



International Agreements Committee and International Relations and Defence Committee

Corrected oral evidence: Implications of the transfer of sovereignty of the Chagos Archipelago

Tuesday 17 June 2025

5 pm

[Watch the meeting](#)

Members of the International Agreements Committee present: Lord Goldsmith (The Chair); Lord Anderson of Swansea; Lord German; Lord Hannay of Chiswick; Lord Howell of Guildford; Baroness Lawlor; Lord Marland; Lord Stevenson of Balmacara; Baroness Verma.

Members of the International Relations and Defence Committee present: Lord De Mauley; Lord Alderdice; Baroness Blackstone; Lord Bruce of Bennachie; Baroness Coussins; Baroness Crawley; Lord Grocott; Lord Houghton of Richmond.

Evidence Session No. 1

Heard in Public

Questions 1 - 18

Witnesses

I: Stephen Doughty MP, Minister of State (Europe, North America and Overseas Territories), Foreign, Commonwealth and Development Office; Paul McKell, Legal Director and Director Ocean Policy, Foreign, Commonwealth and Development Office.

Examination of witnesses

Stephen Doughty and Paul McKell.

Q1 The Chair: Welcome, Minister and Mr McKell, to this evidence session on the Chagos Archipelago agreement and its implications. This session is being held concurrently with the International Relations and Defence Committee and the committee that I have the honour to chair, the International Agreements Committee. We have members from both committees present and I am very happy to welcome them to this joint session. The meeting is being broadcast live via the parliamentary website. A transcript of the meeting will be taken and published on the committee's website and you will have the opportunity to make corrections to that transcript where necessary.

We will proceed to the first question. Do you want to make an opening statement? If you would like to, please do.

Stephen Doughty: Yes, I can, Lord Chair, just to give some context, if that is useful for committee members. Thank you very much for inviting me to give evidence. I am very happy to answer the questions that you have and it is good to have the two committees together, given the wide range of issues that we will cover.

It is worth going back, with the committees' indulgence, to some of the first principles of why this deal was necessary to secure Diego Garcia and our military facilities there. Diego Garcia matters because it is an essential military base. It is vital for the security of the British people and our allies and for decades it has helped keep us safe. As the world grows more dangerous so too does the importance of the base for our national security. It provides us unique and vital capabilities on which, as the committee will understand,

I will not go into all of the details but I can allude to various of them. The location of the base is of great strategic importance, whether that is military aircraft deploying to defeat terrorism in Iraq or Afghanistan, crucial shipping lane protection, threats from the Red Sea to the Indo-Pacific, it is absolutely crucial for the security of us and our allies.

The reality is that we faced a completely unsustainable situation for the future operations of the base and its viability going forward. That is fundamentally why the previous Government entered into negotiations in the first place. I have repeatedly asked this question when being questioned in the other place: if there was not a problem, why did the previous Administration enter into discussions? They went through 11 rounds of negotiations. We then had the general election and this was one of the first issues to be presented to us for resolving. In doing that, we have broadly kept the scope and scale of the deal that was being discussed by the previous Administration but have strengthened a number of the provisions and also ensured that the right deal was done, particularly on the financial side.

I am happy to go into all the details of the provisions and the security that we have in place in this treaty, but I highlight in particular that we retain full control of Diego Garcia and the ability to operate there for us and our allies as we have done before. We have a buffer zone. We have a rigorous process to prevent activities by adversaries and hostile forces on the outer islands. We have a strict ban on foreign security forces on the outer islands and we have a binding obligation to ensure the base is never undermined.

The deal fundamentally is supported by our allies, crucially of course the United States. President Trump has explicitly recognised its strength. In fact, all our Five Eyes partners—Canada, New Zealand, Australia and the US—support the deal. India supports the deal. All of them understand the national security capabilities the base guarantees.

On the costs issue, it was crucial that a financial element was part of this over 99 years. I am afraid we have seen some fairly fantastical calculation figures being bandied around, particularly in the media in the run-up to the deal being announced, but the reality is that if we do not pay somebody else will. The costs compare favourably with other international base agreements. I would put to the committees' interest that France recently arranged an €85 million per year deal with Djibouti on its basing arrangements. Diego Garcia is 15 times larger and more strategically located and has immensely greater capability. I am content that the figure of £101 million per year on average over that 99-year period is the right price to pay for crucial national security capability and securing that into the future.

We have always been clear that we will act in the national interest and this deal secures that national interest. I am happy to answer the questions that the committees have.

Q2 The Chair: Thank you very much. As you know, there are two committees here. I am one chair and Lord De Mauley is another. I have been asked to take the lead on organising the questions.

The explanatory memorandum makes reference to difficulties that the UK encountered with the Comprehensive Nuclear Test-Ban Treaty organisation and the Indian Ocean Tuna Commission and how those posed a risk to UK sovereignty. Can you expand on what those difficulties were, either you or Mr McKell, if you prefer?

Stephen Doughty: I am happy to set out the wider legal context. Essentially, we had a series of different judgments and developments on the islands, which we strongly believed created the possibility of an inevitable binding judgment against the United Kingdom and, in the interim, orders or measures that would frustrate the operational ability of the base. That is simply not a risk that this Government is prepared to take.

I point out first that we had a comprehensive rejection of our arguments at the ICJ in 2019 by 13 judges to one. We lost in the UN General

Assembly by a margin of 116 to six. We had a maritime delimitation agreement judgment binding on Mauritius and the Maldives. We were not a party to that but it was handed down by a special chamber of the International Tribunal for the Law of the Sea on the basis of Mauritian sovereignty over the Chagos Archipelago, not UK sovereignty. We had obligations placed on the Administration by UN bodies to cease specific activities, as you have referred to, Chair, a series of procedural complications and blockages at international organisations including the Comprehensive Nuclear Test-Ban Treaty organisation.

Precedents were being set. International support was falling away. Mauritius was highly likely to bring further litigation against the UK, which we would have had no realistic prospect of defending. Eventually that would have led to a binding judgment but, as I said, in the interim, a series of other measures were being taken. As I said, we are simply not willing to take that risk or that gamble when it comes to national security capability and that is why, again, our partners have been happy with the deal that we have secured, which guarantees our ability to operate that base into the future.

The Chair: Is it right there was also a concern about another issue, which was the risk that the International Telecommunication Union could reassign radio spectrum access over the Chagos Archipelago, which could adversely affect operations in Diego Garcia?

Stephen Dougherty: I will bring in Paul to give a little bit more context on this, but there was definitely a risk in the future of a whole series of operational matters being affected including the electromagnetic spectrum and also overflight rights, contractors, the ability to access the base and the ability to supply it in the maritime environment. A series of risks was building up, which would ultimately have frustrated and seriously degraded the capability of the base to operate as we and our allies need it to.

The Chair: Can you include this in your answer, please, Mr McKell? Last week we heard from an expert in electronic warfare that even if there were a problem with the radio spectrum access, this was unlikely to affect Diego Garcia because of its distance from anywhere else in the archipelago.

Paul McKell: I cannot answer the technical aspects of that evidence because I do not have that expertise.

On the ITU as an international organisation, the issue of sovereignty of the Chagos Archipelago could, of course, impact which state has the right to be a member for a particular set of issues in each international organisation. A binding decision that the United Kingdom is not sovereign and that Mauritius is sovereign would have implications for the United Kingdom and its membership of the ITU for the Chagos Archipelago, Diego Garcia, BIOT.

Potentially, wider implications might flow from a binding judgment of that sort that might be in the sphere of the technical advice that you have received and that might explain it. If the binding judgment is that Mauritius is sovereign, other states acting in that way and then intruding into the waters around Diego Garcia where equipment could be close to the military base could impact the security and effective operation of the base in that set of circumstances.

Q3 Lord Anderson of Swansea: Minister, do the Government contend that agreement is wholly sui generis and that we cannot look for precedents in the cases of other British bases situated elsewhere around the world, particularly in the Middle East? Did the Government, for example, consider any other options that might have been less expensive to the British taxpayer and yet provide a similar degree of protection?

Stephen Doughty: Lord Anderson, first there is not a direct comparison with any of our other basing arrangements or indeed the situation of other overseas territories. A huge amount of rather misleading information has been suggested around these things. We have been successfully negotiating a new treaty for Gibraltar. This deal on the Chagos Islands is completely supported by the Chief Minister of Gibraltar because he assesses that this is a stronger position for Gibraltar. Again, it does not apply to the situation for the Falkland Islands, nor indeed the sovereign base areas in Cyprus.

On the costs and the value for money, as I said, if we look at the comparators of what, for example, France paid for the base in Djibouti, this is a 15 times larger facility but is a broadly comparable cost and yet with immeasurably more capability. I am absolutely confident.

Again, I bring the committees back to the first point that I made, which is that if we were not willing to settle this matter satisfactorily, we would face significant peril and eventually an inability to operate that base and the loss of priceless capabilities for the UK and our allies. That was not a risk we were willing to take.

Lord Anderson of Swansea: In Gibraltar, the Chief Minister is content with that. Might precedents in other British bases, particularly in the Middle East, have been considered by the Government?

Stephen Doughty: This has a unique set of circumstances around it. I have set out the historical position and what has happened with a series of judgments and positions internationally over recent years. That was fundamentally why the previous Administration recognised a serious problem here. It is why they ultimately started negotiations. They did not complete them before the general election and it was absolutely right that we did to put this on a secure footing when we came into office.

Q4 Lord Houghton of Richmond: Minister, I have two separate questions, which are linked to the potentially unforeseen consequences of the treaty on current operational freedoms and whether it is future proof.

First, there is an extant treaty, from which currently the Chagos Archipelago is currently exempt, that forbids the deployment of nuclear armed submarines into the Indian Ocean. Might this exemption be revisited in the future once this treaty comes into place?

Secondly, currently the United Kingdom as the sovereign power is consulted to preauthorise any offensive action from the Diego Garcia base by US assets. The treaty appears to necessitate only a duty of retrospective notification of the Mauritius Government by the United States, but might that provision also be subject to review or even negation by the higher demands of international humanitarian law?

Stephen Doughty: On your first point, we are party only to the two protocols to the Pelindaba treaty. We are not a member of the treaty itself. Mauritius is. It is an African-based treaty. We are confident that the arrangements we have in place protect the full operational autonomy of the base. I will not go into further details than that but we are confident that those concerns have been met. Forgive me. What was your second point?

Lord Houghton of Richmond: It was given the fact that the base is used by American forces to project power to—

Stephen Doughty: Yes, sorry, about the pre-informing.

Lord Houghton of Richmond: At the moment, because we are the sovereign nation, we have to give clearances that meet the demands of humanitarian law in the sense of proportionality, military necessity and those sorts of things. It is quite a complicated business. However, from the wording of this treaty, Mauritius will not inherit the same responsibilities, of pre-clearance in accordance with humanitarian law. I wonder whether downstream this might present something of a problem.

Stephen Doughty: I refer you to Article 2 in the treaty, which authorises the UK to exercise the rights and authorities of Mauritius on Diego Garcia that are required by the UK for the long-term secure and effective operation of the base, including for defence security requirements, conditions and procedures. Those are laid out in annexe 1 and the jurisdiction and control arrangements in annexe 2. We are absolutely content—indeed, as is the United States and our Five Eyes partners—that this allows us to continue to operate the base in the way that we need to be able to.

Secondly, again, the media has had some quite misleading commentary on this issue about whether we have to pre-inform. That is not the case. We are required to expeditiously inform afterwards in common diplomatic and military courtesy, as you will know, Lord Houghton, from your past experience. We would, as we do with, for example, the Republic of Cyprus, engage constructively with them on our operations from Akrotiri and Dhekelia and elsewhere. It in no way fetters our ability to do what we need to do.

There are two exceptions, one of which is if we were to undertake some attack against Mauritius, which we will not do but the ability to operate in the way we need to globally is absolute and absolutely protected. Indeed, the United States whole national security apparatus has gone through this with a fine-toothed comb and we are entirely satisfied with the provisions in place.

The Chair: If I may continue on that, you said two exceptions and you mentioned an attack on Mauritius as an exception. What is the second exception?

Stephen Doughty: Yes, sorry, on termination.

Paul McKell: The Minister was thinking about termination. A failure to make payment would also be a ground as well as a serious threat to the supreme national interest of Mauritius.

Q5 **The Chair:** Let me focus a little bit further on Lord Houghton's question. The question of whether there might be a requirement to preauthorise is important in how you operate the base and how it has its effect. We put this question to witnesses last week. One was Professor Philippe Sands and Lord Houghton put the same question to him. In his answer, he said that there is an obligation under Article 4 to comply with international law, which is certainly what the treaty says.

Stephen Doughty: All UK military bases are operated in accordance with international law. Diego Garcia is no exception to that.

The Chair: I do not doubt it, but Professor Sands went on to say that, assuming "compliance with international law, there will be no difficulties at all". There seemed to be a slight possible exception there. How comfortable or confident are you that that could not be used to overcome this question of no preauthorisation required from Mauritius?

Stephen Doughty: No. As I said, all our military operations and bases are required to comply with international law. This is a Government that believes in international law and the rule of law and setting that example internationally as well. It is a standard clause to have in international agreements. We are proud of our commitment to that and we think it strengthens our security and way of life, particularly when we see the activities of others in the world, including Russia. This is fairly standard and I am confident that our armed forces and those working with them continue to do so daily.

The Chair: Does Mr McKell have anything to add to that?

Paul McKell: I will add that, of course, we have a binding agreement with the United States that covers the operation of the base jointly. That remains in place and so the arrangements that currently operate will continue to operate in a manner that ensures that action taken from Diego Garcia by the UK and/or by the United States will be completely consistent with our obligations under international law.

I am not entirely sure what Professor Sands was referring to about a difficulty. This agreement has quite tightly drafted termination and the arbitration dispute settlement provisions and so I cannot anticipate what Professor Sands was alluding to. From my perspective, Article 4 has a straightforward explanation of the current position, which is that we will operate the base in accordance with our obligations under international law.

The Chair: I take your point that it would not, but you do not see that some argument that that is not happening would then justify Mauritius ignoring its responsibilities under the treaty?

Paul McKell: Mauritius is bound by this treaty as well. We are not anticipating in any way that Mauritius will not comply with its obligations under the treaty. If it were to for some reason, of course, there are provisions in there for those matters to be raised in Article 14. What you are talking about there would not take one into Article 15 territory and arbitration, but of course a process is set out to deal with those sorts of issues were they to arise, which we do not anticipate. That would be taken up through that process as set out in Article 14 of the treaty.

The Chair: I started asking based on what Lord Houghton had said, but I will ask Lord Houghton to ask a supplementary.

Lord Houghton of Richmond: I was quite happy to end at that point, but I will be left with the hanging concern that if Mauritius is the sovereign power, it cannot alienate its responsibility under international law for itself being happy that the United States is conducting an operation or conducting a strike in accordance with international law. These are matters of sensitive judgment and it might reach a judgment that is contrary to the United States judgment on whether such things as proportionality and military necessity are being met in one of the targets that it is conducting an offensive strike against. I am not certain we will resolve it, but it is still a hanging question.

Paul McKell: The only thing I will say in response to that is that Mauritius can be comforted by the fact that we have operated this space jointly with the United States for such a long time without any action being taken that was unlawful as a matter of international law from there and that the arrangements that are in place between the United Kingdom and the United States will continue to provide Mauritius with reassurance that that will be the position going into the future.

The Chair: You were also saying that the termination provisions are drafted tightly and they would not cover the sort of example that I was postulating.

Paul McKell: Yes.

Q6 **Baroness Blackstone:** What is the Government's response to concerns about the cost of the payments that the UK is making under this

agreement and, more particular, concerns that have been raised that UK payments are being used to finance tax cuts in Mauritius?

Stephen Doughty: First, on that last point, Prime Minister Rangoolam has not said anything of the sort in his budget speech. Ultimately, we have published the full costs. We have set out how they will work. We think that this base has priceless capability and I cannot understate that. This is, again, a broadly comparable amount to what France paid for that base in Djibouti.

Again, of course, the United States pays for a lot of the operational activity on the base, too, and the United Kingdom benefits hugely, as indeed other allies do as well. Some of the figures that have been bandied around on this are simply not accurate. To give you a comparison, the annual cost of this deal is a fraction of 1% of our annual defence budget and it would pay to run the NHS for five hours.

Baroness Blackstone: Have you been able to reassure people that this is the case and have they responded positively when you have done so?

Stephen Doughty: People are at liberty to feel what they want to feel about it, but certainly some of the wild claims made in the other place by some opponents, and indeed in the media, have simply proven not to be the case. We were having wild figures of multiple billions being quoted, which of course are not the case. We have published the full costs and explained these have been verified by the Government actuaries in the Green Book methodology.

I set out the facts and I compare them to, first, what others pay for their basing arrangements, secondly, the comparison to other key items in public spending and, thirdly, the priceless benefits that come. When it comes to protecting the British people, we will not scrimp on national security.

Q7 **Lord De Mauley:** Minister, I am pleased to hear you say how important Diego Garcia and the Chagos are to our security, with which I wholeheartedly agree.

As we have heard, the agreement may be terminated on limited grounds, one of which, of course, is the UK not meeting its payment obligations to Mauritius. We have heard evidence to suggest that there is a credible scenario under which a hostile power could exploit this and seek by political warfare, public demonstrations, use of social media and so on to push the UK to a point where a future Government feels it cannot continue making the payments. Was this identified as a risk during the negotiations and what plans do the Government have to mitigate against such a scenario?

Stephen Doughty: In a free society, people are able to express different views about government spending and priorities and have always been able to do so. I am confident in our wider capability at defending our democratic debate and our way of life against hostile interference from

outside. It is a real threat and we see this in multiple of our societies. We work closely with partners across government to ensure that that does not happen. I am confident in our abilities.

I am also confident that we will keep to the terms of our agreement. Britain keeps its word. We have signed up to the treaty in good faith. We have signed up to an agreement with Mauritius in good faith and we will keep to that. I cannot speculate years and years into the future, but we are confident that we will meet these terms, also because, again, of the value for money that is inherent in this agreement, a reasonable amount compared to other items of public spending and, again, the huge benefits that come from this.

I would gently argue that some of the people who have been bandying around these large figures and suggesting we should not do this are not acting in Britain's national interest. They are not acting in our national security interest and this Government will not scrimp when it comes to paying for these facilities.

Lord De Mauley: It has been reported that payments to Mauritius will be funded from the MoD and FCDO budgets. If these reports are accurate, what proportion will come from each and what is your assessment of how these payments may impact the Government's ability to fund defence of the homeland?

Stephen Doughty: I have given a reference point for the part of the overall defence budget that this would be equivalent to, which is a fraction of 1% of the total budget. That is substantially increasing as a result of the decisions that the Government have taken and the strategic defence review that has happened.

The cost of the deal will be split between the FCDO and the MoD. We will set out further details in due course. You will appreciate that we have only just had the spending review and the full settlements and departments are now going through their allocations and so on, but we will be able to provide further details on that in due course.

Q8 Baroness Coussins: Minister, sticking with the funding arrangements, given that the military base on Diego Garcia is as important to the US's defence and security as it is to the UK's, do you agree that it is reasonable that the US should contribute to the funding arrangements for the leasing back of the base? Can you say whether at any point during the negotiations this question was raised with US counterparts and what, if any, response was given to that? I am not including elements of the funding arrangements such as the trust fund for the benefit of the Chagossian people, which is clearly the UK's responsibility, but for the leasing back of the base elements, is it reasonable to expect a US contribution?

Stephen Doughty: It is a totally reasonable question to ask. First, the current arrangements that exist were established in the exchange of notes between the UK and the United States back when those were

originally established and set. It is important that we adhere to our agreements with the United States, just as we hold to our other international commitments.

Both for the committees' information and also for the wider public, first, the base on Diego Garcia is our most significant contribution to the transatlantic defence and security relationship. This is a crucial part of what the United Kingdom plays and pays within that relationship and the benefits to us and indeed to our allies are priceless.

Secondly, the United States does contribute. It contributes to the operating costs of the base. Those are several multiples greater—I will not go into the detail for obvious reasons—than any payment made by the UK under this deal. That reflects the operating environment in the Indian Ocean and the complexity of operating from that base. The United States is contributing and we are contributing. It is a partnership. It is part of our special relationship and our wider commitment to transatlantic security.

The bottom line is that if we want to be part of an essential security and defence relationship, we have to contribute our share. That also included securing the future of this base for our own interests and for the interests of the United States and indeed our other Five Eyes partners and other allies. This is an entirely fair and appropriate arrangement.

Q9 **Baroness Lawlor:** Mr Doughty, thank you very much for answering these questions. My question relates to one of the Government's projections and the use of the base. Your explanatory memorandum refers to the strategic location of the base and its potential use for the UK and the US in the Indian Ocean. What rights and obligations will the UK and US respectively have to operate the base under this treaty and have they changed?

On this question of change, the Mauritius Prime Minister, Dr Ramgoolam, told the Mauritius National Assembly on 4 February, "there have been changes". They insisted on the sovereignty issue. "We insisted that it be clear that we have complete sovereignty over the Chagos, including Diego Garcia. The British agreed to that, and this has been changed." Yet time and again we hear from the Government, and indeed you and Mr McKell have mentioned it today, "There are no changes. We will continue to operate the base."

Is there a tension on this question of sovereignty, particularly as it relates to the rights of operations? We have heard from Lord Houghton today—and you gave an answer to that—on the operation going ahead potentially in the Indian Ocean and the tension between Mauritius and the UK and the US.

Stephen Doughty: This is a change of sovereignty. That is why we have come to an agreement, but we retain the rights and authorities to operate Diego Garcia. Those are secured in the treaty.

Baroness Lawlor: Have the rights changed?

Stephen Doughty: The ability to operate will be the same in the future as it is today. Through this process, one change that has happened is we have strengthened the security provisions particularly for the outer islands and the activities that can occur outside there, for example, to prevent the actions of any foreign force that posed a threat there.

I will take you through a couple of key points of what has been secured. First, full control of Diego Garcia, including full control and management of the electromagnetic spectrum; a 24-mile nautical buffer zone where nothing can be built or placed without UK consent, meaning we can protect our interests; and a rigorous process to prevent any activities on the wider islands, some of which are 100 nautical miles away, from disrupting base operations. That includes joint UK decision-making and that means there cannot be developments unless we agree. We have a strict ban on foreign security forces on the outer islands, whether civilian or military, and a binding obligation to ensure the base can never be undermined.

Those are some of the headlines, but these categorically protect our ability to operate the base into the next century. Indeed, not only do we feel that but our principal partner and ally, the United States, feels that and this has been through a rigorous interagency process in the United States.

Baroness Lawlor: Forgive me for pressing for a moment. If in the instance of a proposed operation we are given to understand from diplomatic channels that Mauritius is not happy that the base is used for such and such a purpose and they say, "We have sovereignty", how does that talk end in a toss-up between Mauritian sovereignty and UK operational interests, whether they are exercised by the US or the UK?

Stephen Doughty: We have entered into a treaty that gives us the full rights and authorities to operate in Diego Garcia as it does today. This is in Article 2.2, "The authorisation in paragraph 1 shall comprise all rights and authorities that the United Kingdom requires for the long-term, secure and effective operation of the Base, including for the Defence and Security Requirements" I referred to earlier in annexe 1 and annexe 2. This is belt and braces in our ability to operate as we do today. If that was not the case, we would simply have not signed up to this treaty.

Baroness Lawlor: Is Dr Ramgoolam simply posturing when he says, "we have complete sovereignty"? Do you have an understanding, but not a commitment, that that sovereignty will not be exercised in conflict with whatever the British operational desire may be?

Stephen Doughty: I will bring in Paul, but this is clearly set out in the treaty, which Mauritius is now a party to.

Paul McKell: The Prime Minister of Mauritius is absolutely correct that on entry into force of this agreement, the Chagos Archipelago will be the sovereign territory of Mauritius. Article 1 of the treaty provides for that.

However, in entering into this agreement, Mauritius is also agreeing to authorise the United Kingdom to exercise those rights and authorities that Mauritius will now have with respect to Diego Garcia. Article 2.2 clarifies that that includes “all rights and authorities that the United Kingdom requires for the long-term, secure and effective operation of the Base”.

Two things are correct. One is that Mauritius will be sovereign over the Chagos Archipelago, but the United Kingdom will have the authorisation to exercise the rights and authorities that are necessary for the secure operation of the base.

Q10 **Lord Marland:** Let us move to blue sustainability. There are the most fabulous seas around the Chagos Islands. What guarantees, Minister, are there for the protection of those seas and also, in particular, the restriction of commercial fishing, which we know does untold damage?

Stephen Doughty: The protection of our marine environments is a personal passion of mine. There has been an important Ocean Conference, as you know, in the south of France. In fact, the Mauritian Prime Minister met with the Defra Secretary of State in the margins of the third United Nations Ocean Conference. They reaffirmed the commitments there to supporting the creation of the marine protected area around the Chagos Archipelago. This was one thing that we set out as a clear negotiating priority for us.

The agreement will be supported by an enhanced partnership between the UK and Mauritius, under which we will support Mauritius’s ambitions to establish a marine protected area to both protect the globally significant ecosystems and also to protect it from illegal, unreported and unregulated fishing. You will be pleased to know, Lord Marland, that this has been welcomed by a number of leading conservation NGOs, including the Zoological Society of London. We are absolutely confident that these measures in place will enable the protection of those environments going forward. We will retain day-to-day responsibilities in the interim and we already have measures in place, but this was a crucial part of the agreement.

Lord Howell of Guildford: Following this theme through, how will the responsibility divide between the sovereign power and the leaseholder—us—under this agreement? Will we allocate specific sums in the agreement for this wonderful area that Lord Marland has described or will we leave it to Mauritius to decide?

Stephen Doughty: No, we will work closely with them in establishing the new marine protected area and that will include technical and financial capacity building and assistance with a focus on sustainable management of the resources. There we will also work with a range of international conservation organisations to ensure that what happens there is science-based as well, crucially.

We are committed to international environmental law and high conservation standards, including the IUCN guidelines. We have always prioritised responsible management of Diego Garcia, including the coral atoll and the surrounding waters. We will continue to take responsibility for maintaining those high standards on Diego Garcia. In the transition period as well, we will be working closely with the outer islands, where we have our own arrangements in place, to ensure there is not a gap or a weakness that somebody can exploit.

There is a clear commitment. As I said, there have been discussions last week between our Secretary of State for Environment and the Mauritian Prime Minister.

Lord Howell of Guildford: In the long term—and this at present is incredibly long term for 200 years—will the exchange of finance have specific allocations for what should go towards MPA management and what should go towards other things, some of which have already been mentioned earlier?

Stephen Doughty: Yes. We are entering into a wider strategic partnership with Mauritius, which includes work on climate change and other matters. I do not want to give an exact breakdown of figures at this stage. I do not want to speculate on that. We are going through the process of working out the allocations, but we will work closely with them. This is a key priority. In the interim, we will maintain our responsibilities.

Q11 **Lord German:** Currently, people arriving on the Chagos Islands as migrants can seek asylum protection in the United Kingdom. You said in reply to a question—not in this meeting but earlier—that this treaty will improve that situation. Yet the explanatory memorandum says that there will have to be a separate instrument on jurisdiction and control with respect to migration. Could you unpack all that and tell us what this new instrument is likely to achieve, how it will work and when we will see it?

Stephen Doughty: I will let Paul come in on some of the technical detail on this, but the essential headline here is that this agreement closes a dangerous and expensive migration route. Any migrants who arrive in Diego Garcia once the treaty enters into force will be under Mauritian jurisdiction. There will be no pathway to a UK asylum claim.

In the interim, we have an arrangement with St Helena, which I have answered questions on in the other place. Any arrangements on how the migrants are received if they arrive, say, on Diego Garcia, will then transfer to Mauritian control and will be agreed in this separate instrument. We will both act in full compliance with international law. We will, of course, retain responsibility for service personnel and those connected with the base, including contractors, whereas Mauritius will have responsibility for Mauritians and for anyone else not connected with the base, for example illegal fishermen, migrants arriving and so on.

Lord German: Before that, on your point, could you explain whether Mauritius has agreed that it will follow the international law on migration so that our compliance with the international law is transferred to Mauritius and they will operate it in accordance with that law?

Stephen Doughty: They have responsibility from entering into force of the treaty. We are both committed to international law, as set out more broadly in the treaty. I do not know if Paul had anything more on specifically how the written instrument will work.

Paul McKell: You have largely covered it already, Minister. Mauritius will be sovereign once the treaty enters into force and so anyone arriving there wishing to claim asylum would be claiming asylum in Mauritius because they would be on Mauritian sovereign territory. We have those rights to exercise the rights on authorities that are delegated to us. The written agreement will be about the mechanics of what happens when someone arrives and the processes for a person being transferred from Diego Garcia to Mauritius because it is a matter of their responsibility as a matter of international law.

Lord German: We are responsible as a country for the appropriate piece of legislation relating to the refugee convention. Will Mauritius, therefore, be responsible in the same way as we are to the refugee convention?

Paul McKell: We have military bases in other countries around the world, such as in Germany, but if someone is in Germany, they do not claim asylum in a military base in Germany. This will be sovereign territory of Mauritius once the treaty enters into force. An asylum claim would be the responsibility of Mauritius.

Lord German: I understand that. We allow people to come here or to St Helena, of course, because we operate according to the international law, which is the convention that I have described to you. But in the transfer of powers to Mauritius, are we assured that they too will follow the rules of international law relating to the convention on refugees?

Paul McKell: As you know, both states have signed up to a provision in here committing to comply with their international obligations. We anticipate no problem in that regard and that Mauritius will live up to its international obligations in this respect.

The Chair: This is Article 4 we talked about before. You made the point that it binds the United Kingdom but also Mauritius to follow the principles or the provisions of international law.

Paul McKell: Yes.

Q12 **Baroness Crawley:** Minister, come with me to the 22nd century and the year 2124—it will be of little interest to any of us in the room, although the younger people at the back might just see it—and the questions that arise about the extension of the treaty. It is contingent on the agreement of both parties. How can the Government be confident that the agreement of Mauritius will still be forthcoming? I realise this is an almost

impossible question to answer, but you entered into this treaty on a basis that would be realistic to be able to answer this question.

Stephen Doughty: We have the right of first refusal on an extension period of a further 40 years, and indeed beyond if that were agreed. We have the further right of first refusal for a full 40 years after the 99-year initial period. We both agreed express provision for extension in article 13, paragraph 2. In the event that no agreement was reached on an extension, for 40 years after that 99-year period the UK would retain the right to first refusal on the use of Diego Garcia on the same terms offered to any third state or party. That basically prevents the use of the base by any other state or third party. That is an important right that applies even if the agreement is ended because the parties have not agreed extension terms.

We are confident that as far as futureproofing goes, this is an important provision. It sets out also a wider intention and spirit of this agreement, which was entered into, as I said, freely by Mauritius as well. That is the intention and that is what we would hope for.

Baroness Crawley: How does the right of first refusal operate?

Stephen Doughty: They would have to come to us first and we would have the choice. If they then chose to offer it to somebody else on different terms, my understanding is that we would be able to then get it on the same terms offered to any other third party or any other country. That prevents the use of the base by any other state or third party. As I said, this protects it well into the next century because of the 99-year period and then that right of extension for 40 years or indeed longer. There is not a limit. If both parties agree, it can go on for longer than that, but we are then getting into future speculation.

Q13 **Lord Grocott:** We have managed to go on for quite some time discussing the rights of the UK Government, the US Government and the Mauritian Government, but we have not so far had anything to say about the people for whom Diego Garcia is or was their home and is no longer in the same sense their home. I welcome the fact that this is referred to in the preamble to the treaty and acknowledges the wrong that was done, but I wonder what reassurances you can give us, Minister. We have had conflicting evidence on the extent to which the Chagossian community was consulted and involved in the decisions that were made and what rights they will have if and when the treaty is ratified. Let us leave it at that for the time being.

Stephen Doughty: As you rightly point out, the face of the treaty has an acknowledgment of the wrongs of the past. We have not shied away from that in our public commentary and indeed what we said in the House. What happened in the past was wrong. We have said that was under multiple Governments in the past. The reality today is that, of course, the islands are not permanently inhabited. A full and final settlement of claims in the 1980s for those who were forcibly removed from the islands

has been upheld by numerous court judgments. Correct me, Paul, on that point. Therefore, this was a state-to-state negotiation.

That said, we have nevertheless engaged Chagossian groups throughout and it is important for the committees, and indeed the wider public, to know that the Chagossian community has a range of views. Some are quite candidly opposed to the deal and many are in support of it, including one of the largest groups, the Chagos Refugees Group. It is important to recognise, of course, Chagossians and descendants of Chagossians live in Mauritius, Seychelles, the UK and elsewhere in the world, and we have tried to engage with different groups candidly on the matter.

A new trust fund will be made available for Chagossians. The UK will continue to provide unilateral support here for Chagossians in the UK. Chagossians will retain the right, under the previous agreement from 2022, to acquire UK citizenship until 2027. Those who had it already will retain the BOTC citizenship.

Crucially, we will be able to start a new programme of visits for Chagossians to the islands, including Diego Garcia. That is important. Many of them expressed the importance of visiting ancestral grounds, graveyards and so on. We will engage in a whole series of projects that are designed and led by Chagossian needs and we have already shared with a number of the groups our desire to establish a new contact group. I met with a number of the Chagossian groups with the Foreign Secretary a few weeks ago on the day that we announced this. We are committed to building a relationship with the communities that is based on respect and acknowledges the wrongs of the past.

I appreciate there are strong views, and some fundamentally disagree with this deal, but the ability to resettle the outer islands, which Mauritius will now have, and that programme of visits, and indeed the money that will be made available not just in Mauritius but here in the UK all show that we have the interests of Chagossians at the heart of this. I have to come back to, fundamentally, that this was a state-to-state negotiation, and that position has been long upheld.

Lord Grocott: I do not know if you can give us a bit of information about this. For the base to function, it needs civilians and it needs other people. Is it too obvious or too trite a question to consider that not every inch of the island is required for the base, although the military does tend to use as much land as is necessary. That probably applies to the military, wherever they are. What is to stop Chagossians with jobs at the base inhabiting part of Diego Garcia itself? Is that a way of ameliorating something of the wrong that exists?

Stephen Doughty: It is a question I have often been asked, but it is impossible for that to take place on Diego Garcia operationally. It is not suitable or appropriate. It was not a suitable place for the migrants who had arrived there. That is why we have closed down that migration route. It is not an appropriate place for people to live. However, we will

establish, subject to appropriate security and logistical protocols, the ability for people to visit and Chagossians who meet the employment and security requirements and others can, of course, work on the base as well. For Mauritius citizens and UK citizens, there is an opportunity as well, but that has to be within the operational requirements and restrictions that the base operates under.

It will now be for Mauritius to decide how it wants to resettle or move ahead with any developments on the outer islands, but we are keen to make sure that we get that programme of visits, which had been paused during Covid and different processes going on, back under way. We will be going out with further information about that later this year and enabling those visits to take place.

Lord Grocott: I have one final, quick question. If I may say so, it is quite convenient for the Government that Chagossians have differing opinions as to what should happen. You cannot help speculating what would happen if they were 100% opposed to the treaty and whether that would make any difference whatsoever. You are a politician. You know about numbers and how important they are and all the rest of it. What is your estimate of the balance of opinion among the Chagossian community? How many people are we talking about? Is it a 60:40 split or, conveniently, has no one considered this?

Stephen Doughty: It would not be possible to achieve a clear picture of that because, again, Chagossians live in lots of different places with lots of different views and lots of different groupings, some who were removed from the islands and some who were descendants. However, I have engaged with the full range of opinion and I have done so with respect and candour. I have had some candid conversations with differing views on the spectrum on a number of occasions. We did that on the day of the treaty.

Q14 Lord Stevenson of Balmacara: The effect of Article 16.2 is that the Government can agree with Mauritius an amendment to this agreement. The agreement, of course, lasts for a long time and so it is quite likely there will need to be amendments as we go forward. Article 16.2 gives the option for that process to go through without attracting parliamentary scrutiny.

Given the experience you are currently going through and the fact that we are taking all this seriously and given a great deal of time to it, could you describe circumstances under which it would be appropriate for the Government to go ahead without further parliamentary scrutiny of any amendments?

Stephen Doughty: First, amendments have to be in writing and they enter into force on the first day of the first month following the date of receipt of the last notification by the parties of completion of their internal requirements and procedures.

Such amendments would be subject to part 2 of CRaG 2010. One exception to that process, Lord Stevenson, is amendments to annexe 3 relating to the functioning of the joint commission. They will not be and that is important because annexe 3 is operationally focused and might require frequent and prompt adjustment as the parties develop effective working practices. That is the position as relates to amendments. I do not know if Paul had anything to add about how that would work.

Paul McKell: It is in essence about being able to operationalise those amendments quickly. They are amendments that would come into force on signature and are not subject to a two-stage process, which of course would be covered by the Constitutional Governance and Reform Act. Only that limited set of amendments to the operation of the joint commission is in that category.

Lord Stevenson of Balmacara: I will simply comment that we can be reassured that the intention at least, if not the detail, on that particular exception is that parliamentary approval will be sought for major changes.

Stephen Doughty: Yes. Of course, all the usual parliamentary scrutiny processes apply and I am sure Members of this House and indeed the other place will find plenty of opportunities to ask questions and hold debates and otherwise. This whole process has gone through a huge amount of scrutiny with the numbers of questions asked and answered, urgent questions, statements and debates. Of course we will have a Bill in due course that will also enjoy scrutiny in both Houses.

The Chair: We will come back to the Bill in one moment. Before we do that, Lord German wants to ask a supplemental question.

Q15 **Lord German:** I want to quickly go back to what I said earlier about international regulations. Mauritius has not signed the UN Convention on Refugees, and that was the 1951 or the 1967 protocols, and neither does it have domestic legislation in place to deal with asylum claims and migration. Will you ensure in the instrument that will be taken forward that this is part of our responsibilities that we are passing to the Mauritians and that we ensure that that happens? Simply Article 4 as it stands would not ensure that that happened.

Paul McKell: I would not place a huge amount of importance on Mauritius not being a party to the refugee convention. It is widely accepted that much of that convention is reflective of customary international law and so is a binding obligation for Mauritius, irrespective of whether it is a party to the refugee convention. Mauritius has relevant international obligations in this respect that would provide that comfort already. I cannot give a commitment to what will be covered in a written arrangement or agreement that has yet to be negotiated with Mauritius because that would be subject to negotiation.

Lord German: The absence of any legislation domestically in this field indicates a need to make sure that it follows that international convention.

The Chair: Mr McKell, could you give us a note after this meeting with the authoritative statement that the important bits of the refugee convention now constitute a part of customary international law? Thank you.

Q16 **Lord Hannay of Chiswick:** I will begin by declaring an interest. For three months or so in 1979, I was head of the Middle East department of the Foreign and Commonwealth Office, which was responsible for the British Indian Ocean Territories. It was a rather short period of time and after that I moved on to European issues and so I did not deal with it for long. I should declare that and also the fact that for seven years, from 1996 to 2003, I was the British Government's high representative for Cyprus and had a lot to do with the Cyprus sovereign base areas, which we briefly touched on earlier.

Having got that off my chest, I go back to an episode in our dealings with you in December 2024. To explain the origins, which I am sure you are familiar with too, we were worried that the agreement with Mauritius would be concluded during the Christmas-New Year period, which would greatly complicate our ability to take evidence and would make it quite difficult to complete all that within the 21 working days. The Chair wrote to the Foreign Secretary and asked that we have a bit longer. This was on an assumption that did not actually come to happen because the agreement was not concluded until much later.

The reply we got was negative and there was no explanation. It was simply turned down. That was even though the Government in their correspondence with us has admitted that while 21 working days is usually enough, in some circumstances it may not be enough. That has in black and white been admitted. Can you explain why when the Government take that view, they did not consider that either we should be given more time to scrutinise it or we should be given a consistent and coherent reason why that time could not be granted?

Stephen Doughty: First, I set out that there has been absolutely no attempt whatsoever by the Government to shy away from scrutiny of this process or indeed this treaty. The fact that we will publish a Bill and so on will allow for ample scrutiny of the relevant parts and, as I said, the number of questions and debates that have been held. The request you referred to, Lord Hannay, was when the treaty was still being negotiated and, as it turned out, months before the treaty was laid. It was not clear that there would be a practical reason for the need to extend the scrutiny period and we did not feel there were clear grounds. We take requests by any committee seriously and that is partly because a committee rarely asks for extensions.

As you know, the scrutiny period is 21 sitting days. We think that is the correct period. That is likely to be five weeks in practice usually and can

often be more than five weeks, for example if the treaty is laid before a recess. The request was that the scrutiny period be doubled and there was not a clear set of reasons practically why that was necessary. I appreciate that might not be the answer that you hoped for but that is an explanation of why the Government took the position that we did.

Lord Hannay of Chiswick: It is not that it is not the answer I hoped for. It is not the answer that was given at the time. No answer was given at the time other than no.

Stephen Doughty: I am happy to go back and look at the correspondence.

Lord Hannay of Chiswick: You might like to reflect on how that was handled. It is totally academic, of course, because the treaty was not concluded in that timescale during a period when Parliament was in recess and it would have been quite difficult to get the witnesses together that we have now managed to on this occasion and we have not reiterated that request in the same way, but it would be helpful in the future. This issue will come forward again from the committee not in the context of Chagos but in the wider context we are reflecting on at the moment about how CRaG works and whether some modest changes to it could benefit both parties.

Stephen Doughty: Point taken. Certainly I will always try to be helpful to committees when explaining reasons for not being able to do things. I will certainly take that away to the department.

The Chair: I would be grateful if you would, because we had the benefit of evidence from your ministerial colleague. Unfortunately, it did not give us any concrete evidence or information as to the circumstances in which time will be extended. If you can take that back, we would be grateful for that.

Stephen Doughty: I did grant an extension on something recently but on the Ukraine treaty.

The Chair: You did on the 100-year partnership. It is important to us to know because, as you can see, we do not just have to talk about it. We have to take evidence. Of course, because you are the Government you can fit within the timetable, but not everybody can and so we need to get some more information.

Stephen Doughty: Understood.

Q17 **Lord Bruce of Bennachie:** You mentioned that you will bring in a Bill. The process of ratifying a treaty is subject to CRaG and that is a separate issue, but you signed the treaty and it is an agreement with legislative consequences. Are you able to explain to us first what will be in that Bill? What issues do you have to cover? Also, when is it likely to appear in front of Parliament?

Stephen Doughty: I am conscious of not wanting to break any parliamentary protocols on what is in the Bill, but I can point out that it will be quite a short Bill. It contains the necessary provisions that we thought were required.

Lord Bruce of Bennachie: Are you able to clarify generally what those provisions will be?

Stephen Doughty: Some provisions will relate to the transfer of sovereignty. Some provisions will relate to some of the clarifications of law around citizenship and the ending of the administration of the British Indian Ocean Territory in the way that it operates today. There will be a number of aspects but it is a relatively straightforward and simple Bill.

We will go through the normal processes and people will be able to lay amendments and debate and vote on it, as one would expect. We will lay it as soon as parliamentary time allows. We are keen to move forward with this process and ensure that we can fulfil and get the treaty into operation. Mauritius will go through its own processes as well and we are conscious of the wider timeline that is required. We are also conscious that Bill will go through scrutiny in both Houses and needs the proper time to be able to do that.

It is not a bumper 100-clause Bill. It is a relatively short and straightforward piece that deals with the necessary issues.

Lord Bruce of Bennachie: It depends whether this place gets hold of it and decides to amend it.

Stephen Doughty: I cannot comment on what this House might decide to do but, in all seriousness, I hope that Members of this House will see the Bill for what it is, which is a pragmatic and practical piece of legislation, quite tightly defined, to do the necessary operational things that we need to do to bring effect to the treaty.

Q18 **The Chair:** That leads to this question and the final question unless you or Mr McKell wants to add anything further. When do you expect the agreement to come into force?

Stephen Doughty: As soon as we can. We are one party in this. Another party has to put this into place. We want to make sure that the base is put on a secure footing as soon as possible and that we close down the migration route. We have an arrangement with St Helena but in the interim we are responsible with that agreement as well for the responsibilities we have. We want to get on with putting that marine protected area into place and in the meantime we retain our responsibilities on that front. We have made commitments in the political agreement with Mauritius and the treaty itself for the payments and the different structures that will be set up. We want to get on with the projects and commitments we have made to Chagossian communities as well.

We will do it as soon as we can. As you know, Parliament is a busy place and many matters are under discussion, but we hope that both Houses will assist us in that process, albeit giving due scrutiny.

The Chair: Any target date?

Stephen Doughty: I do not want to put a time limit on that. That is ultimately for the business leadership of both Houses.

The Chair: That is fine. We have no further questions from either of the committees. Thank you both very much indeed. They were full answers. We are grateful for those. You have one or two pieces of homework, I am afraid, but I am sure they will not take long. Thank you very much indeed for your evidence.