

Diego Garcia

‘Some rocks which will remain ours’

*US Embassy
London*

The daily release of previously secret US communications contained this nugget, dating from May 2009, about the UK's official attitude to preventing Chagossians returning to their homeland. We begin by tracing the history of Diego Garcia since the 1960s. In 2003, it was the launch pad for the US aerial bombardment of Iraq.

During the 1960s, British forces forcibly evicted some 2,000 people from their homes on Diego Garcia and other islands in the Chagos peninsula. Formerly part of Mauritius, Britain declared the islands now to be the ‘British Indian Ocean Territory’ or BIOT. BIOT was to become home to one of the most potent concentrations of lethality on the planet.

Apparently concerned about the prospects of Soviet expansion in the Indian Ocean, the US government had asked Britain to find an uninhabited island where it could build a naval base. In return, the US said it was willing to waive up to \$14 million in research and development fees for Britain's Polaris nuclear missile programme, the predecessor of Trident. At first, the Americans wanted the island of Aldabra, north of Madagascar. But Aldabra is a breeding ground for rare giant tortoises whose mating habits may have been disturbed by military activities. Fearing even then that ecologists would publicise its planned activities on the island, the US looked for an alternative. Eventually, they chose Diego Garcia, the largest island of the Chagos Archipelago.

Diego Garcia is strategically located in the heart of the Indian Ocean just south of the equator. But there was one problem. The islands had a population of roughly 1,800 people (who are known as Chagossians, but also referred to as Ilois). They had inhabited the 65-island archipelago for more than 200 years. Most of them are descendants of African slaves and Indian plantation workers. To deal with this ‘population problem’, British politicians, diplomats and civil servants began a campaign ‘to

maintain the pretense there [are] no permanent inhabitants' on the islands. The British officials feared that if the international community learnt about the existence of the population, it would demand that the Chagossians be recognized as a people 'whose democratic rights have to be safeguarded'. In 1965, British Colonial Secretary Anthony Greenwood warned that the evictions must be presented to the United Nations as 'a fait accompli'. In the same year, during negotiations with Mauritius over its independence from Britain, Prime Minister Harold Wilson insisted that Britain retain the Chagos Archipelago as part of the 'British Indian Ocean Territory'. Then, in January 1966, a British Foreign Office official wrote of 'convert[ing] all the existing residents [of the Chagos Islands] into short-term, temporary residents' in order to justify their removal to make room for US naval facilities planned for the island of Diego Garcia. Later that same year, in August, Sir Paul Gore-Booth, a senior official at the Foreign Office, wrote to diplomat Dennis Greenhill about the 'population problem' on the island of Diego Garcia: 'We must surely be very tough about this,' he said. 'The object of the exercise is to get some rocks which will remain ours ... There will be no indigenous population except seagulls ... The United States Government will require the removal of the entire population of the atoll by July.' In his reply, Greenhill says, 'Unfortunately along with the birds go some few Tarzans or Man Fridays whose origins are obscure and who are hopefully being wished on to Mauritius.'

Now, thanks to Wikileaks, we have another twist in this colonial tale. The US State Department cable, dated 15 May 2009, reveals some striking continuities with the colonial attitudes prevalent during the 1960s, not least with respect to keeping the United Nations at bay. That notwithstanding, the cable also tells us that the US government is profoundly sceptical about British proposals for a huge marine reserve around the Chagos Peninsula, which were to be announced by David Miliband in April 2010. Such a proposal might be used against our mega-military base on Diego Garcia, reasons the US diplomat who sent the cable almost a year before Mr Miliband's announcement. The Chagos islanders have fought a long battle to be allowed to return to their homes in the archipelago, if not on Diego Garcia itself. But it seems that British plans to thwart them, by establishing a far-reaching marine reserve, were not wanted, at least initially, by the sitting US tenants. The full communication is reprinted below. Meanwhile, the campaign goes on (see www.lalitmauritius.org).

With grateful acknowledgements to www.historycommons.org

Friday, 15 May 2009, 07:00

CONFIDENTIAL LONDON 001156

SUBJECT: HMG FLOATS PROPOSAL FOR MARINE RESERVE COVERING THE CHAGOS ARCHIPELAGO (BRITISH INDIAN OCEAN TERRITORY) REF: 08 LONDON 2667 (NOTAL)

1. Summary. HMG would like to establish a ‘marine park’ or ‘reserve’ providing comprehensive environmental protection to the reefs and waters of the British Indian Ocean Territory (BIOT), a senior Foreign and Commonwealth Office (FCO) official informed Polcouns on May 12. The official insisted that the establishment of a marine park – the world’s largest – would in no way impinge on USG use of the BIOT, including Diego Garcia, for military purposes. He agreed that the UK and U.S. should carefully negotiate the details of the marine reserve to assure that U.S. interests were safeguarded and the strategic value of BIOT was upheld. He said that the BIOT’s former inhabitants would find it difficult, if not impossible, to pursue their claim for resettlement on the islands if the entire Chagos Archipelago were a marine reserve. End Summary.

Protecting the BIOT’s Waters

2. Senior HMG officials support the establishment of a ‘marine park’ or ‘reserve’ in the British Indian Ocean Territory (BIOT), which includes Diego Garcia, Colin Roberts, the Foreign and Commonwealth Office’s (FCO) Director, Overseas Territories, told the Political Counselor May 12. Noting that the uninhabited islands of the Chagos Archipelago are already protected under British law from development or other environmental harm but that current British law does not provide protected status for either reefs or waters, Roberts affirmed that the bruited proposal would only concern the ‘exclusive zone’ around the islands. The resulting protected area would constitute ‘the largest marine reserve in the world.’

3.) Roberts iterated strong UK ‘political support’ for a marine park; ‘Ministers like the idea,’ he said. He stressed that HMG’s ‘timeline’ for establishing the park was before the next general elections, which under British law must occur no later than May 2010. He suggested that the exact terms of the proposals could be defined and presented at the U.S.-UK annual political-military consultations held in late summer/early fall 2009 (exact date TBD). If the USG would like to discuss the issue prior to those talks, HMG would be open for discussion through other channels – in any case, the FCO would keep Embassy London informed of development of

the idea and next steps. The UK would like to ‘move forward discussion with key international stakeholders’ by the end of 2009. He said that HMG had noted the success of U.S. marine sanctuaries in Hawaii and the Marianas Trench. (Note: Roberts was referring to the Papahānaumokuākea Marine National Monument and Marianas Trench Marine National Monument. End Note.) He asserted that the Pew Charitable Trust, which has proposed a BIOT marine reserve, is funding a public relations campaign in support of the idea. He noted that the trust had backed the Hawaiian reserve and is well-regarded within British governmental circles and the larger British environmental community.

Three Sine Qua Nons: U.S. Assent ...

4. According to Roberts, three pre-conditions must be met before HMG could establish a park. First, ‘we need to make sure the U.S. government is comfortable with the idea. We would need to present this proposal very clearly to the American administration ... All we do should enhance base security or leave it unchanged.’ Polcouns expressed appreciation for this a priori commitment, but stressed that the 1966 U.S.-UK Exchange of Notes concerning the BIOT would, in any event, require U.S. assent to any significant change of the BIOT’s status that could impact the BIOT’s strategic use. Roberts stressed that the proposal ‘would have no impact on how Diego Garcia is administered as a base.’ In response to a request for clarification on this point from Polcouns, Roberts asserted that the proposal would have absolutely no impact on the right of U.S. or British military vessels to use the BIOT for passage, anchorage, prepositioning, or other uses. Polcouns rejoined that **designating the BIOT as a marine park could, years down the road, create public questioning about the suitability of the BIOT for military purposes.** Roberts responded that the terms of reference for the establishment of a marine park would clearly state that the BIOT, including Diego Garcia, was reserved for military uses.

5. Ashley Smith, the Ministry of Defense’s (MOD) International Policy and Planning Assistant Head, Asia Pacific, who also participated in the meeting, affirmed that the MOD ‘shares the same concerns as the U.S. regarding security’ and would ensure that security concerns were fully and properly addressed in any proposal for a marine park. Roberts agreed, stating that ‘the primary purpose of the BIOT is security’ but that HMG could also address environmental concerns in its administration of the BIOT. Smith added that the establishment of a marine reserve had the

potential to be a ‘win-win situation in terms of establishing situational awareness’ of the BIOT. He stressed that HMG sought ‘no constraints on military operations’ as a result of the establishment of a marine park.

... *Mauritian Assent* ...

6. Roberts outlined two other prerequisites for establishment of a marine park. HMG would seek assent from the Government of Mauritius, which disputes sovereignty over the Chagos Archipelago, in order to avoid the GOM ‘raising complaints with the UN.’ He asserted that the GOM had expressed little interest in protecting the archipelago’s sensitive environment and was primarily interested in the archipelago’s economic potential as a fishery. Roberts noted that in January 2009 HMG held the first-ever ‘formal talks’ with Mauritius regarding the BIOT. The talks included the Mauritian Prime Minister. Roberts said that he ‘cast a fly in the talks over how we could improve stewardship of the territory,’ but the Mauritian participants ‘were not focused on environmental issues and expressed interest only in fishery control.’ He said that one Mauritian participant in the talks complained that the Indian Ocean is ‘the only ocean in the world where the fish die of old age.’ In HMG’s view, the marine park concept aims to ‘go beyond economic value and consider bio-diversity and intangible values.’

... *Chagossian Assent*

7. Roberts acknowledged that ‘we need to find a way to get through the various Chagossian lobbies.’ He admitted that HMG is ‘under pressure’ from the Chagossians and their advocates to permit resettlement of the ‘outer islands’ of the BIOT. He noted, without providing details, that ‘there are proposals (for a marine park) that could provide the Chagossians warden jobs’ within the BIOT. However, Roberts stated that, according to the HMG’s current thinking on a reserve, there would be ‘no human footprints’ or ‘Man Fridays’ on the BIOT’s uninhabited islands. *He asserted that establishing a marine park would, in effect, put paid to resettlement claims of the archipelago’s former residents.* Responding to Polcouns’ observation that the advocates of Chagossian resettlement continue to vigorously press their case, Roberts opined that the UK’s ‘environmental lobby is far more powerful than the Chagossians’ advocates.’ (Note: One group of Chagossian litigants is appealing to the European Court of Human Rights (ECHR) the decision of Britain’s highest court to deny ‘resettlement rights’ to the islands’ former inhabitants. See below at paragraph 13 and reftel. End Note.)

Je Ne Regrette Rien

8. Roberts observed that BIOT has ‘served its role very well,’ advancing shared U.S.-UK strategic security objectives for the past several decades. The BIOT ‘has had a great role in assuring the security of the UK and U.S. – much more than anyone foresaw’ in the 1960s, Roberts emphasized. *‘We do not regret the removal of the population,’ since removal was necessary for the BIOT to fulfill its strategic purpose, he said. Removal of the population is the reason that the BIOT’s uninhabited islands and the surrounding waters are in ‘pristine’ condition. Roberts added that Diego Garcia’s excellent condition reflects the responsible stewardship of the U.S. and UK forces using it.*

Administering a Reserve

9. Roberts acknowledged that numerous technical questions needed to be resolved regarding the establishment and administration of a marine park, although he described the governmental ‘act’ of declaring a marine park as a relatively straightforward and rapid process. He noted that the establishment of a marine reserve would require permitting scientists to visit BIOT, but that creating a park would help restrict access for non-scientific purposes. For example, he continued, the rules governing the park could strictly limit access to BIOT by yachts, which Roberts referred to as ‘sea gypsies.’

BIOT: More Than Just Diego Garcia

10. Following the meeting with Roberts, Joanne Yeadon, Head of the FCO’s Overseas Territories Directorate’s BIOT and Pitcairn Section, who also attended the meeting with Polcouns, told Poloff that the marine park proposal would ‘not impact the base on Diego Garcia in any way’ and would have no impact on the parameters of the U.S.-UK 1966 exchange of notes since the marine park would ‘have no impact on defense purposes.’ Yeadon averred that the provision of the UN Convention on the Law of the Sea guaranteed free passage of vessels, including military vessels, and that the presence of a marine park would not diminish that right.

11. Yeadon stressed that the exchange of notes governed more than just the atoll of Diego Garcia but expressly provided that all of the BIOT was ‘set aside for defense purposes.’ (Note: This is correct. End Note.) She urged Embassy officers in discussions with advocates for the Chagossians, including with members of the ‘All Party Parliamentary Group on Chagos Islands (APPG),’ to affirm that the USG requires the entire BIOT for

defense purposes. Making this point would be the best rejoinder to the Chagossians' assertion that partial settlement of the outer islands of the Chagos Archipelago would have no impact on the use of Diego Garcia. She described that assertion as essentially irrelevant if the entire BIOT needed to be uninhabited for defense purposes.

12. Yeadon dismissed the APPG as a 'persistent' but relatively non-influential group within parliament or with the wider public. She said the FCO had received only a handful of public inquiries regarding the status of the BIOT. Yeadon described one of the Chagossians' most outspoken advocates, former HMG High Commissioner to Mauritius David Snoxell, as 'entirely lacking in influence' within the FCO. She also asserted that the Conservatives, if in power after the next general election, would not support a Chagossian right of return. She averred that many members of the Liberal Democrats (Britain's third largest party after Labour and the Conservatives) supported a 'right of return.'

13. Yeadon told Poloff May 12, and in several prior meetings, that the FCO will vigorously contest the Chagossians' 'right of return' lawsuit before the European Court of Human Rights (ECHR). HMG will argue that the ECHR lacks jurisdiction over the BIOT in the present case. Roberts stressed May 12 (as has Yeadon on previous occasions) that the outer islands are 'essentially uninhabitable' and could only be rendered livable by modern, Western standards with a massive infusion of cash.

Comment

14. Regardless of the outcome of the ECHR case, however, the Chagossians and their advocates, including the 'All Party Parliamentary Group on Chagos Islands (APPG),' will continue to press their case in the court of public opinion. Their strategy is to publicize what they characterize as the plight of the so-called Chagossian diaspora, thereby galvanizing public opinion and, in their best case scenario, causing the government to change course and allow a 'right of return.' They would point to the government's recent retreat on the issue of Gurkha veterans' right to settle in the UK as a model. Despite FCO assurances that the marine park concept – still in an early, conceptual phase – would not impinge on BIOT's value as a strategic resource, **we are concerned that, long-term, both the British public and policy makers would come to see the existence of a marine reserve as inherently inconsistent with the military use of Diego Garcia – and the entire BIOT.** In any event, the U.S. and UK would need to carefully negotiate the parameters of such a marine park – a point on which Roberts

unequivocally agreed. In Embassy London's view, these negotiations should occur among U.S. and UK experts separate from the 2009 annual Political-Military consultations, given the specific and technical legal and environmental issues that would be subject to discussion.

15. Comment Continued. We do not doubt the current government's resolve to prevent the resettlement of the islands' former inhabitants, although as FCO Parliamentary Under-Secretary Gillian Merron noted in an April parliamentary debate, 'FCO will continue to organize and fund visits to the territory by the Chagossians.' We are not as sanguine as the FCO's Yeadon, however, that the Conservatives would oppose a right of return. Indeed, MP Keith Simpson, the Conservatives' Shadow Minister, Foreign Affairs, stated in the same April parliamentary debate in which Merron spoke that HMG 'should take into account what I suspect is the all-party view that the rights of the Chagossian people should be recognized, and that there should at the very least be a timetable for the return of those people at least to the outer islands, if not the inner islands.' Establishing a marine reserve might, indeed, as the FCO's Roberts stated, be the most effective long-term way to prevent any of the Chagos Islands' former inhabitants or their descendants from resettling in the BIOT. End Comment.

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The Mauritian campaigning group LALIT wrote to Princess Anne about Diego Garcia during her recent visit. We reprint excerpts.

'We write to you, as representative of the British Monarchy, on the occasion of your visit to Mauritius. The Monarchy that you represent has been the source of certain autocratic powers on which the British State has relied in order to perpetrate a series of actions which have caused great suffering to the Mauritian people, including the people of Chagos. Some of these actions have been illegal, others immoral, and all of them based on anachronistic decrees decided behind the back of elected Parliamentarians of your own country. We refer to the "Queen's Order in Council" made at Buckingham Palace, an "Order" that illegally dismembered Mauritius ... There was then a so-called Immigration Ordinance of 1971, enacted by the Commissioner for BIOT who is appointed by the Monarch. This Ordinance banished the Chagossians from their homes. Since the 2000 judgment in favour of the Chagossians, and even as recently as 2004, there have been further "Orders in Council" that over-rode the decision of the highest courts of your land ... The fact that your visit is one month after the coming into force of the Marine Protected Area and coincides with the publication of the Wikileaks documents makes the official nature of your visit all the more unacceptable ...'

LALIT, 3 December 2010 (www.lalitmaritius.org)