

Foreign Affairs Committee

Oral evidence: The Chagos Agreement, HC 1097

Monday 23 June 2025

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Members present: Emily Thornberry (Chair); Alex Ballinger; Aphra Brandreth; Dan Carden; Blair McDougall; Edward Morello; Sir John Whittingdale.

Environmental Audit Committee member also present: Blake Stephenson.

Questions 1-80

Witnesses

I: Stephen Doughty MP, Minister of State for Europe, North America and Overseas Territories, Foreign, Commonwealth and Development Office; Peter Candler, Head of the Diego Garcia Treaty Implementation Unit, Foreign, Commonwealth & Development Office.

Examination of witnesses

Witnesses: Stephen Doughty MP and Peter Candler.

Q1 Chair: The Committee is holding an evidence session to discuss the treaty between the UK and Mauritius, which has recently been laid before the House. The treaty is subject to the processes set out in the Constitutional Reform and Governance Act 2010, and the Committee wished to see the Minister before the 21 days expired. Stephen Doughty, the Minister for Overseas Territories, has agreed to appear before us today; we welcome you to your first appearance, I think, before the Committee. Thank you for coming.

We have a series of questions to ask you, but I will start with a general one to set the scene. Can you briefly explain why the Government signed the treaty with Mauritius on the Chagos archipelago, rather than resisting the legal pressure exerted on us?

Stephen Doughty: It is a pleasure to be here. Thank you, Chair and members of the Committee.

First and foremost, it is important to recognise how crucial Diego Garcia is to our national security and that of our allies. It is an essential military base, which has helped to keep us safe for decades, and in the volatile world that we are in it is obviously a very important part of our national security apparatus. It has unique and vital capabilities that help us to understand and anticipate those who seek to do us harm and it has helped to prevent some very serious threats to the UK. Obviously, the strategic location of the base is also very important.

Essentially, though, as a new Government, we inherited a situation that was begun under the previous Government. Eleven rounds had failed to secure the base for ourselves and for our allies. Had we not acted and not concluded the deal that the previous Government started, the security of the base would have been compromised, with disastrous implications for our safety and that of our partners, including the US. Doing nothing was not an option.

Chair, you rightly asked about the legal situation. Our view is that, without this deal, it was inevitable that Mauritius would pursue and secure a legally binding judgment against the UK. Indeed, legally binding provisional measures could also have been secured within weeks, such as through the International Tribunal for the Law of the Sea, which would have affected our ability to patrol the waters around the base, for example, as well as everything from protecting the electromagnetic spectrum from interference, securing access to the base, overflight rights, contractor rights, and supporting the base's critical functions. All those things could have been compromised in due course.

This deal was absolutely necessary, as the previous Government recognised. That is why they started the process, and I put the challenge

to them on a number of occasions. And we have concluded the deal in a way that secures the base's long-term future. It has been supported by the United States, our Five Eyes partners and India, and I think it sets the base's security and functionality on a very secure footing well into the next century.

Q2 **Chair:** Do other countries have sovereignty disputes with the UK, and are we likely to see them pursuing those through the courts?

Stephen Doughty: The position regarding Diego Garcia and the Chagos islands is, of course, unique. There is no comparison with other issues, and the suggestion that there is, particularly in the House and in the media, has been extremely unhelpful and unwelcome. You will know that the Chief Minister of Gibraltar came out very strongly in support of this deal. Indeed, residents of the Falkland Islands also recognise the importance of this deal. The fact is that these are all very different and distinct circumstances, so this was a unique situation.

Our very clear view, and indeed the view of the previous Government, is that the legal position was not sustainable. Most crucially, it was not just the legal position in and of itself—and we are a Government who believe in international law and the rule of international law—as this would also have had a fundamental impact on the operation of the base in the short term, the medium term and the longer term.

Q3 **Chair:** Are we confident that Mauritius will take this agreement as a full and final settlement, or might it take the ownership of the Chagos islands and everything around them back to the courts to secure an even stronger position?

Stephen Doughty: No, as this is an international treaty. Once it has been ratified, it is binding on both the UK and Mauritius. We have both entered the treaty in good faith, and we are confident that the deal is fully compliant with a series of other international obligations. The treaty will be binding on us both.

Q4 **Dan Carden:** Welcome, Minister. I have a couple of questions about the scrutiny so far. You recently gave evidence to a House of Lords Committee setting out that the Bill that will be presented to Parliament will be an opportunity to scrutinise the treaty. However, given that it has already been agreed with the Government of Mauritius, we can only really give effect to that agreement. Is that right?

Stephen Doughty: The scrutiny process is the normal one for a treaty of this nature. It is 21 sitting days, and the treaty has obviously received a huge amount of scrutiny in both Houses. I have lost track of the hundreds of quite detailed questions I have answered, and it has also been subject to multiple urgent questions, debates and scrutiny by your Committee and the Lords Committees. I think that is pretty standard for a treaty of this nature. Of course, the parts of it in the Bill will go through the standard procedure for any piece of legislation. I am sure the Committee will want to scrutinise that in due course when we publish the Bill.



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Q5 **Chair:** Are you saying that it will go through the House not under the CRAG process but the ordinary legislative process?

Stephen Doughty: No, the treaty is going through the CRAG process now, but there will also be a Bill and secondary legislation to bring into effect a number of specific provisions that require primary and secondary legislation. There is an opportunity not only through the CRAG process but through legislative scrutiny in due course.

Q6 **Chair:** If you could whisper to us, we promise not to tell anybody else. Do you not think that the CRAG process is something from the 19th century and ought to be thrown in the Thames so that we can have a little democracy in this place by having a vote and a debate when treaties are signed?

Stephen Doughty: I certainly feel very well scrutinised on this treaty, and indeed on other treaties. I appeared before the Lords on the Ukraine-UK 100-year treaty, and we have a number of other treaties in the works that I am sure will also attract a lot of scrutiny. Fundamentally, it is a matter for the House and for colleagues who deal with the constitution, but I certainly feel that this has received very adequate scrutiny in this House and will continue to do so.

Q7 **Dan Carden:** Do you intend for the Committee stage to take place in Committee or on the Floor of the House?

Stephen Doughty: Obviously, this is subject to the House business managers and our friends in the usual channels, but I suspect that it will be on the Floor of the House because of the constitutional nature of the Bill and, of course, we want it to have wide scrutiny. That is my expectation, but that has not yet been agreed with the business managers and the Whips.

Q8 **Dan Carden:** Finally, this process will cede sovereignty to Mauritius. Will the Bill be the instrument by which sovereignty is ceded?

Stephen Doughty: It is both: the Bill and the treaty itself. The treaty's first article sets that out and the Bill will have aspects in relation to that, too. But of course—this is a very important point—we will retain all rights and authorities to ensure the continued functioning of the Diego Garcia base, in accordance with how we operate it today. That is the fundamental thing. While we are ceding sovereignty of the Chagos archipelago, our control over Diego Garcia is very clear and protected by a whole series of other measures.

Q9 **Aphra Brandreth:** Is there a separate lease document for Diego Garcia or is that the treaty itself—is it included in the information that we already have?

Stephen Doughty: It is all set out in the treaty and its annexes. There is also an explanatory memorandum and the details of the costs. Peter, do you want to set out more about the documents?



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Peter Candler: There is the treaty and all the annexes within it—that is the legal basis for the continued agreement and operation of the base. There was a finance exchange of letters, which is noted in the treaty. That has the full detail and the financial breakdown.

Q10 **Alex Ballinger:** I want to ask about the costs. We saw this week the strategic value of Diego Garcia—all the negotiations around how useful that would be for any conflicts happening in the region. Do you think that what we are paying for it is good value for the taxpayer? Also, how might it compare with other bases in the region that different countries might be leasing?

Stephen Doughty: That is a crucial question. The capability provided by Diego Garcia is priceless, frankly—particularly in the world that we are in at the moment. As a Government, we are not willing to compromise on our national security, both in terms of what it costs—and there is a cost involved in our national security—or in the risk to any such facility. That is why the deal has been done as it has.

You will note, Mr Ballinger, that a lot of nonsense has been talked about the costs around this deal. In fact, it averages out at £101 million per year over the course of the agreement. The comparison with other facilities? France, for example, pays about €85 million for its facility in Djibouti; Diego Garcia is about 15 times as large and has immeasurably more capability, so what we are paying is entirely in line with the standard approach to these things.

As a comparison with other costs, this is just a tiny fraction of 1% of our annual defence budget. It would pay to run the NHS for five hours. I am confident that this is the right deal and compares favourably with other arrangements. All the costs have been verified by the Government Actuary's Department.

Q11 **Alex Ballinger:** Could you tell us a little more about the Chagossian trust fund—how it works and what it will be used for?

Stephen Doughty: The Chagossian trust fund is an important part of recognising the importance of the island to Chagossians. We have done a number of things that are important for Chagossians in this process; indeed, the historic wrongs that were done are recognised on the face of the treaty.

I would say three main things about the treaty process involving the UK. First, a programme of resettlement will be able to take place under Mauritius for the first time since the 1960s. We are going to restart crucial visits to the islands—indeed, all islands, which include Diego Garcia, subject to security provisions. Then, as you rightly pointed out, we are going to capitalise a trust fund with Mauritius for £40 million, which is part of the financial package in the treaty. How that operates and what it works on will obviously be subject to further discussions going forward. But we have engaged and heard the views of a number of different Chagossian communities. Obviously, we hope that the Mauritian Government will be



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working closely with them, going forward, to establish what that can be used on.

Separately, we also have UK support, which we are currently discussing. We are setting up a new Chagossian contact group, and we will be listening to their needs and wishes about support here in the UK.

- Q12 Sir John Whittingdale:** When the Foreign Secretary came before us originally, he was very reluctant to give costings for the treaty and said that it was not normal to give detail of how much to pay for bases. That has obviously changed—we now know, according to the treaty, that we are at annual payments of £165 million for three years, then £120 million for 10 years, before an inflation uplift is applied in each of the remaining years. On top of that, there is the economic partnership, which was £45 million for 25 years and a one-off £40 million for the Chagossians. Without inflation, that comes to about £13 billion; if you factor in inflation, it may reach £30 billion—you are shaking your head. Where is that not right?

Stephen Doughty: It is not right in a number of areas, Sir John. First, as I said before, there has been a lot of speculation around the costs. As you rightly pointed out, the Foreign Secretary previously said—and indeed I have—that it is not normal to provide the costings, but in this case we have decided to for the benefits of transparency on this deal, particularly because of some of the misleading commentary that was going on around them.

The Government Green Book methodology has been used throughout all of this. If the Committee wants, I can take you through the complex arguments behind it, but essentially it averages out at £101 million per year. That is based on there being different payments in different years, and that averaging out across the cost. Obviously £1 today is worth more than £1 in the future—that is because money can earn interest or be invested, and prices generally rise over time, so £101 million paid now or in 50 or 99 years is not the same value.

The standard Government methodology on long-term investments has been used. That comes up with a long-term figure of £3.4 billion in today's money. That is the accurate figure and has been verified by the Government Actuary's Department. There is a very detailed explanation of all this in the documentation, and I am happy to provide the Committee with that further information in writing—but I do not know if Peter has anything to add on there.

- Q13 Sir John Whittingdale:** Leaving aside the 99-year period, the treaty describes that there will be £165 million for the first 3 years for the base, before we get on to the others. It also says that that will come from FCDO and MOD. Can you give more detail on who will meet the cost of this?

Stephen Doughty: It will be shared between the two Departments, but I am not able to give you that at this stage. As I said, we are happy to provide to the Committee the full details of the costings, how they have been determined and how those will be done over the different years if that is helpful. I do not know if Peter had more thoughts on this.



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Peter Candler: There is not a lot more to say, other than calculating net present value is precisely the process as set out in the Green Book. The real value is calculated using the OBR forecasts, which are set out in the annual reports, and then it has a social time discount value, which, again, changes over time, but it is all as set out in the Green Book.

The methodology is precisely the same as the Government use for long-term programme costings. It is used essentially to provide accurate comparisons, so you can compare the utility of this investment versus other ones across the whole range of Government activities. It is quite the standard way of calculating things.

Q14 **Sir John Whittingdale:** You are not able to say how it is divided between the two Departments. Will the defence proportion be counted towards the 2.6% target for defence expenditure?

Stephen Doughty: I am very happy to set all that out in writing to the Committee. I will say that when you make that comparison, even if the Ministry of Defence were paying the full amount here—which it is not—it is just a fraction of 1% of the total annual defence budget. As I said, one thing here that we have to remember is that the value of this facility to us, is, quite frankly, priceless—it is certainly significant multiples of the investment that is put in by ourselves or the United States, who pay operational costs in relation to the base.

Q15 **Sir John Whittingdale:** The US pay operational costs?

Stephen Doughty: The US pay for the operational costs, which, again, has been somewhat misunderstood.

Q16 **Sir John Whittingdale:** Do you ever think of asking the US to pay a bit more?

Stephen Doughty: I can assure you that what the US puts into this operationally—that is not for me to comment on—is, again, significant multiples of the cost of this arrangement.

Sir John Whittingdale: The US thinks this is a good deal, but that is perhaps not surprising, since they are not actually having to pay for it.

Stephen Doughty: As I said, the US pays significantly more than we do on the costs of the operations from the base. In the end, this is a facility that delivers for the national security of ourselves, the United States, Five Eyes partners and other allies. We are not willing to scrimp on that and neither is the United States.

Q17 **Sir John Whittingdale:** Finally, will any of the Foreign Office contribution come out of the ODA budget?

Stephen Doughty: No.

Edward Morello: Sir John has done an exceptionally good job of asking all the questions that I intended to ask.

Sir John Whittingdale: Apologies.



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Q18 **Edward Morello:** It's fine. Does the US pay anything directly to the UK in rent for the base?

Stephen Doughty: No. For those not familiar with the original arrangement with the United States, an exchange of notes established the relationship. That was part of the original arrangement with the United States, which we are also required to uphold.

Q19 **Edward Morello:** Regardless of the weighting of the £250 million year 1 cost—

Stephen Doughty: It is not £250 million; it is £165 million in year 1.

Edward Morello: It is £165 million, plus £40 million, plus £45 million, so that makes £250 million.

Stephen Doughty: That is separate.

Q20 **Edward Morello:** I understand, but all I am doing is adding the three amounts of money that we are going to give them and coming to £250 million, so we are giving Mauritius £250 million in year 1. I appreciate that you do not know yet what the weighting of the split will be between the MOD and the FCDO, but my question is: does next year's FCDO budget account for any part of this payment, or will you have to find that money through further savings?

Stephen Doughty: The FCDO budget is being set in relation to the settlement that we have just received under the spending review. We have not yet gone into the detailed allocations, but I am clear that this has been factored into our budgeting and long-term planning. As I said, this is very important: we can pick out any one individual figure, but we have to look at the average cost over the lifetime and the value that comes from this facility, which is critical to both the FCDO and the MOD, and indeed our allies.

Q21 **Edward Morello:** I understand the value; I am just trying to understand the bottom line of the impact on FCDO spending over the next year or three months, because we will undoubtedly scrutinise the FCDO budgets as well as part of our remit.

Peter Candler: On a point of clarity, the £45 million for the development fund comes in only in the fourth year, at which point the annual payment reduces to £120 million. It never actually hits £250 million.

Q22 **Edward Morello:** And the £40 million for the Chagos fund is a one-off year 1 cost?

Peter Candler: A year 2 cost, yes.

Q23 **Edward Morello:** I am interested in the weighting of the payments. The £165 million a year for the first three years seems to align with the parliamentary schedule of Mauritius, which suggests that we are effectively benefiting the current Government who are signing this contract, at the disadvantage of future Governments. For the benefit of anyone who might be looking at that and suggesting that we are trying to



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incentivise the current Government at the disadvantage of future Governments, who will have less to spend per year, can you explain why it is greater for the first three years than it will be going forward?

Stephen Doughty: I am not going to go speculating on what people might think about the Mauritian Government or their parliamentary procedures. This is the deal that has been agreed with them. We have agreed a schedule and a long-term set of payments. There are different aspects to this. There is certainly no intent for us to be involved, one way or another, in Mauritian domestic politics. This deal was entered into in good faith with a key partner, and we will continue to work with Mauritian Administrations of all political colours. Indeed, that is what we did during the negotiating period as well.

Q24 **Edward Morello:** But presumably, that weighting was at the request of the current Mauritian Government.

Stephen Doughty: I am not going to give a detailed commentary on every part of the negotiations. We were not prepared to do that during them, but, as I said, we have worked with the previous Mauritian Government and the current Mauritian Government, and we will continue to work with Mauritian Governments in the future. This is an international treaty and a binding agreement on parties, which will transcend Administrations in Mauritius or indeed in the UK.

Chair: Do you want to ask about the joint commission as well?

Q25 **Edward Morello:** Sure, why not? We are establishing a joint commission with the Mauritian Government for any points of dispute. Could you shine some further light on that? Who will be on it? What kinds of qualifications are you looking for in the individuals? How do we ensure that sensitive information shared through that mechanism is not more widely distributed? Is there anything you can tell us about that?

Stephen Doughty: A lot of this is set out in annex 3 to the agreement. It sets out which articles it is in accordance with and explains that we are going to each appoint members of the joint commission—one senior representative as co-chair and four additional representatives. There might be alternates. It goes into quite a significant amount of detail, including the fact that the United States has a right to introduce issues for discussion at the joint commission. There will be agreed terms of reference. Some of the detail will come in due course as we ratify and then implement the agreement. Crucially, all decisions of the joint commission require the agreement of both parties. That is reflective of a number of the other locks that we have in this treaty and why it is very secure as to our interests going forward. It also sets out the types of things that the commission will discuss.

There are also arbitration mechanisms under annex 4. We are confident that there are various dispute resolution mechanisms, but equally that there are very clear locks in that process to protect our crucial interests.

Q26 **Edward Morello:** Are those political appointments or diplomatic ones?

Does the Prime Minister retain the right to change membership as they see fit?

Stephen Doughty: I think it has to be agreed by both parties and that both would need to be satisfied that it was working, looking at other joint commissions and other bodies around the world. As I said, the terms of reference and the membership are subject to the ongoing discussions with Mauritius. Crucially, as I said, there are some key locks in there to ensure that our interests are maintained very clearly through that process.

Q27 **Edward Morello:** I guess that, as part of that, we would have the right to object to any appointment that they made, and vice versa.

Peter Candler: All appointments would be by joint agreement, so it follows that that would be the case.

Stephen Doughty: Decisions have to be by joint agreement. There is a mutually connected umbilical cord between us on the decision-making processes, which is very important, particularly for decisions in relation to some of the more sensitive matters around the island.

Q28 **Blair McDougall:** As Sir John intimated, when the Committee was recently in Washington, the Administration there could not have been more enthusiastic about this deal. Despite that, there has been a constant discussion in the background commentary about whether this opens us up to increased risks with regard to competition with China and between ourselves and the United States in the region. Are you concerned about those threats as you have changed the status of the base?

Stephen Doughty: Of course, we are worried about threats in the Indo-Pacific, but that is why we have had to do this deal to secure the long-term future and operation of the base. Fundamentally, if we did not do this deal and secure the operational future, others might have come along and tested through legal processes or sought to take advantage through those legal processes and affected the direct operational integrity of the base. In the end, they could potentially have come along and paid for things.

The deal sets the base on a very secure future. It went through a very robust inter-agency process in the United States. It has been welcomed across the national security spectrum in the United States and, as I said, by Five Eyes partners. You will know, Mr McDougall, that that is a very high bar. In particular, the security provisions in the treaty on what can happen on the outer islands, what can happen around Diego Garcia, the buffer zone, the protections around the electromagnetic spectrum and so on are very, very robust and would prevent the activities of hostile forces on the outer islands or indeed in the vicinity of Diego Garcia.

Q29 **Blair McDougall:** On the long-term robustness of the deal, Mauritius is a country with increasingly strong links with China. There is a very large Sino-Mauritian population. The Mauritius Government recognises the PRC's interpretation of Taiwan's status. China funded their international airport. Are you worried about the potential for the deal to be undermined in the long term as geopolitics changes?



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Stephen Doughty: I would look again at what the US and the defence secretary in the United States said about this and the support for the deal. Ultimately, Mauritius's closest partner, aside from us, in relation to this treaty is India. You will know that Indian-Chinese relations are complex. We are absolutely clear that there are provisions in place for the security of the base and the outer islands. Ultimately, the United States would not have signed up to the deal or supported it if it did not feel that those provisions were in place. It is not for me to comment on Mauritius's wider relationship with any other country—that is for them to determine—but India has primarily been its closest ally in a range of spheres.

- Q30 **Dan Carden:** We have covered a lot of the detail of the payments and all that. On sovereignty, every issue nowadays is polarising, and this is one. I can sense your frustration with how it has been used politically, but many people out there care deeply about Britain's sovereignty. They will consider that when British sovereignty is under attack, whether from an army or an international court, the response of a British Government should be to step up and defend that sovereignty. You said that doing nothing was not an option. To defend our sovereignty, though, was it not an option to use the Ministry of Defence to say: "No, this is British sovereign territory. If anyone wants to cause trouble with that, it will be met by the British Army"?

Stephen Doughty: The reality, though—this goes back to what I said to the Chair at the beginning—is of course that the ability to frustrate the operations of the base, which is the fundamental issue that is at stake here, is absolutely essential. Had we seen interim measures and eventually a binding judgment that started to affect the maritime domain, the electromagnetic spectrum, the ability to supply the base or overflight rights—let alone challenges in other bodies, which we had already started to see—that would have affected the actual operational nature of the base.

- Q31 **Dan Carden:** But our defence forces would be there and would be deployed to deal with those threats.

Stephen Doughty: They are. I will not go into the operational detail of what is there, but I certainly do not think that we want to enter into any confrontational or challenging implications around there. We are very capable of defending our interests on Diego Garcia.

For Committee members who are not familiar with the Chagos archipelago, it is huge and has a huge maritime area. It has many islands, some of them hundreds of miles away from Diego Garcia, all of which are uninhabited and not needed for those wider uses. That is why our focus throughout has been on the defence of the operational capability of Diego Garcia and on securing that into the future. Ultimately, that is our priority. The position was unsustainable, and the previous Government recognised that, which is why they entered into the process in the first place.

I recognise what people are saying, but I have to say that some of the argumentation around this that has been in the media and, indeed, in the House has been extremely unhelpful. For those who want to defend British



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interests around the world, some of it has potentially called those into question, wrongly. That is very unhelpful, and I have made that clear in my responses.

- Q32 **Sir John Whittingdale:** I have three questions on the operation of the base. First, article 4 of the treaty states: "Each Party agrees to ensure that in the implementation and application of this Agreement, including activities in relation to the Base, there shall be compliance with international law." The US did not utilise Diego Garcia at the weekend, but there is a question mark over whether or not it was compliant with international law. Is it not a risk that that particular article will lead to challenges, either here or in Mauritius, that whatever operation might be mounted from Diego Garcia is a breach of international law?

Stephen Doughty: We are content that the general obligations in there—we all have different obligations, on different levels, to international law, as does Mauritius—enable us to continue to operate the base in exactly the way that we do today. As you rightly pointed out, Sir John, Diego Garcia was not used in the operations at the weekend, and the US did not ask to use it. All our overseas bases are operated in accordance with our obligations under international law, and that includes Diego Garcia and will continue to include Diego Garcia.

- Q33 **Sir John Whittingdale:** But you will be aware that there is some argument about whether or not the operation was.

Stephen Doughty: There are always arguments and speculation, but I am very clear. By the way, this of course applies to all our overseas bases: we are a Government committed to international law and all our bases are operated in accordance with it.

- Q34 **Sir John Whittingdale:** My second question relates to annex 1, paragraph 2, requiring the UK to "expeditiously inform Mauritius of any armed attack on a third State directly emanating from the Base on Diego Garcia." Some people would say that "expeditiously" might mean before such an attack happens. I think you are on record as saying that it does not mean that, and that there is no requirement until after.

Stephen Doughty: That is correct.

- Q35 **Sir John Whittingdale:** Are you absolutely confident that the Mauritians interpret it the same way?

Stephen Doughty: Absolutely, and as with any partner, we seek to keep them informed, but there is no requirement—again, this is something that has been wrongly implied at various points during this process—to do so before.

- Q36 **Sir John Whittingdale:** My final question relates to the Pelindaba treaty, which, as you know, Mauritius is a signatory of, although we are not. That treaty prohibits nuclear weapons being held on the territory of signatories. Given that we are ceding the islands to Mauritius, are you confident that the treaty will not be interpreted by Mauritius to mean that there cannot be nuclear weapons held on the Chagos Islands?



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Stephen Doughty: As you know, we do not comment on nuclear weapons issues, and certainly not in Parliament.

Q37 **Sir John Whittingdale:** It is quite important.

Stephen Doughty: What I will say is that we are absolutely clear that our agreement does not in any way infringe on our obligations. Of course, the UK is not a party to Pelindaba; we are only party to protocols 1 and 2. It is for African states to join the main part, but we are very clear that our obligations will be met going into the future.

Q38 **Edward Morello:** Can the Minister confirm that the US requires prior approval from the UK for operations launched from Diego Garcia?

Stephen Doughty: I am not going to go into the detail of hypothetical operational scenarios on Diego Garcia. They are long established. There are established protocols and ways of working, and we have an exchange of notes with them that we adhere to, but I am not going to go into hypothetical situations about the future.

Q39 **Aphra Brandreth:** Before we move on to some questions relating to the Chagossian people, I wanted to follow up on a couple of questions on the points we have been talking about relating to the base. To clarify your answers to the questions that Sir John Whittingdale asked, can you confirm: does this mean that treaties that Mauritius has signed, like the African nuclear weapons free zone treaty, will apply to the Diego Garcia base?

Stephen Doughty: We are not a party to the Pelindaba treaty.

Q40 **Aphra Brandreth:** I understand that we are not a party to that. I am asking, given that Mauritius has sovereignty over all the islands, whether that means that those laws take precedence in Diego Garcia.

Stephen Doughty: We are absolutely clear that the base will continue to operate as it always has done, and we will be compliant with our international legal operations.

Q41 **Aphra Brandreth:** I understand you are saying it will operate as it always has, but in the future—not necessarily as it always has done—does it mean that we will have to comply with treaties and laws that Mauritius has signed up to?

Stephen Doughty: We are all signed up to lots of different treaties—

Q42 **Aphra Brandreth:** I understand that, but I am asking specifically about the ones Mauritius has signed up to.

Stephen Doughty: We are confident that that nothing in this treaty conflicts with our abilities to uphold international law, and to continue to operate the base as we do today. Mr Morello asked about relations with the United States. I draw your attention to paragraph 3 of the 1976 exchange of notes, which has all the information. It says, "the use of the facility shall be a matter for the joint decision of the two Governments." As



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I said, there is a whole series of operational details below that and alongside it that ensure it functions in an effective way.

Aphra Brandreth: Thank you.

Edward Morello: I appreciate the clarification. I look forward to reading that.

Q43 **Aphra Brandreth:** Outside of the 12-nautical-mile limit around Diego Garcia, is Mauritius permitted to have security or military forces? Would they need to notify us, as we would need to notify them, and could they potentially have military advisers or observers from countries other than Mauritius?

Stephen Doughty: My understanding is that Mauritius can, but we are very clear that the presence of foreign forces would require joint agreement. Therefore, we have an effective veto over the presence of any civilian or military forces on the outer islands or within reach of Diego Garcia. That is very important in terms of what we were able to secure through this process as an additional protection, because it applies right out in the archipelago 100 miles away. Obviously, as technologies and other capabilities develop, we wanted to make sure the agreement was future-proofed, so that nobody could try to interfere with Diego Garcia.

Q44 **Aphra Brandreth:** Is there a requirement for them to notify us?

Stephen Doughty: There is a requirement for joint agreement on a whole series of matters in this, and of course, dispute resolution mechanisms which are there clearly to prevent. We are very clear that the treaty prevents the presence of any forces on the outer islands that could be hostile to our interests.

Q45 **Aphra Brandreth:** And any military observers?

Stephen Doughty: Yes, any military observers—anything that could compromise our security or that of Diego Garcia.

Q46 **Aphra Brandreth:** I wanted to ask a couple of questions on the Chagossian people. I have met with British Chagossians who have shared with me that they feel excluded from the negotiations on this agreement. You are probably aware of that. How would you respond to the concerns that the Government did not provide adequate opportunities for them to feed into the treaty negotiations?

Stephen Doughty: The first point is that this, fundamentally, was a negotiation between two states—between the UK and Mauritius. Nevertheless, I have engaged with Chagossian groups on a number of occasions. It is worth recognising that there is a wide range of opinion in the Chagossian communities. There are some Chagossian groups—Chagos Refugees Group, for example—who are very strongly in support of the treaty. There are others who are, as you say, opposed. We have attempted to ensure that Chagossian interests were reflected throughout the process.



I look at what is going to be able to happen now in terms of resettlement, visits, the Chagossian trust fund and the support we are providing in the UK, which I have been very clear needs to be led by Chagossian interests. That is why we are establishing a new Chagossian contact group, and I look forward to engaging with them in the future. The Foreign Secretary and I met a number of groups on the day of the treaty signing. Indeed, officials and teams continue to engage regularly with a range of views in the community. It is worth remembering that Chagossians are all around the world. They are in Mauritius, Seychelles and the UK. They retain their ability under the previous agreement to acquire UK citizenship while that agreement lasts, which I think is until 2027. A number of Chagossians have chosen to acquire UK citizenship, but this was a negotiation between two states.

Q47 Aphra Brandreth: You mentioned the Chagossian trust fund. You noted earlier that you hoped that the British Chagossians will be given a say in how that £40 million trust fund is spent. Why did you not agree a joint governance model for that, which would have meant that you were not relying on hope alone?

Stephen Doughty: There have been extensive discussions with the Mauritian Government about the nature of the trust fund and how it will operate. Ultimately, though, it will be their responsibility—I do not shy away from that; it is for Mauritius to operate. There are many Chagossians in Mauritius who are very supportive of this process, and no doubt will engage closely with the Mauritian Government going forward.

I was speaking about a contact group for engagement here, which is in relation to the support we provide in the UK. That is being provided, and we look forward to continuing to work with them and making sure that it meets needs and requests, whether on funerals, heritage or support for the community here. We have already had a number of very interesting suggestions. My priority in particular is to get visits back up and running, because many Chagossians I have spoken to really want to be able to go back and visit, including to Diego Garcia. That is going to be able to happen for the first time in many years.

Q48 Aphra Brandreth: Thinking about the Chagossian community in the UK, why does the treaty not include explicit guarantees for their right to return, particularly those who were either born in exile or are descendants of the displaced population?

Stephen Doughty: We are very clear that what happened historically was wrong, as reflected on the face of the treaty. The islands do not have a permanent population now, and they have never been self-governing. There were a number of court cases previously on these matters. There were payments that were made in full and final settlement in the early 1980s. There have been a series of proceedings that have all ruled on this. On each occasion, the English courts and indeed the European Court of Human Rights have ultimately dismissed the claims. I appreciate that there are a number of people who remain deeply dissatisfied with that, and historically, we accepted that.



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Q49 **Aphra Brandreth:** To clarify, do you think it is right that the British Chagossians have no right to return?

Stephen Doughty: The British Chagossians will have the ability to return under resettlement. It is most likely the first time that many of them would have had the chance, and crucially, an ability to visit with the visits programme.

Q50 **Aphra Brandreth:** But only if Mauritius allows that to be the case.

Stephen Doughty: Mauritius will be responsible for resettlement on the outer islands. We are—

Q51 **Aphra Brandreth:** So we do not know if they will or not?

Stephen Doughty: Ultimately, this is going to be for Mauritius to determine, but it provides the best chance possible for people to return. Of course, it is worth remembering that on the outer islands there is not infrastructure; there is not any way of inhabiting those islands at the moment, except for very temporary periods of time, and actually this provides a new chance, which is why many of the Chagossian groups do welcome the deal. In terms of the bit that we have control over, which is the ability to set up the visits and get those going, it is an absolute priority for us to get that happening as soon as possible.

Q52 **Aphra Brandreth:** Just to be clear, am I right in understanding that essentially, because we have ceded control, under the resettlement agreement that we have, it is possible that people of no kind of Chagossian descent or link to the islands could resettle, while at the same time, potentially, British Chagossians could not?

Stephen Doughty: The previous Government decided there would be no resettlement of the islands back in, I think, 2016.

Aphra Brandreth: With respect, this is a deal that this Government have agreed.

Stephen Doughty: But this is a process and discussion that has been going on for many, many years.

Q53 **Aphra Brandreth:** I understand that, but it has been signed under this Government, so I am just trying to clarify whether you think it is right that British Chagossians potentially won't be able to resettle there, whereas people without any link to the islands can.

Stephen Doughty: With respect, you are speaking of hypotheticals. This will allow resettlement of the outer islands, and we will be re-establishing the visits to the islands, including to Diego Garcia. That is certainly a thing that I have had raised with me by many Chagossians in this country and those outside as well.

Chair: I want to turn to environmental protection. People watching may not even know where the Chagos islands are. They are in the middle of the Indian ocean. There is India to the north, the Antarctic to the south, Australia to the right and Africa to the west. They are right in the middle



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of this extraordinary sea, which is obviously why this area involves such important defence considerations, but is also of huge importance to wildlife. It is where east meets west. It is a source and sink of coral larvae. It is where seabirds land. Some 20% of green sea turtles and 50% of hawksbill turtles are born there.

For 15 years, it has been an area of marine protection. No one has been living there, apart from the people on Diego Garcia. It is the size of France. It is completely and totally unique. While we talk about sovereignty and defence, there are other aspects of this area as well. I think that many people, if they knew how extraordinary the Chagos islands were by way of wildlife, might well be extremely concerned to ensure that any treaty passing over these islands to the Mauritians was watertight in terms of ensuring that the wildlife was also protected. We have somebody here from one of our sister Committees who wants to ask some questions about that.

Q54 Blake Stephenson: Thank you, Chair. I am a guest from the Environmental Audit Committee. Thank you for coming along, Minister. I think the Chair has perhaps done the job for me on my first question, but could you explain to this Committee how important the marine protected area is to you and to this Government?

Stephen Doughty: Very, Mr Stephenson. You know, Chair, that we have spoken about this before and these issues are very important to me, both in relation to the overseas territories and more generally, as they are to the Foreign Secretary and other colleagues.

You will be pleased to know that, at the oceans conference in Nice last week, the DEFRA Secretary of State met the Mauritian Prime Minister and discussed the co-operation in relation to the Chagos archipelago, and the Prime Minister of Mauritius reaffirmed his commitment to the creation of the marine protected area and the importance of collaboration on this. I think Mauritius has its own ambitions in these areas as well. We have made very clear our expectations, and that is why we made sure that the establishment of the marine protected area was at the heart of the agreement.

It is going to be agreed in a separate written instrument, and our officials have already started the discussions on the detail of that. We will manage the environmental protection on Diego Garcia and up to 12 nautical miles, and Mauritius will manage the MPA outside that. We are working very, very closely with them on the design of that. It has been welcomed, you will be pleased to know, by a number of organisations, but I particularly want to mention ZSL, which has come out and been very clear, saying that it was good news that the agreement had been reached and the partnership will protect this globally important marine environment.

That is a very positive sign, and ZSL has also committed to making it a success. There are very, very positive signs about how this is going to operate into the future. These are important environments, as the Chair said.



Q55 Blake Stephenson: Good. I am glad that you think it is important, and that you have confidence that the Mauritian Government think it is important too. We are lacking quite a lot of detail at the moment. On 2 April, Baroness Chapman came to the Environmental Audit Committee and said that she did not know what the future plans are for the MPA. We are nearly three months on. What is the current status?

Stephen Doughty: Officials are already discussing it, and I will bring in Peter to say a bit more. Essentially, we are trying to meet the 30% target and, globally, the SDGs. We want to be in line with all the relevant international frameworks, including the IUCN.

Q56 Chair: Just so that people watching understand what you are saying, the global biodiversity framework is 30% of land and 30% of the sea to be protected by 2030.

Stephen Doughty: Yes, and we are looking to support Mauritius more broadly on these targets. A key part of our separate partnership with Mauritius is focused on the environment, nature and conservation, so this is a dual way in which we can achieve those goals. Peter, do you want to add anything?

Peter Candler: On the detail of the future Mauritian MPA, the Mauritian Government held a conference in February last year, which brought together experts from across the scientific community. It was very well attended. It was in Port Louis, and ZSL played a key role in bringing everyone together.

Coming out of that are various agreements—they are not finalised, but they are plans—that include very high environmental protections and a continuation of the no-take policy in the vast majority of the EEZ around the archipelago. There is one area where there will be increased fishing, but it is sustainable fishing, linked to the resettlement of Chagossian communities, so it is in line with normal practice that it will be a sustainable policy.

Q57 Blake Stephenson: If these environmental protections are so important for both Governments, why have they not been central to the treaty, rather than dealt with on the sidelines afterwards?

Stephen Doughty: Well, they are part of the agreement, and they were certainly part of the discussions. It was very clear from the beginning—

Q58 Blake Stephenson: I suppose I could phrase it in another way. Why not get comfortable with the agreement on environmental protections before you sign the treaty?

Stephen Doughty: The fundamental object of the treaty is to protect the base on Diego Garcia. That was our primary objective.

Q59 Chair: Well, we don't agree with you. Some of us here think that the wildlife should have come a bit higher up the list.

Stephen Doughty: The wildlife is very important, but the primary objective here, of course, was to protect the operation of the base and put



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the situation on a sustainable footing. However, environmental protections are very, very important and getting it right will certainly be a focus for me and other Ministers. By the way, this obviously sits within a wider set of commitments that we have made. I have worked with a number of other overseas territories on those commitments, and we are doing fantastic work around Pitcairn, Tristan da Cunha and elsewhere. I was just with the Premier of the Cayman Islands the other day talking about their environmental protection work, which is fantastic—particularly in the ocean environment. This is a key priority for us.

Q60 Blake Stephenson: I am conscious of time, but I have one or two more questions to ask. First, in relation to no catch, from what I saw in February, the fisheries Minister in Mauritius is quite open to issuing fisheries licences in the future. I think that probably goes beyond the fringes, which you were describing, in relation to the resettlement of Chagossians. How are you really going to get comfortable with the Mauritians not just issuing licences, such that those seas might be plunged in the future?

Peter Candler: I have not seen the fisheries Minister's piece, so we probably have to go and research what was said. Our understanding is that Prime Minister Ramgoolam restated his commitment to environmental protections at the start of June.

Q61 Blake Stephenson: My final question is about the money. Is there going to be an additional cost attributable to the UK's work with Mauritius to protect its environment that has not already been accounted for, above and beyond these vast numbers that we have been hearing?

Stephen Doughty: There is a separate agreement with the Mauritian development partnership, and there are different aspects to that. The costs for the treaty are, as I set out, an average of £101 million per year.

Q62 Chair: Is there going to be a ringfenced fund for the environment of these islands?

Stephen Doughty: Ultimately, decisions about the management of the outer archipelago will be for Mauritius.

Q63 Chair: So we are not giving a ringfenced sum of money to Mauritius for use in defending the environment of these islands?

Stephen Doughty: My understanding—I am happy to provide further clarity in writing if that is helpful—is that the additional partnership that we are doing with Mauritius has a number of different aspects to it, but that is separate from this treaty, which is as I have set out and as the explanatory memorandum of the costs set out—

Q64 Chair: I don't understand that, Minister. Is there a ringfenced fund that is this going to be given by Britain to Mauritius for the protection of the environment and wildlife on these islands?

Stephen Doughty: Not as part of the £101 million average costs per year, but part of the separate agreement with Mauritius on development



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partnership will apply to environmental and other concerns, but I am very happy to write to you separately about that because I do not have those figures in front of me.

Q65 **Chair:** So there might be money on top of the £101 million?

Stephen Doughty: There is a separate agreement with Mauritius.

Q66 **Chair:** Which involves money?

Stephen Doughty: Which involves money, yes. That is the development partnership.

Peter Candler: These are primarily partnership initiatives. The details of them fall within this separate parallel agreement that we have started talking to Mauritius about. We have started the negotiation process.

Q67 **Chair:** So you have yet to agree a pot of money that you are going to give to Mauritius to protect these unique islands?

Peter Candler: I would say that we are committed to a partnership, which is in the treaty. We are working up the detail of it at the moment. That will include expertise and support, but we are going to discuss that further with Mauritius to understand exactly what they need. We are going to do a complete needs assessment to understand how their current processes work and how those could then be applied to the archipelago. Then we will reach an agreement about what precisely the details of that should be.

Q68 **Chair:** At the moment, the archipelago as a whole, which is the size of France, is protected by us. We have got one patrol vessel, but there is a patrol vessel. There are rules. People are not allowed to fish there. It is unique. I have been hearing about you talking about a 12-nautical-mile limit—Britain will be responsible for 12 nautical miles, and Mauritius will be responsible for the rest of it—so what I want to know is how we can be confident the Mauritius is going to protect the rest of this area to the standard to which it has been protected before.

Stephen Doughty: I helpfully have a little bit more information on the strategic partnership framework, which is the separate agreement. It is structured around five main pillars, where we share objectives and values—this was what was signed by the Foreign Secretary on 22 May—and that includes maritime security and irregular migration, climate and environment, growth and trade, good governance and institutional reform, and further co-operation, including multilateral co-operation. That includes our commitments on climate finance as well, which were previously agreed under the UNFCCC Taskforce on Access to Climate Finance and will be part of that. Climate, environment and nature are absolutely a key part of that agreement, but this is separate from the treaty agreement.

Q69 **Chair:** What concerns me is this: are we going to be handing over these islands before there is in place some form of protection for the wildlife on these islands? What are the timings for handing over sovereignty of these islands, and what is the timetable for us putting in place protections for



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this world-unique environment?

Stephen Doughty: The timing on the treaty as a whole is when it has been ratified by both Parliaments.

Q70 **Chair:** Roughly when? You must have some idea of how long that is going to take.

Stephen Doughty: We hope that is as soon as possible, but as you know, Chair, these things are subject to parliamentary business timings and the process through the two Houses is impossible to predict exactly.

Q71 **Chair:** Are you saying by the end of the year?

Stephen Doughty: I would think it would take longer than that. We certainly intend to get this agreement ratified as soon as possible, but obviously it is subject to the procedures in Mauritius as well.

Q72 **Chair:** Let us say that, by Easter, the legislation is passed and we are handing over these islands. Will there be in place protections for this unique environment, or might there be a gap during which time the Chinese trawlers turn up and grab all the fish?

Stephen Doughty: My strong view is that we will have those agreements in place, and the detail of the MPA will be in place by then. I am very happy to come back and talk to you about that further as the details are developed.

Q73 **Chair:** Will there continue to be a patrol vessel?

Stephen Doughty: From the UK?

Q74 **Chair:** From the UK or handed over to Mauritius—I don't think the fish care.

Stephen Doughty: Ultimately, outside the 12-nautical-mile zone, that will be for Mauritius. I think patrol vessels are an important part of marine protected areas and the ability to understand, certainly for the part that we are responsible for. I am not going to go into the operational details of what is available at Diego Garcia, but we will uphold our commitments very clearly.

Q75 **Chair:** So at the moment we are taking it on trust that Mauritius will have a patrol vehicle outside the 12-nautical-mile limit that we will be patrolling.

Stephen Doughty: I am taking it on trust that there will be a marine protected area. To have one of those, you have to have various mechanisms and systems in place to ensure that it is upheld. By the way, it is not just patrol vessels; there will be other ways of assessing what is happening. This is a huge area, as you know.

Q76 **Chair:** In India and Sri Lanka, there are villages that are known as the poacher villages for the Chagos islands—in fact, they do not call them the Chagos islands any more; they call them Mauritius. Will we be working with Mauritius to find other ways to address the illegal activity of these



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poachers, so that they are not waiting until the islands are handed over and there is some lapse of jurisdiction?

Stephen Doughty: I certainly do not intend for there to be any lapse. You are asking some very important questions, Chair, and I will certainly take them away and come back to you with further reassurances on them.

The wider efforts that we make with a whole range of countries to deal with overfishing and marine conservation are part of our wider agenda on oceans, climate and nature, which is at the heart of what the Foreign Secretary and others have set out. I have extensive discussions about these issues in relation to changing patterns in the fishing activity in the South Atlantic, for example, and what is happening elsewhere.

Chair: I am not questioning for a moment your personal commitment or the commitment of the Foreign Secretary. I know full well that you are very committed. I am just worried—

Stephen Doughty: About the practicalities.

Q77 **Chair:** I am worried that this is not going to work in terms of handing over the islands, and that there will not be a framework in place to ensure that there continues to be the sort of protection that this extraordinary environment deserves.

Stephen Doughty: I hope that, as we go through the detailed implementation discussions with the Mauritian authorities, we can come back to you with some further detail that will help to reassure you and the Environmental Audit Committee as well.

Q78 **Chair:** To hear, for example, that the Mauritians might put armed forces outside the 12-nautical-mile zone, and that that is not excluded, is worrying in the extreme. You have just talked about that today. That flies in the face of some of the assurances we have had that there will be ongoing maintenance of these islands to the standard that they deserve. Obviously, on the ones with rats on, there is nothing—but as for the ones that do not have rats on, there is nothing else like them in the world. We just need to make sure that we protect that.

Stephen Doughty: Those are very good questions, Chair, and we will take them away.

Q79 **Chair:** We would appreciate it if you would write to us.

Stephen Doughty: Happily—and we will happily keep you informed as we go through this process.

Q80 **Chair:** There are others, some of whom you have referred to in your evidence, who would like to have some of the answers to some of those questions as well, and then we will share those with the Environmental Audit Committee.

Stephen Doughty: I am very happy to do that.

Chair: If nobody has any further questions, I will bring this session to an



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end.