



OP-00 FILES

11000
09 "C" TO

AB, NHC, 00, 71, 8x172

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

DECLASSIFIED

~~SECRET~~

IN REPLY REFER TO

Op-61/afc

Ser 001619P61

7 JAN 1971

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS

Subj: Diego Garcia (U)

Encl: (1) AmEmbassy London 132
(2) AmEmbassy London 133
(3) State Legal Adviser's Opinion of 28 Dec 1970OP-00
OP-09
OP-09C
OP-002/003
OP-005/006
OP-00C
OP-00B
OP-00F
OP-00G
OP-00H

1. (C) On 5 January a four-officer Navy briefing team made formal presentations on our construction plans for Diego Garcia to Admiral Wendt and members of CINCUSNAVEUR staff, and to Embassy, UK Defense and Foreign Office representatives. As the enclosed Embassy London telegrams indicate, the briefings went well, and highlighted a number of important issues.

2. (C) Observations on some of the items discussed in the telegrams are as follows:

a. In connection with relocation of the copra workers, the UK clearly confirms their intention to remove all workers from Diego Garcia, and if possible will meet our desired time schedule. It is significant that the British are depending somewhat on our two-officer team which is en route the Seychelles to assist in working out details with Todd, the British Indian Ocean Territory (BIOT) Administrator. Parenthetically, in a State Department Legal Adviser Memorandum recently received in DOD, State discusses the U.S. responsibility in the matter under International Law, and cautions against too hasty relocation of the workers, see enclosure (3). This must be balanced against the disadvantages of allowing a relationship to be established between U.S. personnel and the natives prior to relocation.

b. Action is being taken both here and in the UK to forestall adverse comment on environmental aspects by taking the scientific community into our confidence. We have established contact with the National Academy of Sciences and made them aware of Royal Society work on Diego Garcia. So far there has been little criticism of our plans here, and Embassy London notes that the UK scientific community is calm.

c. The body of law applying to the BIOT is presently inadequate, and the British acknowledge this and clearly intend to take action.

GROUP 4

Downgraded at 3 year
intervals; declassified
after 12 years

OP-00 CONTROL

313

DECLASSIFIED

~~SECRET~~~~SECRET~~

DECLASSIFIED

SECRET
Op-61/a1c
Ser 001619P61

SECRET
3. (U) There are a number of questions posed by the enclosed telegrams and answers are being staffed within OPNAV, OSD, and STATE.

Walter L. Small

WALTER L. SMALL
Director, Politico-Military Policy Division

Copy to:

VCNO O

Op-06

Op004

Op-094

Op-44

Op-60

JAG (Code 10)

DECLASSIFIED

SECRET

SECRET

MESSAGE

NAVY DEPARTMENT

PRIORITY
061731Z JAN 71
FM AMEMBASSY LONDON

DECLASSIFIED

TO SECSTATE WASHDC PRIORITY 2391
DOD WASHDC

INFO AMEMBASSY NAIROBI PRIORITY 809
CNO
CINCLANTFLT
COMNAVCOMM

AMEMBASSY PORT LOUIS 120
CINCUSNAVEUR
CHNAVMAT
COMNAVAFACENGCOM

LONDON 2391 132

SUBJ: DIEGO GARCIA

1. DIEGO GARCIA BRIEFING TEAM MET ON 5 JAN. WITH EMBASSY AND CINCUSNAVEUR AND, LATER, WITH UK FCO AND MOD REPRESENTATIVES.

2. PRESENTATION TO EMBASSY AND TO ADMIRAL WENDT AND STAFF WAS WITHIN CONTEXT PREPARED BRIEF AS REVIEWED BY OP-61 31 DECEMBER. BRIEF WAS WELL RECEIVED. CINCUSNAVEUR INDICATED FULL SUPPORT AND WILLINGNESS TO ASSIST IN COORDINATION WITH MOD AS ISSUES ARISE WHICH REQUIRE NAVY-MOD ACTION.

3. TEAM ALONG WITH CINCUSNAVEUR AND EMBASSY REPS MET FOR TWO HOURS WITH FCO AND MOD. TONE OF MEETING WAS MOST CORDIAL. TEAM AGAIN MADE PREPARED PRESENTATION. HMG REPS WERE RECEPTIVE TO FACTUAL PORTIONS AND GENERALLY POSITIVE IN DISCUSSIONS OF POLITICO-MILITARY PROBLEMS.

4. RESETTLEMENT OF COPRA WORKERS, FCO (MASSINGHAM, PACIFIC INDIAN OCEAN DEPT) STATED IT IS HMG INTENTION TO REMOVE ALL NATIVE WORKERS. HMG DOES NOT WANT TO LEAVE BEHIND A LOCAL CIVILIAN POPULATION WHICH WOULD REQUIRE CIVILIAN ADMINISTRATOR AND, IN EFFECT, CREATE NEW COLONY. PLAN IS TO RETURN SEYCHELLOIS TO SEYCHELLES. OTHERS WILL PROBABLY BE REMOVED TO PEROS BANHOS AND SALOMON ON TEMPORARY BASIS IN HOPE SOME ARRANGEMENT

DECLASSIFIED

61(3) ...COG
00(2) 09(1) 03(1) 32(3) 33(6) 34(2) 37(2) 04(2) 40(8) 44(5)
05(7) 50(16) 51(1) 06(1) 60(3) 094(40) FP(1) BFR(1) +10

140220

108

ENCLOSURE (1) TO CNO LTR. SERIAL
00161961 OF 7 JAN 71

CONTROL NO.	PAGE OF PAGE	TIME OF RECEIPT	DATE TIME GROUP
CREW#4/KK/	1 3	06/2028Z	061731Z JAN 71

ENCLOSURE (1) TO CNO Ser/Memo

MESSAGE

DECLASSIFIED

NAVY DEPARTMENT

WORKED OUT IN FUTURE WITH MAURITIUS. FCO UNABLE TO
 DATE TIMING BUT, IF POSSIBLE, WILL MEET USG DESIRED TIME
 SCHEDULE. MASSINGHAM ASKED TEAM MEMBERS TO DISCUSS FURTHER
 WITH TODD IN MAHE.

5. EMPLOYMENT OF LOCAL LABOR. FCO CONTINUED TO EXPRESS
 HOPE FOR SOME USG USE OF LOCAL LABOR ON DIEGO GARCIA DURING
 CONSTRUCTION AND/OR SUBSEQUENT PHASES. FCO EXPECTS, BUT HAS
 NOT YET RECEIVED, INQUIRY FROM GOM ON THIS POINT. WHEN THEY
 RECEIVE THEY WILL REFER TO USG FOR ANSWER. FCO UNDERSTANDS
 RESPONSE WILL BE NEGATIVE. THEY ASKED THAT WE AT LEAST DISCUSS
 THIS WITH TODD IN MAHE. BRIEFING TEAM WILL CONTINUE HOLD
 LINE NO LOCAL LABOR.

6. STAGING AND POSSIBLE REPLENISHMENT (MAIL, ETC.) THROUGH
 MAURITIUS. HMG HAS NO OBJECTION TO US APPROACH TO GOM.
 FCO CONCURS THAT PROSPECT OF ECONOMIC GAIN FROM REPLENISHMENT
 MIGHT ASSIST IN RELOCATION PROBLEM. TEAM RECOMMENDS EMBASSY
 PORT LOUIS BE REQUESTED TO TAKE SOUNDING WITH GOM. (BEING DONE)

7. ENVIRONMENT. TEAM ASKED STATUS ROYAL SOCIETY DRAFT REPORT
 OF 1968. FCO INDICATED ROYAL SOCIETY ALREADY HAS INDICATED
 IT WISHES GO PUBLIC WITH REPORT. FCO HAS ASKED ROYAL SOCIETY
 FOR PRE-PUBLICATION LOOK IN ORDER TO ASSURE FINAL REPORT IS
 ACCEPTABLE. IN ADDITION TO ROYAL SOCIETY, FCO CONSULTED
 BRITISH MUSEUM AND NATIONAL ENVIRONMENTAL RESEARCH COUNCIL
 BEFORE INFORMING PARLIAMENT. UK SCIENTIFIC COMMUNITY IS CALM
 ABOUT DIEGO GARCIA. US ACQUIESCENCE TO THE ROYAL SOCIETY
 REPORT RECOMMENDATIONS WAS MOST HELPFUL.

8. MEMORANDUM OF UNDERSTANDING. DISCUSSION POTENTIAL LEGAL
 PROBLEMS LED TO REITERATION HMG DESIRE HAVE OVERALL MEMORANDUM
 OF UNDERSTANDING ON PROJECT. (SEE LONDON 10242.) FCO SAID
 THAT HMG NOW CONSIDERING WHAT MIGHT BE INCLUDED IN AN MOU
 AND MODALITIES FOR CONCLUDING SAME. (MOD APPARENTLY HOPES TO
 HAVE MOU AT SERVICE-TO-SERVICE LEVEL, BUT FCO NOT YET DECIDED
 WHETHER CERTAIN THINGS (E.G., NATURE OF FACILITY, BIRD SANCTU-
 ARIES) SHOULD BE AT GOVERNMENT LEVEL.)

9. US CIVILIAN EMPLOYEES ON DIEGO GARCIA. RE STATUTES
 COVERING CIVILIAN EMPLOYEES, FCO RECOGNIZES THAT SITUATION
 IS NOT CLEAR. THIS IS ANOTHER MATTER TO BE DISCUSSED WITH
 TODD. TEAM WILL DO SO. (PARENTHETICALLY, FCO SAID IMMIGRATION
 ORDINANCE IS BEING PREPARED TO PROHIBIT GENERAL IMMIGRATION
 TO BIOT. ACTION IS AWAITING UK ATTORNEY GENERAL DECISION
 ON TIMING.)

10. UK PARTICIPATION. MOD (PRITCHARD) INDICATED POSSIBLE

CONTROL NO.	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
CREW#4/KK/	2		3	06/2028Z	061731Z JAN 71

DECLASSIFIED

MESSAGE

DECLASSIFIED

NAVY DEPARTMENT

TO SATISFY UK "PECULIAR PERSONNEL SUPPORT REQUIREMENTS."
URGED THAT USG APPOINT A PERSONNEL POINT OF CONTACT WITH
WHOM HMG COULD DISCUSS MANNING PROBLEMS. HE ALSO REQUESTED
INFORMATION ON CONSTRUCTION OF SUPPORT FACILITIES TO ASSURE
THESE REQUIREMENTS MET OR AT LEAST BE AWARE THEY MIGHT NOT
BE MET. SYLVA AND CROCKETT WILL MEET MOD WORKING LEVEL
MORNING 6 JAN, TO DISCUSS TECHNICAL ASPECTS CONSTRUCTION IN
MORE DETAIL AND THUS GO SOME WAY TO SATISFY MOD ON THIS POINT.

11. MOD REPS INDICATED THEY PARTICULARLY PLEASED TO GET
INFO ON PHYSICAL CHARACTERISTICS OF FACILITY. THEY HOPED
USG PLANNING WOULD ALLOW FOR POSSIBLE EXPANSION IF UK IDENTIFIES
REQUIREMENTS FOR FACILITIES, E.G., ADDITIONAL ANTENNAS AND
INCREASED POL STORAGE. MOD REPS EMPHASIZED NO CURRENT REQUIRE-
MENT OR FUNDS AVAILABLE THIS TIME, (SEE NEXT FOLLOWING TELE-
GRAM.)

12. FCO WAS MOST INTERESTED IN FACT THAT THIRD INCREMENT
DREDGING WOULD BE PUT UP FOR INTERNATIONAL BIDDING IF APPROVED.

13. FCO RAISED QUESTION OF USN ASSUMPTION METEOROLOGICAL
OPERATIONS NOW BEING CONDUCTED ON DIEGO GARCIA BY MAURITIUS
FOR UK. THEY ASKED WHEN US COULD ASSUME THIS RESPONSIBILITY
AND INDICATED MAURITIUS WILL BE GLAD TO GIVE IT UP SINCE PERSONNEL
(APPROXIMATELY 4) MOST DIFFICULT RECRUIT. WE INDICATED WE
WOULD LOOK INTO PROBLEM AND PROBABLY COULD TAKE OVER WHEN INTERIM
AIRSTRIIP IS OPENED.

14. IT WOULD BE HELPFUL IF BRIEFING TEAM NOW EN ROUTE MAHE
TO BRIEF TODD COULD RETURN TO WASHINGTON VIA LONDON.

15. EMBASSY WISHES TO COMMEND TEAM FOR EXCELLENT BRIEFINGS.
GREENF

CONTROL NO.	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
CREW#4/KK/	3.		3	06/2028Z	061731Z JAN 71

DECLASSIFIED

MESSAGE

NAVY DEPARTMENT

DECLASSIFIED

LINE
061731Z JAN 71
FM AMEMBASSY LONDON

TO CNO

INFO SECSTATE WASHDC 2392
AMEMBASSY NAIROBI 810
CINCUSNAVEUR
CHNAVMAT
COMNAVFACENGCOM

DOD WASHDC
AMEMBASSY PORT LOUIS 121
CINCLANTFLT
COMNAVCOMM

SECRET LONDON 133

FROM CDR. J. SYLVA, OR-441E
SUBJ: DIEGO GARCIA
REF.: LONDON 132

1. THIS MESSAGE SUPPLEMENTS REFTEL.

2. USN REPS MET 6 JN. WITH MOD UK AND RN REPS TO DISCUSS REINDEER STATION PROGRAMMING AND DETAILS OF CONSTRUCTION EXECUTION. UK REPS CONTINUED TO SHOW KEEN INTEREST IN PROJECT AND INTENT TO PROVIDE FULLEST COOPERATION. IN THIS REGARD, MOD UK MEETING CHAIRMAN PRITCHARD AFFIRMED THAT HMG SOUGHT ACTIVE PARTICIPATION IN OPERATION OF THE JOINT COMM FACILITY AND QUOTE WOULD NOT BE SATISFIED WITH ROLE LIMITING UK PERSONNEL TO MERELY BEING CARRIERS OF WATER AND HEWERS OF WOOD UNQUOTE.

3. IT WAS REAFFIRMED THAT REINDEER STATION PROVIDES AN AUSTERE COMMUNICATIONS FACILITY, WITH OTHER THAN COMMUNICATIONS FACILITIES BEING REQUIRED SOLELY FOR ITS LOGISTICS SUPPORT. IN RESPONSE TO RN QUERIES, IT WAS ACKNOWLEDGED THAT CURRENT DESIGN CONCEPT PERMITTED READY RESTORATION OF ELEMENTS DELETED FROM INITIAL CONCEPT AND THAT SOME DEGREE OF NEW FACILITY DEVELOPMENT, SOLELY IN SUPPORT OF UK REQUIREMENTS AND FUNDED BY UK, COULD POSSIBLY BE ACCOMMODATED THEREIN. THESE POTENTIAL REQUIREMENTS COULD STEM FROM EXECUTION OF UK CONTINGENCY PLANS INVOLVING:

A. LOSS OF GAN AS BULK FUEL STORAGE SITE AND,

Expansion

ACTION

61B
61B
14022A
108

DECLASSIFIED ADVANCE COPY

61(3) ...ACT
00(2) 09(1) 03(1) 32(3) 33(6) 34(2) 37(2) 04(2) 40(8) 44(5)
05(7) 50(16) 51(1) 06(1) 60(3) 094(40) FP(1) BFR(1) +10

ENCLOSURE (2) TO CNO LTR. SERIAL
06169261 OF 7 JAN 71

ACTION

CONTROL NO.	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
CREW#4/JJ/	1		2	06/2035Z	061731Z JAN 71

ENCLOSURE (2) TO CNO
#4

14 Jan

SSAGE

DECLASSIFIED
NAVY DEPARTMENT

LOSS OF COMMUNICATION FACILITIES IN MAURITIUS AND

4. RENEWAL RN TENURE AT GAN COMES UP IN 1980. RN COULD INITIATE PROJECT FOR RELOCATION OF GAN FUEL HULK (30-35 FT, DRAFT WITH ABOUT 120,000 BBL STORAGE CAPACITY) TO DIEGO GARCIA OR PROVISION OF EQUIVALENT TANKAGE CAPABILITY ASHORE. ANY SUCH PROGRAMMING IS NOT ENVISIONED PRIOR TO MID-1970'S.
 5. A POSSIBLE RN COMM REQUIREMENT COULD RESULT IN REQUEST FOR INSTALLATION OF SIX TRANSMITTING ANTENNAS AND RELATED COMM FACILITIES. IT WAS UNDERSTOOD THAT ANY RN EQUIP WOULD REQUIRE ADDITIONAL ELEC GEN AND/OR DIST, AND MUST ACKNOWLEDGE 50 CYCLE/60 CYCLE PROBLEM. ALSO THAT ADDITIONAL PERSONNEL SUPPORT FACILITIES WOULD BE REQUIRED TO SUPPORT THE 24 OR MORE COMM PERSONNEL INVOLVED.
 6. RN NOW UNDERSTANDS THAT ACHIEVEMENT OF OPERATIONAL COMM CAPABILITY IS SCHEDULED ONE YEAR EARLIER THAN COMPLETION OF ALL CONSTRUCTION, AND THAT THIS WILL AFFECT THE TIMING FOR AVAILABILITY OF RN PERSONNEL. RN HAS REQUESTED SPECIFIC DETAILS OF TOTAL MANNING PICTURE IN ORDER TO MAKE MAXIMUM PERSONNEL CONTRIBUTION. CONCERN WAS EXPRESSED AS RELATES TO CLEARANCES AND ACCESS TO NATIONAL CLASSIFIED COMMUNICATIONS, SPECIFICALLY, CRYPTOLOGY. RN EAGERLY AWAITING DESIGNATION OF USN REP TO DISCUSS PERSONNEL MATTERS.
 7. PRITCHARD PREFERS MEMO OF UNDERSTANDING TO BE AT SERVICE TO SERVICE LEVEL, ALTHOUGH POSITION NOT CLEARED BY FCO.
 8. MEETING ADJOINED WITH COMMON UNDERSTANDING THAT MEETING WAS FOR INFORMATIONAL PURPOSES ONLY, WITH NO COMMITMENTS INTENDED.
- GREENE

CONTROL NO.	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
CREW#4/JJ/	2		2	06/2035Z	061731Z JAN 71

DECLASSIFIED

DECLASSIFIED

December 28, 1970

Subject: Legal Considerations Affecting US-UK Responsibilities Toward Inhabitants of Diego Garcia

We have outlined below several legal considerations affecting US-UK responsibilities toward the 400 inhabitants of Diego Garcia relevant to US efforts toward an equitable solution to the problems facing those inhabitants in light of commencement of construction of the US-UK facility and the projected arrival of some 800 Americans on Diego Garcia.

The Defense Agreement of December 30, 1966 between the USG and the UK (TIAS 6196; 18 UST 28), pursuant to which we are to construct the facility, provides certain safeguards for the inhabitants of the Island. Article (2)(a) provides that in the event of a US requirement for the use of an island, the US will consult with the UK "with respect to the time required by UK authorities for taking those administrative measures that may be necessary to enable any such defense requirement to be met." Article (2)(c) makes clear that "administrative measures" as used in (2)(a) include measures to ensure the welfare of the inhabitants. ((2)(c) provides that the procedures for consultation in (2)(a) and (2)(b) will not be applicable in emergency circumstances, but contains the proviso that "measures to ensure the welfare of the inhabitants are taken to the satisfaction of the Commissioner of the Territory.")

Although the responsibility for carrying out measures to ensure the welfare of the inhabitants lies with the UK, the US is charged under the Agreement with facilitating these arrangements. London 10391 states that the US constrained the UK from discussing the matter with the GOM pending the outcome of our Congressional appropriations legislation. In light of this, we are under a particular responsibility not to pressure the UK into meeting a time schedule which may not provide sufficient time in which to satisfactorily arrange for the welfare of the inhabitants. Beyond this, their removal is to accommodate US needs, and the USG will, of course, be considered to share the responsibility with the UK by the inhabitants and other nations if satisfactory arrangements are not made.

DECLASSIFIED

ENCLOSURE (3) TO CNO LTR. SERIAL 00161906 OF 7 JAN 71

2
DECLASSIFIED

W.H.
CONFIDENTIAL
regard to the matter of employment, Port Louis 1120, Port Louis 1114, and London 10391 recommend that some islanders be employed during construction phase. In this connection, Article 7(2) of the USG-UK Agreement provides that, "the USG and US contractors shall make use of workers from Mauritius and Seychelles to the maximum extent practicable, consistent with US policies, requirements and schedules." London 10391 indicates at least Navy decision not to employ any inhabitants of Diego Garcia. Although the determination under (7)(a) as to US policies, requirements and schedules rests, of course, with the USG, Article (7)(a) does impose an obligation which is relevant at least in the event that any non-military workers are employed; moreover, the effect of Article 2 would be to require that, if appropriate arrangements for relocation consistent with the welfare of the inhabitants have not been effected prior to the arrival of the US construction contingent, the USG - with UK cooperation - ensure their welfare on Diego Garcia pending their relocation.

Chapter XI of the United Nations Charter is a commitment which both the United Kingdom and the United States have made to the principle that the interests of the inhabitants are paramount in territories for which they have assumed responsibilities for administration and where the people have not achieved a full measure of self-government. **

As above noted, under the 1966 Agreement, both the UK and the US have expressly accepted the standard that the "welfare" of the "inhabitants" of Diego Garcia is to be "ensured". The "inhabitants" of Diego Garcia are identified so far as Mauritians, Seychellois and Illois. Mauritius, of course, is an independent state and UN member. The Seychelles are a non-self-governing territory on which the UK reports under Article (73)(e). UNP is checking the UN record and we have proposed that Embassy London ask about the British Indian Ocean Islands (presumably the homes of the Illois), on which, it is believed, the UK does not report and for the administration of which the UK has placed responsibility on the Deputy Governor General of the Seychelles.

Relevant to treatment to be accorded nationals of Mauritius, required to be removed from Diego Garcia are such standards of international law as that of non-discriminatory treatment of aliens, asylum, statement of grounds and opportunity for

CONFIDENTIAL
DECLASSIFIED

DECLASSIFIED

hearing in connection with expulsion or deportation and, generally, respect for the rights embodied in the Universal Declaration of Human Rights; Much the same principles are applicable also to those persons so far designated as Seychellois and Illois.

cc: AF - Amb. Whitman
AF/E - Mr. Coote
L/URA - Mr. Reis
L/PM - Mr. Huang

L/AF:EVerville/CRunyon:awr

DECLASSIFIED