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2nd DRAFT

B.I.O.T. WORKING PAPERS

Paper No. 3: The Problem of the People Living in the  
Chagos Archipelago

Introduction

Three of the atolls of the Archipelago - Diego Garcia, Peros Banhos and Salomon - are at present inhabited and used for production of copra. Diego Garcia (8,700 acres) is by far the largest and most productive; Peros Banhos has an area of 3,000 acres and Salomon 2,000 acres. In 1965 the total population was about 1,000, it is now 807. This paper attempts to set out the basic facts of the problem of the future of these people. The two following papers 4 and 5 deal in detail with alternative proposals for their future:-

- (a) Evacuation of Diego Garcia only, movement of the Ilois from there to Peros Banhos and Salomon and continued use of those atolls for copra.
- (b) Evacuation of the whole Archipelago and re-settlement as necessary.

2. It has always been understood as a general proposition that the cost of resettling elsewhere the people who could no longer make a living in the Chagos Archipelago because of the construction of defence facilities there would be met by the British Government; but there has been no exact definition of which particular people would be entitled to resettlement or exactly what resettlement would cover..

3. For the purpose of this paper the people can be regarded in general terms as falling into two groups:-

- (a) Mauritian and Seychellois contract labourers and their dependants who have no long-term links with Chagos;
- (b) The people known as 'Ilois' who can claim to have their main roots in Chagos.

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## SECRET

A more exact classification is attempted in paras. 13 to 15 below.

4. Since the British Indian Ocean Territory was established as a separate Colony in 1965 and the Chagos Islands were purchased by the Crown in April 1967 the relationship of the United Kingdom Government with the people in Chagos has been a dual one:-

- (a) That between the Government of a colony and the people living in it, either on a fairly temporary basis or those who could claim, as in the case of the Ilois, a substantial connexion with the colony (including e.g. 'belonger' rights so far as entry is concerned);
- (b) The relationship between a landowner and employees/tenants who make a livelihood on his land. (In fact the copra plantations on the Islands have been leased or run by agents so that our relationship with the people under this heading has been an indirect one, but this does not affect our position as the owner of the plantations where they earn their living).

Position in 1965

5. When the British Indian Ocean Territory was established our information was that the population of the islands in the Chagos Archipelago consisted almost entirely of contract labourers and their dependants from Mauritius or Seychelles, employed by the then lessees of the land and living in housing provided by their employers. It was thought that almost all of them were relatively short-term inhabitants on contracts which they might or might not renew. It was however known that there were "a small number" of Ilois (in one estimate not more than 200) who could be regarded as having their permanent homes in Chagos.

6. The intention was that although B.I.O.T. was a colony we should not have to accept that it was a "non-self-governing territory" within the meaning of Chapter XI of the United Nations Charter and that in particular the provisions of

## SECRET

Article 73 of the Charter would not be applicable. This was judged necessary both for United Nations political reasons and because the British Government could not, by reason of defence needs, accept the U.N. Charter principle in relation to these "peoples" that their interests should be paramount. The object of the exercise was to obtain unrestricted use of the islands.

7. The long term expectation was that when defence needs arose the inhabitants of the islands would be "resettled" outside B.I.O.T., the cost being met by H.M.G. In the short term it was hoped to establish that the inhabitants were all either 'belongers' to Mauritius or Seychelles having unrestricted rights of entry to one or the other territory. This would have allowed us to issue them with only temporary residence permits to stay in B.I.O.T. At the time it was envisaged that 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 Seychelles.

8. In 1966 a formula was worked out for use if necessary in the U.N. in denying that Chapter XI of the Charter applied to B.I.O.T. This was as follows:-

"Chapter XI of the Charter applied 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."

## SECRET

Developments from 1966 to 1968

9. Between 1966 and 1968 it became clear (a) that the number of people who could claim to be Ilois was greater than had been estimated, and (b) that although the number is still small they may present a more awkward problem of status than had been foreseen. When Mauritius became independent in 1968 we succeeded in having them included among those who automatically became Mauritian citizens on independence. After independence they no doubt continued to regard themselves as Mauritian and they are probably so regarded by the Government of Mauritius. But we could not take away from the Ilois any right they had to citizenship of the U.K. and Colonies by way of connexion with Chagos (e.g. by birth there); nor could we remove the possibility that, regarding themselves as people of Chagos, some of them might one day claim that right or have it claimed on their behalf.

Present Position

10. The latest analysis of the population (men, women and children) in the three inhabited atolls of the Chagos Archipelago is set out below. The classification used here is an administrative one based on broad ethnic grounds and does not accurately reflect the national status of the people (see para. 15 below).

|             | <u>Diego</u>  |                | <u>Peros</u>  | <u>Total</u>  |
|-------------|---------------|----------------|---------------|---------------|
|             | <u>Garcia</u> | <u>Salomon</u> | <u>Banhos</u> | <u>Chagos</u> |
| Mauritians  | 22            | 23             | 11            | 56            |
| Seychellois | 230           | 22             | 65            | 317           |
| Ilois       | 128           | 138            | 168           | 434           |
|             | 380           | 183            | 244           | 807           |

11. In addition to the 434 Ilois shown in the table above, there are according to the Mauritius Government about 370 now in Mauritius many of whom were probably living in Chagos in 1965, and we shall have to accept some responsibility for this group. There are therefore about 800 Ilois in all involved in this problem.

## SECRET

General Characteristics of population

12. The Mauritians and Seychellois are contract labourers and their dependants from Mauritius or Seychelles. In general their claim to employment will be limited to their current contract (normally for 2 years) and repatriation at the end of it. While we have not envisaged any form of resettlement for the Seychellois, the Mauritians do appear to represent a commitment as H.M.G. have an undertaking to pay for resettlement of all Mauritians, including Ilois, following their evacuation from Chagos and return to Mauritius. (see Paper No. 2).

13. The Ilois, island born, clearly have a more substantial connexion with Chagos. Although as noted above they still regard themselves as Mauritians they also look on themselves as Chagos islanders. They have some experience of movement between the atolls. Some are second generation, a few third. The men are contract labourers and they go to Mauritius, where many have family connexions, from time to time. These visits to Mauritius have an element of leave about them and for many years it has been normal for them to be re-engaged, although some have been refused on grounds of bad conduct. In summary while being accepted as Mauritians they can be regarded as having their main roots in Chagos although their continued presence in Chagos has always depended on their being employed there.

National Status of Population

14. Some of the 56 Mauritians shown in the table in para. 10 may be dual citizens of Mauritius and the U.K. and Colonies. The majority of the Seychellois are only citizens of the U.K. and Colonies; we believe that almost all of them have unrestricted rights of entry to Seychelles and we would not expect practical difficulties over the odd cases.

15. With the exception of a few infants born since Mauritius became independent all the Ilois are dual citizens. Our problem therefore centres on the Ilois with the possible addition of a handful of Mauritians who are dual citizens.

Practical Implications of National Status

16. There are no accepted rules of international law regarding the responsibilities of States to permit the entry of their own

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citizens when such citizens are also citizens of another State. It has been argued that when third States are dealing with a dual national they should decide what is such a person's "effective nationality" by reference to his connexions with a particular State. Such an argument is not easy to sustain or apply but it may provide a basis for an argument that the Ilois are more "Mauritian" than "British", and should therefore be permanently resettled in Mauritius despite their citizenship of the U.K. and Colonies. It may however rebound if the Ilois regard Chagos as their home.

17. Legal advice is that although such dual citizens have a limited right of entry to the U.K. and Seychelles, subject to the immigration legislation of both countries, such a right is not one which could be exercised in practice. Whilst it is legally possible for us to enact legislation which could permanently exclude them from B.I.O.T. we could not of course administer such legislation in such a way as to deprive them of any right of entry anywhere; for example, if Mauritius were to change its immigration legislation which at the moment gives all Mauritius citizens (including dual citizens) an unrestricted right of entry to Mauritius. As we have done this in the case of our own citizens (Kenya Asians) it is theoretically possible that Mauritius might do the same.

Immigration Legislation

18. A draft immigration ordinance has been prepared by B.I.O.T. and approved by F.C.O. legal advisers. This would require all the contract labourers to have a residence pass which could be cancelled at any time. Although a person whose presence in B.I.O.T. was unlawful could be removed under the Ordinance, the Commissioner would have a discretion to allow him to stay if, for example, that person could not lawfully enter any other country or his entry to a particular country would cause trouble. The Ordinance would be necessary if Chagos is to be evacuated and during any interim period prior to a final decision being taken. It would not be suitable if we decided at any time that B.I.O.T. should be recognised as an ordinary colony with some permanent population. The possibility of deferment of such a decision (i.e. the length of time during which the future status of the people in the colony could be regarded as not yet determined) would require careful consideration in the light of both the legal and political implications.

19. A further problem of status could arise in the long term. Although all the Ilois are dual citizens, the children of those

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Ilois born in the Chagos part of B.I.O.T. after the date of Mauritius Independence (12 March, 1968) will, unlike their parents, not be dual citizens but only citizens of the U.K. and Colonies. Thus in perhaps fourteen or fifteen years, when such children are born, a generation will be growing up, who could truly claim to be "belongers" of B.I.O.T., unless we take steps to remove the Ilois outside B.I.O.T.

Alternative solutions to the problem of Status(A) Evacuation and Resettlement

20. Evacuation of all the inhabitants of Chagos and resettlement as necessary would be intended to remove the difficulties of national status once and for all. No resettlement difficulty should arise for the Seychellois and Mauritian citizens. Resettlement of the Ilois and any other dual citizens is dealt with in detail in Paper 4. The essential point is that while these have at present an automatic right of entry to Mauritius we could not in practice simply return them to Mauritius without first securing the agreement of the Mauritius Government and their own acquiescence. We would need the cooperation of the Mauritius Government. Given that, resettlement, while it would not deprive the dual citizens of their citizenship of the U.K. and Colonies, would put us on much stronger ground in refusing them re-entry to Chagos.

Implications of Alternative ProposalsContinued Occupation of Peros Banhos & Salomon (see Paper No. 4)

21. This solution, or part solution, would do nothing to solve the problem of national status, in fact it would in time increase the number and strengthen the claims of the Ilois to be treated as a United Kingdom responsibility. If the atolls had to be evacuated later we should merely have postponed the problem of resettlement. If they did not have to be evacuated we should have a continuing financial commitment and an increasing political one.

Evacuation & Resettlement

22. Evacuation of the inhabitants of Chagos and resettlement as necessary would be intended to remove the difficulties of national status once and for all. Resettlement of the Ilois in Mauritius would require the cooperation of the Mauritian Government and the acquiescence of the people concerned. Given that, resettlement, while it would not deprive the dual citizens of their citizenship of the U.K. and Colonies, would put us on much stronger ground in refusing them entry to Chagos.

**SECRET**Views of the Ilois

23. The Ilois are simple islanders, not versed in the obscure problems of their national status touched on above. We obviously cannot make a fully reliable forecast of their reactions when the news breaks. The Commissioner feels that there is a probability that they would prefer to stay in Chagos rather than to be resettled elsewhere; but no doubt much would depend on the arrangements which can be made for them, especially for housing and employment.

International Repercussions

24. The manner in which we handle the population problem will be watched closely not only by Mauritius, which is most directly involved, but also by those countries such as India, who will in any case resent the establishment of defence facilities in Diego Garcia and might welcome opportunities to create adverse publicity. This criticism is particularly likely to occur in the U.N. context (see paragraphs 6 and 8 above).

Pacific and Indian Ocean Department

March, 1969.