED  
IMPROVEMENTS.

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DISCUSSION:

(U) USE OF THE NAVAL SUPPORT FACILITY TO SUPPORT UNITED STATES AIR FORCE ACTIVITIES IS PROVIDED FOR IN EXISTING AGREEMENTS BETWEEN THE UNITED KINGDOM AND THE UNITED STATES AND IS SUPPORTED BY LONG-STANDING PRACTICE. THE PROPOSED INFRASTRUCTURE IMPROVEMENTS NEITHER REPRESENT NOR DERIVE FROM ANY CHANGE TO THE USES FOR WHICH THE UNITED KINGDOM HAS HERETOFORE PERMITTED THE NAVAL SUPPORT FACILITY (NSF) TO BE PUT BY THE UNITED STATES. USE OF NSF HAS ALWAYS INCLUDED SUPPORT FOR U.S. AIR FORCE ACTIVITIES. THE PROPOSED INFRASTRUCTURE IMPROVEMENTS DO NOT REPRESENT AN EXPANSION OF USE OR OPERATION, BUT RATHER WILL PRODUCE IMPROVED QUALITY OF LIFE AND GREATER EFFICIENCY FOR EXISTING OPERATIONS IN SUPPORT OF AIR FORCE AIRCRAFT MISSIONS. SUCH USES ARE IN ACCORDANCE WITH THE AGREEMENT CONSTITUTED BY THE EXCHANGE OF NOTES DATED FEBRUARY 25, 1976 BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA (HEREINAFTER REFERRED TO AS THE 1976 AGREEMENT). ONE OF THE PRIMARY PURPOSES OF THE 1976 AGREEMENT WAS TO PERMIT AN EXPANSION OF THE FACILITY TO PROVIDE SUPPORT FOR AIRCRAFT OPERATIONS.

(U) BY THE 1976 AGREEMENT, THE UK 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 PURPOSE OF THE FACILITY, ACCORDING TO PARAGRAPH (2) OF THE 1976 AGREEMENT, INCLUDED FURNISHING "SUPPORT FOR SHIPS AND AIRCRAFT OPERATED BY OR ON BEHALF OF EITHER GOVERNMENT." PARAGRAPH (4)(B) PROVIDES THAT AIRCRAFT "OWNED OR OPERATED BY OR ON BEHALF OF

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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 MANTLE OF THE 1976 AGREEMENT.

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(U) THE UNITED STATES GOVERNMENT HAS NOT PROPOSED TO ALTER  
THE CHARACTER OF ITS USE OF NSF DIEGO GARCIA IN ANY WAY THAT  
COULD BE CONSIDERED INCONSISTENT WITH THE USES AND OPERATIONS  
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DISCUSSED ABOVE, ALL OF WHICH HAVE BEEN CONDUCTED IN  
CONSULTATION WITH THE UK GOVERNMENT UNDER EXISTING  
AGREEMENTS. WHAT HAS CHANGED, HOWEVER, IS THE RECOGNITION BY  
THE U.S. AIR FORCE THAT THE NEED FOR THESE KINDS OF  
OPERATIONS IS NOT LIKELY TO DIMINISH, AND THAT ITS TRAINING  
FOR THEM, AND INFRASTRUCTURE IN SUPPORT OF THEM, NEED  
IMPROVEMENT. TO THAT END, THE U.S. AIR FORCE HAS DEVELOPED  
WHAT IT CALLS THE AIR EXPEDITIONARY FORCE (AEF) CONCEPT.  
THIS IS AN OPERATIONAL CONCEPT THAT RECOGNIZES THE  
INEFFICIENCY AND EXPENSE OF AD HOC RESPONSES TO OVERSEAS  
CONTINGENCIES, AND THE CONTINUED NEED FOR THE KIND OF FORWARD

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DEPLOYED OPERATIONS THAT THE U.S. AIR FORCE HAS BEEN EXECUTING OVER THE PAST TEN YEARS FROM LOCATIONS LIKE NSF DIEGO GARCIA. THE AEF CONCEPT RECOGNIZES THE NEED TO TRAIN FOR SUCH OPERATIONS, AND THE NEED TO HAVE APPROPRIATE INFRASTRUCTURE IN PLACE TO EFFICIENTLY AND EFFECTIVELY SUPPORT THEM.

(U) GIVEN THAT AIR FORCE OPERATIONS FROM DIEGO GARCIA ARE LIKELY TO CONTINUE, THE TEMPORARY SUPPORT FACILITIES, SUCH AS TENTS, NEED TO BE IMPROVED. THESE IMPROVEMENTS WILL PERMIT BETTER AND LESS EXPENSIVE SUPPORT TO THE ROUTINE TRAINING DEPLOYMENTS ASSOCIATED WITH THE AEF CONCEPT, AND TO THE LARGER DEPLOYMENTS THAT OCCASIONALLY OCCUR IN SUPPORT OF CONTINGENCY OPERATIONS SUCH AS, FOR EXAMPLE, DESERT FOX. THE AEF CONCEPT DOES NOT, HOWEVER, CONTEMPLATE A CHANGE IN THE NATURE OR TEMPO OF THE KINDS OF AIR FORCE OPERATIONS FOR WHICH NSF DIEGO GARCIA HAS HISTORICALLY PROVIDED SUPPORT. IT DOES NOT CHANGE THE FUNDAMENTAL NATURE OR USE OF NSF DIEGO GARCIA, WHICH WAS ALWAYS INTENDED TO, HAS ALWAYS, AND CONTINUES TO SUPPORT AIR FORCE OPERATIONS, FROM ROUTINE

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SUPPLY FLIGHTS TO MAJOR COMBAT OPERATIONS. THE AEF MERELY CREATES AN INTERNAL AIR FORCE INSTITUTIONAL PARADIGM FOR THE MORE EFFICIENT AND EFFECTIVE MANAGEMENT AND EXECUTION OF THOSE OPERATIONS.

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

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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, SECRET

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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 PARTICULARLY WITH RESPECT TO PRIOR IMPROVEMENTS TO THE SUPPORT FACILITY IN SUPPORT OF U.S. AIR FORCE ACTIVITIES. GIVEN THESE FACTS, THERE IS AMPLE LEGAL BASIS FOR APPROVAL OF THE PROPOSED CONSTRUCTION AFTER CONSULTATION AT THE APPROPRIATE ADMINISTRATIVE LEVEL.

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