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PTQ6043

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ACTION PM-00

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	SRPP-00	DS-00	EUR-00	FBIE-00	VC-00	H-01	TEDE-00
	INR-00	IO-00	L-00	VCE-00	AC-01	NSAE-00	NSCE-00
	OMB-01	PA-00	PC-01	PRS-00	ACE-00	P-00	SP-00
	SS-00	TRSE-00	T-00	USIE-00	BBG-00	EPAE-00	PMB-00
	DSCC-00	LBA-00	PRM-00	DRL-02	G-00	SAS-00	/006W

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P 301221Z NOV 01
FM AMEMBASSY PORT LOUIS
TO SECSTATE WASHDC PRIORITY 7489
INFO AMEMBASSY LONDON
AMEMBASSY ANTANANARIVO
AMEMBASSY NAIROBI
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
SECDEF WASHDC
DIA WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 PORT LOUIS 001411

DEPT FOR PM/ISA, AF/E AND L/AF

E.O. 12958: DECL: 11/30/2011
TAGS: PREL, KTIA, MARR, UK, MP
SUBJECT: MAURITIUS DEPUTY PM DISCUSSES DIEGO GARCIA
WITH UK JACK STRAW

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(U) CLASSIFIED BY CHARGE BISA WILLIAMS FOR REASONS 1.5
B/D.

1. (C) SUMMARY: MAURITIAN DEPUTY PRIME MINISTER AND
FINANCE MINISTER BERENGER TOLD THE CHARGE 11/30 THAT HE
HELD VERY POSITIVE MEETINGS WITH THE BRITISH GOVERNMENT
REGARDING THE CHAGOS ARCHIPELAGO DURING WHICH HE
FLOATED "NEW AND CREATIVE THINKING" ON HOW TO HANDLE
THE SOVEREIGNTY ISSUE. HE EMPHASIZED THAT MAURITIUS IS
COMMITTED TO DEALING WITH THE UK AND THE USG AS
"FRIENDS AND ALLIES," AND INDICATED THAT THE EVENTS OF
SEPTEMBER 11 HAD MADE THE GOM SERIOUSLY REASSESS ITS
POSITION ON DIEGO GARCIA. HE PROPOSED THAT THE BRITISH
AGREE TO RETURN ALL BUT DIEGO GARCIA TO MAURITIAN
SOVEREIGNTY. BERENGER STRESSED THAT THE SUBJECT OF

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SOVEREIGNTY WAS IMPORTANT TO THE GOM.

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BERENGER HAS REQUESTED THAT PRIME MINISTER BLAIR MEET WITH GOM PRIME MINISTER JUGNAUTH ON THIS ISSUE BEFORE THE MARCH 2002 COMMONWEALTH SUMMIT. HE ALSO REQUESTED A MEETING WITH SECRETARY POWELL, AS WELL. SEPTTEL REPORTS ON BERENGER'S COMMENTS REGARDING ANGOLA AND ZIMBABWE. END SUMMARY.

NEW THINKING ON DIEGO GARCIA

2. (C) MAURITIAN DEPUTY PRIME MINISTER AND FINANCE MINISTER PAUL BERENGER CALLED CHARGE BISA WILLIAMS 11/29 TO REQUEST A MEETING THE FOLLOWING DAY. AT THE

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MEETING (11/30), BERENGER REPORTED THAT HE HAD PROPOSED TO UK SECRETARY FOR FOREIGN AFFAIRS JACK STRAW THAT THE TWO COUNTRIES TAKE ADVANTAGE OF A NEW DYNAMIC AND SET OF CIRCUMSTANCES TO COME UP WITH A POSITIVE, CREATIVE RESOLUTION TO MAURITIUS' SOVEREIGNTY CLAIM OVER THE CHAGOS ARCHIPELAGO. REFERRING TO DETAILED NOTES AS HE REPORTED ON HIS MEETING, BERENGER SAID HE DREW FROM THE PRIME MINISTER TONY BLAIR'S STATEMENT AT THE UNGA (11/11), AND THAT HE EMPHASIZED THAT MAURITIUS CONSIDERED ITSELF DEALING WITH "FRIENDS AND ALLIES." QUOTING FROM TONY BLAIR'S RIGHT OF REPLY AT THE UNGA, BERENGER NOTED THAT, FOR THE FIRST TIME, THIS YEAR THE UK RIGHT OF REPLY STATED THAT THE "BRITISH GOVERNMENT VALUES ITS CLOSE AND CONSTRUCTIVE COOPERATION WITH THE GOVERNMENT OF MAURITIUS ON A WIDE RANGE OF ISSUES AND LOOKS FORWARD TO THIS CONTINUING." ACCORDING TO BERENGER, IT WAS IN THE SPIRIT OF THOSE REMARKS THAT HE PROPOSED A "NEW LOOK" AT HANDLING THE CHAGOS QUESTION AS IT WAS SIMPLY NOT GOING TO GO AWAY AND WOULD NOT GET EASIER AS TIME PASSED.

CHANGED CIRCUMSTANCES

3. (C) DPM BERENGER SAID HE TOLD JACK STRAW THAT TWO NEW SITUATIONS HAD OPENED A "WINDOW OF OPPORTUNITY" FOR CREATIVE RESOLUTION ON CHAGOS. THE FIRST WAS THE NOVEMBER 2000 DECISION BY THE UK SUPREME COURT WHICH STRUCK DOWN THE 1971 ORDINANCE PREVENTING THE ILOIS (PERSONS INHABITING THE CHAGOS ISLANDS AT THAT TIME) FROM RETURNING TO ANY OF THE ISLANDS. DPM BERENGER SAID THAT ON THE DAY OF THE COURT DECISION, THE BRITISH

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GOVERNMENT PREPARED A NEW ORDINANCE ALLOWING THE ILOIS
AND ILOIS DESCENDANTS TO RETURN TO ALL OF THE ISLANDS
OF THE CHAGOS ARCHIPELAGO EXCEPT DIEGO GARCIA. IN THE
CASE OF DIEGO GARCIA, FOR SECURITY REASONS, THE ILOIS
COULD PETITION FOR THE RIGHT TO RETURN, WHICH WOULD BE
REVIEWED ON A CASE BY CASE BASIS.

4. (C) THE SECOND CIRCUMSTANCE WAS THE BRITISH
GOVERNMENT DECISION, ANNOUNCED TO THE GOM IN AUGUST
2001, WHICH ALLOWS THE ILOIS CREWS OF FISHING VESSELS
TO COME AND GO TO ANY OF THE ISLANDS OF THE CHAGOS
ARCHIPELAGO EXCEPT FOR DIEGO GARCIA.

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THE NEW GOM PROPOSAL

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6. (C) DPM BERENGER SAID HE OUTLINED THE GOM PROPOSAL ON CHAGOS AS FOLLOWS: ALL OF THE ISLANDS OF THE CHAGOS ARCHIPELAGO -- EXCEPT DIEGO GARCIA -- WOULD BE RETURNED TO MAURITIUS. THE GOM AND THE BRITISH GOVERNMENT COULD "AGREE TO DISAGREE AMONGST ALLIES" ON DIEGO GARCIA. THE GOM WOULD CONTINUE TO CLAIM SOVEREIGNTY BUT WOULD NOT PRESS FURTHER ON IT.

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LEGAL PRECEDENTS

8. (C) ROUNDING OFF HIS DEMARCHE, BERENGER REPORTED THAT HE TOLD JACK STRAW THAT THERE WERE 100 MILES BETWEEN DIEGO GARCIA AND THE NEAREST ISLAND OF THE ARCHIPELAGO (EGMONT ISLAND). HE ALSO NOTED THAT UK HANDLING OF THE SEYCHELLES PRESENTED A PRECEDENT THAT COULD BE USEFUL TO BOTH PARTIES. SUMMARIZING, HE SAID THAT THE 1965 ORDER IN COUNCIL DECREED BY THE QUEEN, WHICH CREATED THE BRITISH INDIAN OCEAN TERRITORY (BIOT), HAD INCLUDED BOTH THE CHAGOS ARCHIPELAGO AND A NUMBER OF ISLANDS WHICH HAD UNTIL THEN BEEN PART OF THE COLONY OF THE SEYCHELLES. IN 1976, WHEN SEYCHELLES

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BECAME INDEPENDENT, THE BRITISH GOVERNMENT CANCELLED THE 1965 ORDER AND REPLACED IT WITH A NEW ORDER, IN WHICH THE BIOT WAS CONSTITUTED SOLELY OF THE CHAGOS

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ARCHIPELAGO, RESULTING IN THE OTHER ISLANDS RETURNING
TO SEYCHELLES' SOVEREIGNTY.

PITCHING TO THE USG

9. (C) RECALLING THAT FORMER SECRETARY OF STATE
ALBRIGHT PAID AN OFFICIAL VISIT TO MAURITIUS IN 2000,
DPM BERENGER FORMALLY REQUESTED A MEETING WITH
SECRETARY POWELL TO DISCUSS THE GOM PROPOSAL.

SOVEREIGNTY NOT REPARATIONS

10. (C) DPM BERENGER EMPHASIZED THAT HE WAS NOT
MANDATED TO SPEAK ON BEHALF OF THE ILOIS AND HAD NOT
DONE SO. HE SAID THAT THE GOM POSITION REMAINED THAT
OF "SUPPORTING THE LEGITIMATE CLAIM OF THE ILOIS FOR
ALL APPROPRIATE REMEDIES." HE CONFIRMED THAT HE HAD
APPEALED TO BARONESS AMOS TO FIND AN EARLY DATE TO MEET
WITH THE ILOIS, WHICH SHE AGREED TO DO.

UK RESPONSE

11. (C) BERENGER SAID HE WAS "FULLY SATISFIED" WITH THE
ATMOSPHERE AND IMMEDIATE REACTION FROM THE STRAW AND
AMOS.

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COMMENT

13. (C) BERENGR MADE A STUDIED AND DETAILED DEMARCHE
TO THE BRITS LAST WEEK. IN CONTRAST TO THE BRITISH
HIGH COMMISSIONER, WHO BECOMES NEARLY HYSTERICAL

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