



House of Commons
Foreign Affairs Committee

The use of Diego Garcia by the United States: Government Response to the Committee's First Report of Session 2014–15

**Second Special Report of Session
2014–15**

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The Foreign Affairs Committee

The Foreign Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Foreign and Commonwealth Office and its associated agencies.

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including news items) are on the internet at www.parliament.uk/facom. A list of Reports of the Committee in the present Parliament is at the front of this volume.

Committee staff

The current staff of the Committee are Kenneth Fox (Clerk), Peter McGrath (Second Clerk), Zoe Oliver-Watts (Senior Committee Specialist), Dr Ariella Huff (Committee Specialist), Sen Rudran (Inquiry Manager), Louise Glen (Senior Committee Assistant), Su Panchanathan (Committee Assistant), and Alex Paterson (Media Officer).

Contacts

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Special Report

The Foreign Affairs Committee published its First Report of Session 2014-15, on *The use of Diego Garcia by the United States*, on 19 June 2014, as House of Commons Paper HC 377. The response from the Government was received on 18 August 2014 in the form of a letter from James Duddridge MP, Parliamentary Under-Secretary of State at the Foreign and Commonwealth Office. The Minister's letter is appended below.

Appendix: Government response

I write to provide the Government's formal response to the Foreign Affairs Committee's report "The Use of Diego Garcia by the United States", of 19 June 2014.

As you know from my predecessor's responses to the Committee on 17 December 2013, and his subsequent letter of 6 February 2014, we are clear about the basis on which the US are permitted to use the British Indian Ocean Territory (BIOT). The terms of US presence on Diego Garcia are based on the 1966 Exchange of Notes (updated in 1976 and subsequently). These notes, which are formal agreements between the US and British Governments, allow the US to construct space monitoring equipment on the island, use the base as a forward operating location for aircraft and ships and, most importantly in the context of your report, require the US to seek prior approval for any non-routine operations that they wish to undertake from Diego Garcia. The US are clear that any form of rendition or combat operations would require such prior approval.

This understanding is set out clearly in Section 3 of the 1976 Exchange of Notes, and is reiterated in subsequent agreements (some of which remain classified). The US Government understands and respects this position, and they have assured us not only that there have been no further instances of rendition flights through BIOT since the two incidents in 2002, but that the Territory would not be used for that purpose in future without our express permission. The latest of the regular annual assurances the US provide us on this subject, was given in December 2013.

In addition to these regular political assurances from the US Government about rendition, the Commissioner's Representative in Diego Garcia, a senior Naval Officer, is regularly informed of intended movements of ships and aircraft and BIOT Customs and Immigration officials hold various different types of record about flights entering and leaving the Territory. Though we feared some of these might have been damaged by water recently, a fuller investigation has concluded that only a small number of immigration cards completed by civilians entering the Territory have been damaged to the point of no longer being useful.

I was surprised that the Committee appeared to give credence to an unsourced *Al Jazeera* report speculating about the findings of the US Senate Intelligence Committee report. These findings remain classified and we have not seen them. However, the Government is aware of no evidence to support allegations of a CIA black-site on Diego Garcia. We have discussed this with US officials and do not assess the *Al Jazeera* report as credible.

The 1966 Exchange of Notes provides for a two-year window (December 2014 – December 2016) during which we can decide whether and on what terms to extend the agreement with the US for a further 20 years. We are clear that we will consider all aspects of US presence in any discussions on this, and the Government will of course reinforce our expectations on permitted US use of the Territory.