

SECRET AND GUARD

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STEERING COMMITTEE ON INTERNATIONAL ORGANISATIONS
PRESENTATION OF BRITISH INDIAN OCEAN TERRITORY IN
THE UNITED NATIONS

(Note by the Foreign Office)

The attached brief has been prepared by the
Foreign Office in consultation with the Commonwealth
Office and Ministry of Defence.

Foreign Office, S.W.1.

8 September, 1966.

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PRESENTATION OF BRITISH INDIAN OCEAN TERRITORY IN

THE UNITED NATIONS

Documents: Hansard: House of Commons, 10 November, 1965 -
Written by Mr. James Johnson to the Secretary
of State for the Colonies.

B.I.O.T. Order in Council, 1965.

Brief to United Kingdom Mission - Foreign Office
telegram to New York, No. 4361 of 10 November, 1965.

Fourth Committee debates of 16 and 25 November,
1965 (A/C4/SR 1558 and 1570).

General Assembly Resolution 2066(XX)

Secretariat Working Papers A/LC 109/L279 of
26 April, 1966 and Add. 1 of 10 August, 1966.

Provisional Summary Record of Sub-Committee I
of the Committee of 24, 12 August, 1966
(A/LC.109/SC 2/SR 28).

I BACKGROUND

The British Indian Ocean Territory was constituted by Order in Council in November, 1965 "for the construction of defence facilities by the British and United States Governments". The islands which form part of the British Indian Ocean Territory had formerly been administered as dependencies of Mauritius and the Seychelles. £3m. compensation was agreed and has already been paid to the Government of Mauritius; in the case of the Seychelles it was agreed that a civil airfield would be constructed in compensation to the Government of that territory. There was opposition at the time in Mauritius from the Parti Mauricien on the grounds that the compensation was insufficient; it has been dormant in the last few months but could reappear as an issue in the forthcoming Mauritius elections. In the Seychelles, the leader of the Seychelles People's United Party, Mr. Rene, vociferously opposed the idea of American bases before agreement was reached with the Seychelles Government, but since then he has tried to steal credit for securing an airfield for the Seychelles and is unlikely to renew his opposition.

Geography, Present Population and Economic Activity

2. The new Territory consists of the Chagos Archipelago (formerly administered by the Government of Mauritius) and the groups of islands known as Aldabra, Farquhar and Desroches (formerly administered by the Government of Seychelles). Their populations have been estimated to be approximately 1,000 (of which about a half are found in the one island of Diego Garcia), 100, 172 and 112 respectively. (This /population

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population fluctuates and a recent United Kingdom official visitor to the Chagos Archipelago considers that the population is at present appreciably less.) The Chagos Archipelago is situated some 1,200 miles north-east of Mauritius and is in fact nearer to the Seychelles. Desroches is 120 miles south-west of the Seychelles, Farquhar 420 south-west and Aldabra is 500 miles south-west. (A convenient sketch map of United States origin, not necessarily to scale, is attached at Annex A.) Their previous administrative groupings are therefore largely an historical accident. When these islands were originally acquired by the Crown they were unpopulated but since the 19th century they have been developed privately as copra plantations on a small scale (except Aldabra, whose only economic asset is its turtle exports to the Seychelles).

3. The present population of these islands is, we believe, entirely, or almost entirely, of contract labour, or their dependants, from Mauritius or the Seychelles employed by the present owners of the land and living in housing provided by their employers and they have no interest in these islands other than in their jobs which they enter or renew on 18-month or two-year contracts. We believe that almost all of them are relatively short-term inhabitants, staying for longer or shorter periods (depending on whether they renew their contracts) but a former Colonial Secretary of Mauritius, Mr. Robert Newton, who conducted a survey of the islands in 1964 before their detachment estimated that there was a small number in one island viz. Diego Garcia who could be regarded as having their permanent homes there, either because they were second-generation inhabitants or because they have never left the island. His estimates are based on hearsay and because his is the only estimate available within the last five years, the relevant extract from his report is attached at Annex B.

Administration

4. The islands were hitherto very loosely administered from Mauritius and the Seychelles and were infrequently visited by the administrations of those two territories. Under the B.I.O.T. Order in Council 1965 the Earl of Oxford and Asquith, at present also Governor of the Seychelles is constituted the Commissioner of the B.I.O.T. and it is intended that a Resident Administrator will be appointed this year. Day-to-day administration of these islands has been in the past largely in the hands of the employers.

Future Use of B.I.O.T. and the Fate of its Inhabitants

5. No decisions have yet been reached by either Her Majesty's Government or the United States Government about the construction of any facilities anywhere in B.I.O.T. Nevertheless a small British and United States party will visit Aldabra in September to survey its possible use as a site for a military airfield. The B.B.C. is also surveying Aldabra as a possible site for a radio relay station for the purpose of broadcasting to East Africa. For purely

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practical reasons the B.B.C. and the defence survey parties will join forces. At one time the United States Government were interested in having a communications station on Diego Garcia. This requirement has now faded but they have recently expressed interest in possible naval facilities on a modest scale for which they wish to carry out a survey of Diego Garcia in late September or October, preferably with British participation.

6. There is therefore no immediate need to resettle the population of these islands but their evacuation might conceivably become necessary at six months notice should a military requirement of any of them arise. At present plans for the acquisition of the freehold rights in all these islands except Aldabra, which is occupied by a lessee of the Crown, are being considered and a Ministry of Defence representative has recently returned from a visit to these islands where he has investigated possible purchase prices with the owners. Draft legislation at present under consideration includes an immigration law, which would require that the inhabitants should be issued with entry permits and a land ordinance which would provide the Government with powers of compulsory acquisition should negotiations break down.

7. The present owners are apparently aware of the Committee of 24 interest in B.I.O.T. and according to the Ministry of Defence have pitched their prices in accordance with the political embarrassment which might ensue should negotiations break down. It is as yet too early to judge whether a voluntary settlement will be reached but there is no reason to believe that an accommodation will not be achieved.

8. The evacuation of the islands should not (so far as can be judged in the absence at present of a settled administration) cause insuperable difficulty. The Chagos Archipelago, in which there is the greatest concentration of people, are wholly owned by the Chagos Agalega Company, who also own the freehold in Agalega (which remains a dependency of Mauritius) where there are plans for expansion in copra production and where conceivably some resettlement might take place. From all accounts, none of the population would have a real interest in staying in the islands unless employers were to find them jobs there. In this sense there is no real community and the great majority should be happy with settled occupations elsewhere. The cost of their resettlement, which would need to be planned with the full cooperation of the Mauritius and Seychelles Governments would be met by Her Majesty's Government.

9. Although the separation of these islands was fully agreed with the Mauritius and Seychelles Governments no progress has so far been made in discussing the resettlement of the population in detail; nor is it really possible to make very definite plans until the appointment of an Administrator, probably this year, who could undertake the work of establishing the origin of the individuals concerned on the spot and of examining their claims. We would wish to establish that the inhabitants are all legally either Mauritians or Seychellois and one of the matters which will

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have to be raised with the Mauritian and Seychelles Governments is the question of their acceptance that the individuals in question have this status and their agreement to the issue to the inhabitants of passports of their country of origin. We would then envisage the issue of temporary residence permits by B.I.O.T. for those in the Territory. We should then have established a situation in which there were no individuals with claims on B.I.O.T. or without claims on either Mauritius or the Seychelles. We envisage no difficulty with the Governments of Mauritius and the Seychelles in carrying through these processes.

II OBJECTIVES

10. The primary objective in acquiring these islands from Mauritius and the Seychelles to form the new "British Indian Ocean Territory" was to ensure that Her Majesty's Government had full title to, and control over, these islands so that they could be used for the construction of defence facilities without hindrance or political agitation and so that when a particular island would be needed for the construction of British or United States defence facilities Britain or the United States should be able to clear it of its current population. The Americans in particular attached great importance to this freedom of manoeuvre, divorced from the normal considerations applying to a populated dependent territory. These islands were therefore chosen not only for their strategic location but also because they had, for all practical purposes, no permanent population.

11. It was implied in this objective, and recognised at the time, that we could not accept the principles governing our otherwise universal behaviour in our dependent territories, e.g. we could not accept that the interests of the inhabitants were paramount and that we should develop self-government there. We therefore consider that the best way in which we can satisfy these objectives, when our action comes under scrutiny in the United Nations, would be to assert from the start, if the need arose, that this territory did not fall within the scope of Chapter XI of the United Nations Charter.

12. An important consideration here is that one of the prerequisites of United States cooperation, financially or otherwise, is that they too should have freedom of manoeuvre and it is extremely doubtful whether they would be interested in remaining partners with us in developing facilities on these islands (no Agreement has yet been signed) if we had to regard the needs of the present transient population as paramount or if there were a legal basis for continuous scrutiny of our actions in the United Nations.

III TACTICS

13. So far, the United Nations has dealt with the subject of B.I.O.T. almost entirely in the context of Mauritius. In last year's Fourth Committee and General Assembly no

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cognisance was taken of the existence of B.I.O.T. as a separate entity and many delegations may not then have tumbled to the fait accompli of separation. General Assembly Resolution 2066(XI) dealt with B.I.O.T. en passant in the general context of Mauritius by simply noting with deep concern that any step to detach the islands "would be" a contravention of paragraph 6 of Resolution 1514(XV) and invited us to take no action which "would" dismember the territory and violate its territorial integrity. This year, however, there has already been separate mention of B.I.O.T. in the Secretariat Working Papers A/AC.109/L279 of 26 April 1966 and Add. 1 of 10 August, 1966 and the Russian representative in Sub-Committee I of the Committee of 24 has raised the subject of B.I.O.T. as a "bases" question.

14. The subject is bound to be raised again in the Committee of 24 shortly, possibly only in discussion of Mauritius or the Seychelles, or possibly in an attack on our use of the islands for strategic purposes. It is probable that a hostile resolution will be drafted. The resolution may simply deplore the fact of detachment but it may also claim that it is in contravention of the United Nations Charter and/or General Assembly Resolutions and may propose the establishment of some machinery (possibly a sub-committee or a visiting mission) to continue examination of the subject. Either in this way or (less likely) because we did not submit a separate return this year for B.I.O.T. in respect of 1965 under Article 73(e) of the Charter, we may be forced to accept or reject the application of Article 73 to the Territory this year. On the other hand, if discussion of B.I.O.T. results merely in a hostile resolution, which does not prejudice our case on the application of Chapter XI to the Territory, there may be no need to go into our attitude to the application of Chapter XI at present.

15. As a "bases" question, it would be unhelpful to make any explanation of our ideas of the strategic use of these islands and we cannot add anything to the statement that no decisions have yet been reached by either Her Majesty's Government or the United States Government about the construction of any facilities anywhere in B.I.O.T. This remains our public position within or outside the United Nations though news of the joint survey party may get out at any time from now onwards.

16. Our case on the application of Chapter XI to the Territory is that for all practical purposes the territory does not fall within the scope of that chapter because it has no "peoples" or "inhabitants" as contemplated in Chapter XI. But the weakness of our case lies in

- (i) a small number of inhabitants of Diego Garcia who might be regarded as a permanent population; and
- (ii) the absence of voting rights in their parent countries of the Mauritians and Seychellois now resident in B.I.O.T.

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It is unhelpful to our case to draw attention to either of these weaknesses and in time when their numbers are known, when discussions about their future have taken place with the Mauritius and Seychelles Governments and when plans for evacuation and compensation have been made these weaknesses will disappear. We should therefore leave it to others to raise these matters.

17. Finally our general tactics, given the present uncertainties about use and evacuation, will better serve our objectives if we do not get drawn into a statement on our position on the application of Chapter XI, unless we are forced to do so either by direct question or where failure to do so now might prejudice our case on the non-applicability of Chapter XI in the future.

IV INSTRUCTIONS

18. If B.I.O.T. is raised as a "bases" question the Delegation should not depart from the formula that no decisions have yet been reached by either Her Majesty's Government or the United States Government about the construction of any facilities anywhere in B.I.O.T. and the Delegation should not be drawn into any discussion of this subject. Separate instructions have been sent to the Delegation about this line (reference Foreign Office letter of 27 August, Brooke Turner to Trench, Washington, copied to United Kingdom Mission New York) which do not however invalidate this formula. Further instructions will be sent if developments make this necessary.

19. If we are forced to make our position clear on the application of Chapter XI to the Territory, the Delegation should say:-

"Chapter XI of the Charter applies to 'territories whose peoples have not yet attained a full measure of self-government'. As there are no 'peoples' in the British Indian Ocean Territory who could attain self-government it is apparent that Chapter XI has no application to that territory. Those who go to the B.I.O.T. are a migratory force who go in accordance with the demand for their labour. Their numbers fluctuate and at most reach at times 1,500. They are, as they were before the establishment of the Territory, estate managers, officials and labourers from Mauritius and the Seychelles. They may stay in the territory for greater or lesser periods depending on whether they renew their contracts or not, but this does not alter their essential character as a migratory labour force."

20. If asked about the future of the labour force the Delegation should say that no decisions have yet been taken affecting the future of those who are now in the Territory for the purposes of their work but, when decisions are taken full regard will be paid to their welfare.

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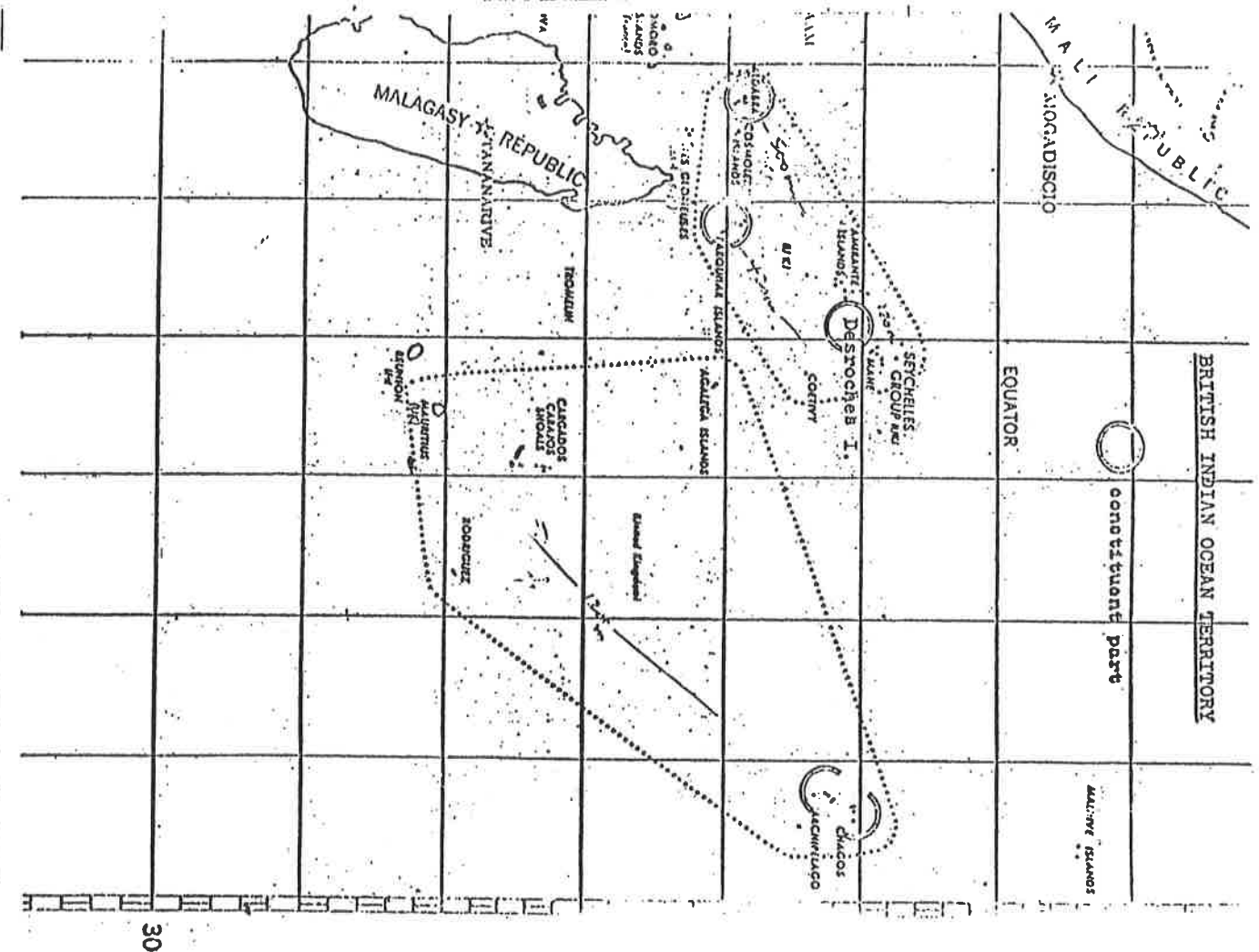
21. The Delegation should avoid any discussion of belonger rights and if pressed about the numbers who have lived there for any length of time the Delegation should say (genuinely) that we do not have available any precise records of the length of stay of individual families. The Delegation should refuse to be pressed any further and if asked to find out should undertake to report what was said in the debate.

22. If pressed on the question of voting rights of the present labour force in the B.I.O.T. in Mauritius or the Seychelles the Delegation should say that the position remains as it was before these islands were separated from Mauritius or the Seychelles and that the question whether or not they can vote in an election is determined in accordance with the laws of Mauritius and the Seychelles affecting who has and who has not the right to vote there.

23. The above formulae have been drafted with care and have Ministerial authority. The Delegation should not depart from their wording therefore without seeking further instructions.

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Answer A



Extract from Mr. Robert Newton's Report 1964DIEGO GARCIA

"24 ... There is certainly little trace of the sense of a distinct Diego Garcian community described by Sir Robert Scott in his book "Limuria". Sir Robert Scott holds that "the physical characteristics of the island have made the Diego Garcians more down and hard-headed than the residents in the other islands." They are said to be "more diligent in supplementing their basic rations and their cash resources than the other islanders." In the postscript to his book Sir Robert Scott discusses the impact of change and makes a plea "for full understanding of the islanders' unique condition, in order to ensure that all that is wholesome and expansive in the island societies is preserved."

25. Sir Robert Scott's visits took place nearly ten years ago. It is already apparent that already little is left of the distinctive life of Diego Garcia which he described. Judging by conversations with the manager, and with others on the island, most of the inhabitants of Diego Garcia would gladly work elsewhere if given the opportunity. The doctor on Dampier, Surgeon-Lieutenant Maclean, who spoke French well and spent ten days on the island, endorsed these comments on Sir Robert Scott's observations. At the time of the survey there was little evidence of any real sense of a distinct community evolved by the special local environment. Since four-fifths of the labour force are Seychellois under 2-year or 18-month contracts, the evocation of a distinctive attitude to life from the appearance of a chance-met individual on Diego Garcia is hazardous. Difficulties in establishing the paternity of some children was a further indication of a loose social structure - since it could not be attributed to the evolution of a matriarchal society. There are grounds for the conclusion that life on Diego Garcia evolved to meet the special conditions of the 19th century and that attachment to the island in recent years was fostered by the easy-going ways of the old company rather than to the island itself. The impact of the new company has loosened the old ties and if there is a distinctive way of life on the islands it is Seychellois rather than Mauritian being African in origin and evolved round the coconut palm.

26. Of the total population of Diego Garcia, perhaps 42 men and 38 women, with 154 children, might be accepted as Ileois. According to the manager 32 men and 29 women made relatively frequent visits to relatives in Mauritius and perhaps no more than 3 men and 17 women, including a woman of 62 who had never left Diego Garcia, could really be regarded as having their permanent homes on the island. The problem of the Ileois and the extent to which they form a distinct community is one of some subtlety and is not within the grasp of the present manager of Diego Garcia. But it may be accepted as a basis for further planning that if it becomes necessary to transfer the whole population there will be no problem resembling, for instance, the Hebridean evictions. Alternative employment on a new domicile under suitable conditions elsewhere should be acceptable."