

## **ANNEX 89**

Decision regarding the workload of the Commission on the Limits of the Continental Shelf and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the United Nations Convention on the Law of the Sea, as well as the decision contained in SPLOS/72, paragraph (a) (SPLOS/183), 20 June 2008

**Meeting of States Parties**

Distr.: General  
20 June 2008

Original: English

**Eighteenth Meeting**  
New York, 13-20 June 2008

**Decision regarding the workload of the Commission on the Limits of the Continental Shelf and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the United Nations Convention on the Law of the Sea, as well as the decision contained in SPLOS/72, paragraph (a)**

*The Meeting of States Parties,*

*Recalling* the responsibility of all States parties to fulfil in good faith the obligations assumed by them under the United Nations Convention on the Law of the Sea,

*Recalling* also that the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or any express proclamation,

*Noting* the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf for examination in accordance with article 76 of the Convention,

*Recalling* the importance of the work of the Commission for coastal States and the international community as a whole,

*Mindful* of the increasing workload of the Commission owing to an increasing number of submissions and the need to ensure that the Commission can perform its functions under the Convention effectively and maintain its high level of quality and expertise,

*Recalling* the decision of the eleventh Meeting of States Parties regarding the date of commencement of the 10-year period for making submissions to the Commission set out in article 4 of annex II to the United Nations Convention on the Law of the Sea,<sup>1</sup>

<sup>1</sup> SPLOS/72.



*Recalling also* the decision of the seventeenth Meeting of States Parties to continue to address as a matter of priority issues related to the workload of the Commission, and to take up at the eighteenth Meeting the general issue of the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a),

*Recognizing* that some coastal States, in particular developing countries, including small island developing States, continue to face particular challenges in submitting information to the Commission in accordance with article 76 of the Convention and article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a), due to a lack of financial and technical resources and relevant capacity and expertise, or other similar constraints,

1. *Decides* that:

(a) It is understood that the time period referred to in article 4 of annex II to the Convention and the decision contained in SPLOS/72, paragraph (a), may be satisfied by submitting to the Secretary-General preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of making a submission in accordance with the requirements of article 76 of the Convention and with the Rules of Procedure<sup>2</sup> and the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf;<sup>3</sup>

(b) Pending the receipt of the submission in accordance with the requirements of article 76 of the Convention and with the Rules of Procedure and the Scientific and Technical Guidelines of the Commission, preliminary information submitted in accordance with subparagraph (a) above shall not be considered by the Commission;

(c) Preliminary information submitted by a coastal State in accordance with subparagraph (a) is without prejudice to the submission in accordance with the requirements of article 76 of the Convention and with the Rules of Procedure and the Scientific and Technical Guidelines of the Commission, and the consideration of the submission by the Commission;

(d) The Secretary-General shall inform the Commission and notify member States of the receipt of preliminary information in accordance with subparagraph (a), and make such information publicly available, including on the website of the Commission;

2. *Encourages* coastal States, where appropriate, to take advantage of available data and opportunities for scientific and technical capacity-building, advice and assistance, including from relevant national, regional and other intergovernmental bodies and organizations, as well as the Commission;

3. *Requests* the Commission to compile a list of publicly available scientific and technical data relevant to the preparation of submissions to the Commission, and to publicize the list, including by posting the list on the website of the Commission;

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<sup>2</sup> CLCS/40/Rev.1.

<sup>3</sup> CLCS/11 and Corr.1 and Corr.2; CLCS/11/Add.1 and Corr.1.

4. *Welcomes* the availability on the website of the Commission of information relating to scientific and technical capacity-building, advice and assistance available to coastal States in the preparation of submissions to the Commission;

5. *Calls upon* States parties to contribute voluntarily to the Trust Funds, with a view to facilitating the participation of the members of the Commission from developing States in the meetings of the Commission, as well as to facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea;

6. *Decides* to take up the issues related to the workload of the Commission at the next Meeting of States Parties under the item "Commission on the Limits of the Continental Shelf: Workload of the Commission".



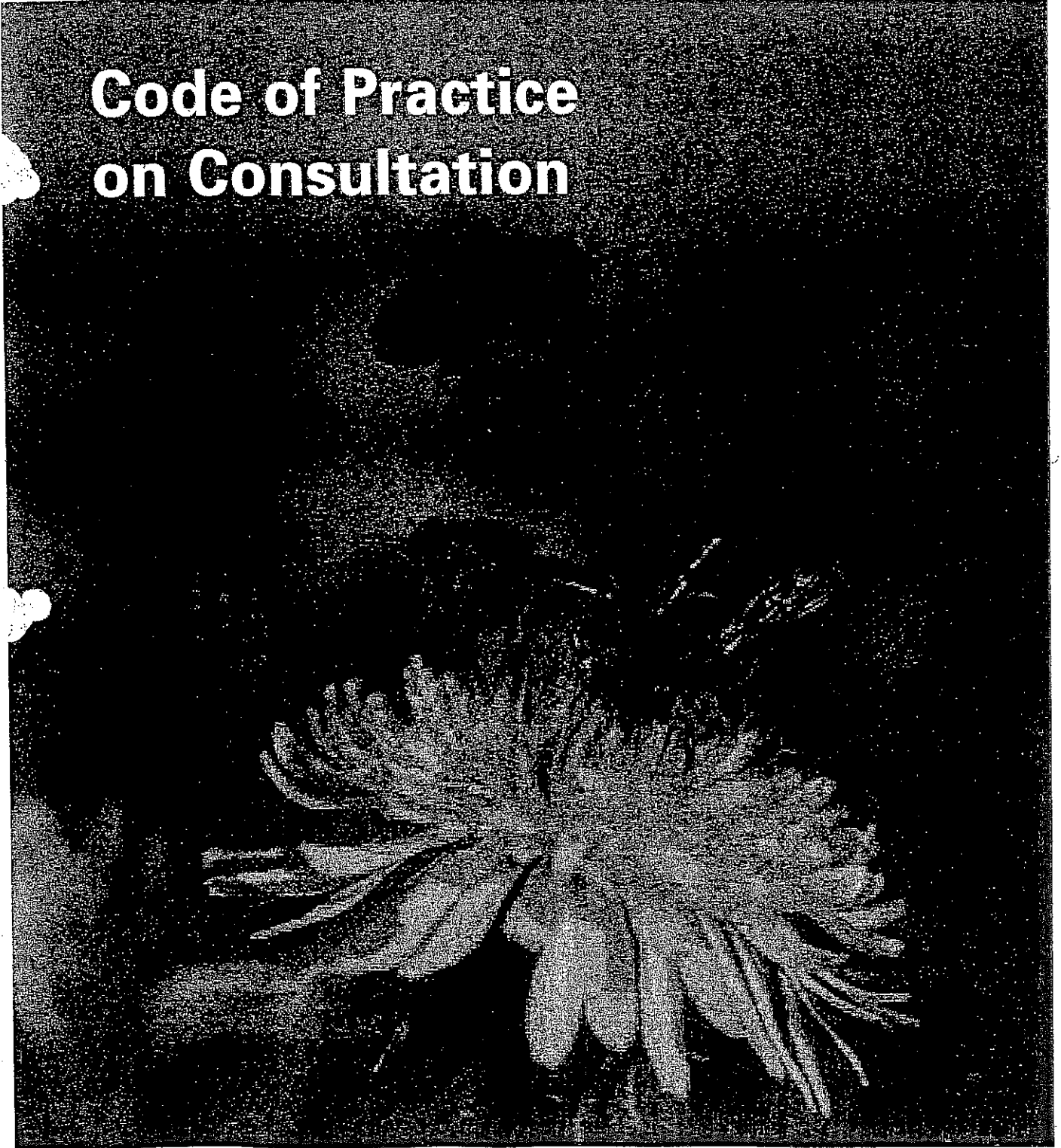
## **ANNEX 90**

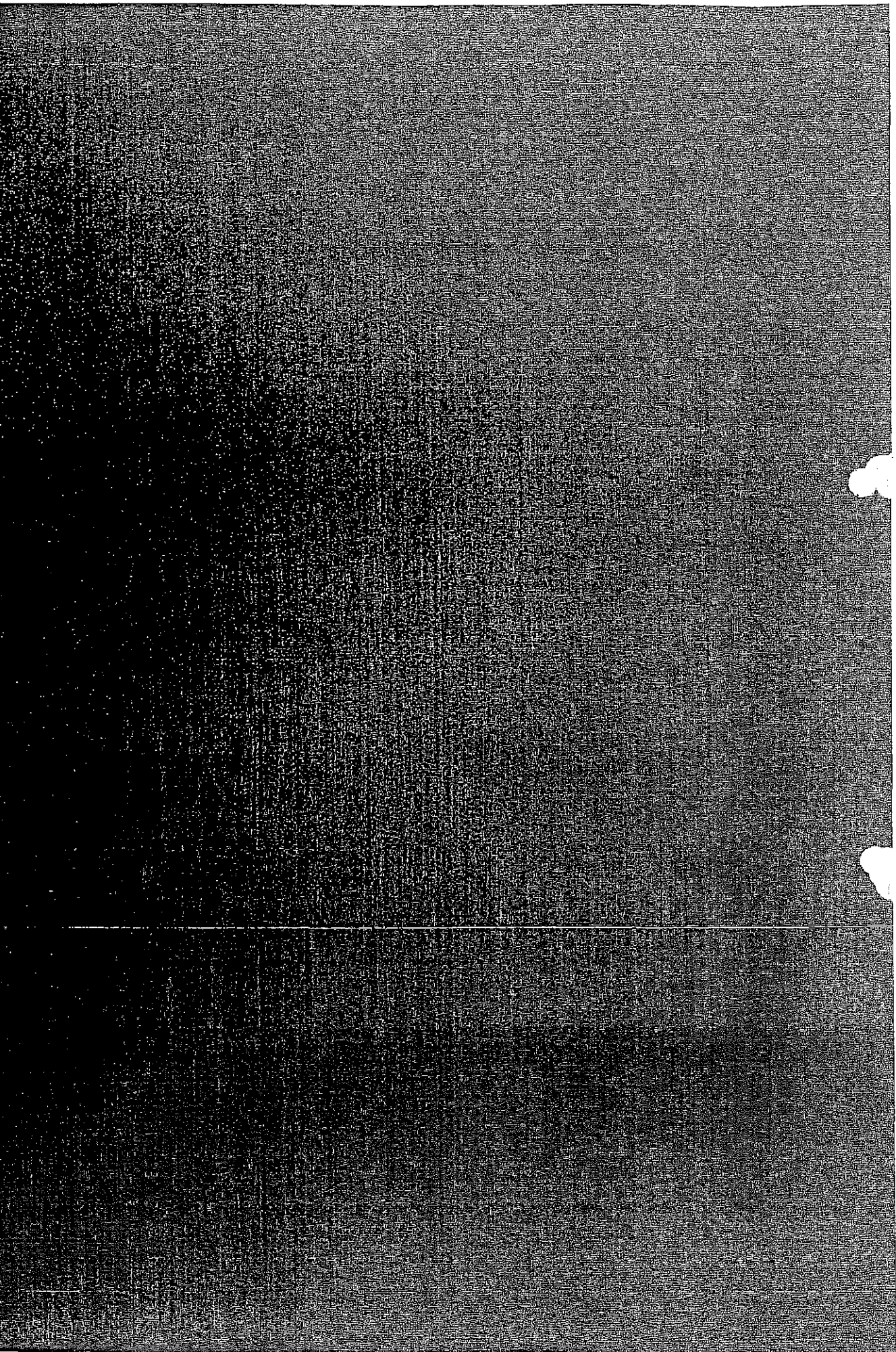
Government's Code of Practice on Consultation (July 2008)



HM Government

# Code of Practice on Consultation





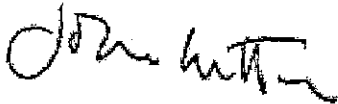
## FOREWORD

This Government is committed to effective consultation; consultation which is targeted at, and easily accessible to, those with a clear interest in the policy in question. Effective consultation brings to light valuable information which the Government can use to design effective solutions. Put simply, effective consultation allows the Government to make informed decisions on matters of policy, to improve the delivery of public services, and to improve the accountability of public bodies.

The Government has had a Code of Practice on Consultation since 2000 setting out how consultation exercises are best run and what people can expect from the Government when it has decided to run a formal consultation exercise.

This third version of the Code is itself the result of listening to those who regularly respond to Government consultations. This Code should help improve the transparency, responsiveness and accessibility of consultations, and help in reducing the burden of engaging in Government policy development.

As part of the Government's commitment to effective consultation, we will continue to monitor how we consult and we appreciate feedback on how we can improve.



John Hutton  
*BERR SoS*

July 2008



## THE SEVEN CONSULTATION CRITERIA

**Criterion 1 When to consult**

*Formal consultation should take place at a stage when there is scope to influence the policy outcome.*

**Criterion 2 Duration of consultation exercises**

*Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.*

**Criterion 3 Clarity of scope and impact**

*Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.*

**Criterion 4 Accessibility of consultation exercises**

*Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.*

**Criterion 5 The burden of consultation**

*Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.*

**Criterion 6 Responsiveness of consultation exercises**

*Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.*

**Criterion 7 Capacity to consult**

*Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.*

These criteria should be reproduced in consultation documents.

## INTRODUCTION

Ongoing dialogue between Government and stakeholders is an important part of policymaking. This dialogue will, at times, need to become more formal and more public. When developing a new policy or considering a change to existing policies, processes or practices, it will often be desirable to carry out a formal, time-bound, public, written consultation exercise. This kind of exercise should be open to anyone to respond but should be designed to seek views from those who would be affected by, or those who have a particular interest in, the new policy or change in policy.<sup>1</sup> Formal consultation exercises can expose to scrutiny the Government's preliminary policy analysis and the policy or implementation options under consideration.

### STATUS OF THE CODE

This Code sets out the approach the Government will take when it has decided to run a formal, written, public consultation exercise. It supersedes and replaces previous versions of the Code. The Code does not have legal force and cannot prevail over statutory or mandatory requirements. The Code sets out the Government's general policy on formal, public, written consultation exercises. A list of the UK departments<sup>2</sup> and agencies adopting the Code is available on the Better Regulation Executive's website.<sup>3</sup> Other public sector organisations are free to make use of this Code for their consultation purposes, but it does not apply to consultation exercises run by them unless they explicitly adopt it.

Ministers retain their existing discretion not to conduct formal consultation exercises under the terms of the Code. At times, a formal, written, public consultation will not be the most effective or proportionate way of seeking input from interested parties, e.g. when engaging with stakeholders very early in policy development (preceding formal consultation) or when the scope of an exercise is very narrow and the level of interest highly specialised. In such cases an exercise under this Code would not be appropriate. There is, moreover, a variety of other ways available to seek input from interested parties other than formal consultation.<sup>4</sup> Such engagement work is not the subject of this Code. When departments decide only to carry out engagement with interested parties in ways other than formal, written consultation, they are encouraged to be clear about the reasons why the methods being used have been chosen.

<sup>1</sup> In order to reach certain groups this may mean going beyond the traditional, written consultation exercise - see criterion 5

<sup>2</sup> Reference to "department" includes reference to non-Ministerial departments and other organisations that this Code applies to. Reference to a "Minister" includes the senior decision maker(s) in those organisations, e.g. the chief executive or the board responsible for the consultation.

<sup>3</sup> <http://www.berr.gov.uk/bre>

<sup>4</sup> In addition to the guidance supporting this Code, useful information on alternative forms of engagement may be found at [www.peopleandparticipation.net](http://www.peopleandparticipation.net).

This Code is not intended to create a commitment to consult on anything, to give rise to a duty to consult, or to be relied on as creating expectations that the Government will consult in any particular case. The issues on which the Government decides to consult depend on the circumstances in each case.

Moreover, deviation from the Code will, at times, be unavoidable when running a formal, written, public consultation. It is recommended that departments be open about such deviations, stating the reasons for the deviation and what measures will be employed to make the exercise as effective as possible in the circumstances.

Under some laws there are requirements for the Government to consult certain groups on certain issues. This Code is subject to any such legal requirement. Care must also be taken to comply with any other legal requirements which may affect a consultation exercise such as confidentiality issues and equality schemes. More information on such matters can be found in the guidance which accompanies this Code.<sup>5</sup>

This Code should also be used in conjunction with the *Consultation and Policy Appraisal – Compact Code of Good Practice* which supports the Compact on Government's Relations with the Voluntary and Community Sector<sup>6</sup> and with the *Central-Local Government Concordat* which establishes a framework of principles for how central and local government work together to serve the public.<sup>7</sup>

The Better Regulation Executive in the Department for Business, Enterprise and Regulatory Reform welcomes feedback regarding the effectiveness of the Code and the accompanying guidance. If you have any comments, please feel free to contact the Better Regulation Executive at:

Better Regulation Executive  
Department for Business, Enterprise and Regulatory Reform  
1 Victoria Street  
London  
SW1H 0ET

Telephone: 020 7215 0352  
E-mail: [regulation@berr.gsi.gov.uk](mailto:regulation@berr.gsi.gov.uk)

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<sup>5</sup> See <http://www.berr.gov.uk/br>

<sup>6</sup> <http://www.thecompact.org.uk/information/100023/publications/>

<sup>7</sup> <http://www.communities.gov.uk/publications/localgovernment/centrallocalconcordat>

**Criterion 6 When to consult**

*Formal consultation should take place at a stage when there is scope to influence the policy outcome.*

- 1.1 Formal, written, public consultation will often be an important stage in the policymaking process. Consultation makes preliminary analysis available for public scrutiny and allows additional evidence to be sought from a range of interested parties so as to inform the development of the policy or its implementation.
- 1.2 It is important that consultation takes place when the Government is ready to put sufficient information into the public domain to enable an effective and informed dialogue on the issues being consulted on. But equally, there is no point in consulting when everything is already settled. The consultation exercise should be scheduled as early as possible in the project plan as these factors allow.
- 1.3 When the Government is making information available to stakeholders rather than seeking views or evidence to influence policy, e.g. communicating a policy decision or clarifying an issue, this should not be labelled as a consultation and is therefore not in the scope of this Code. Moreover, informal consultation of interested parties, outside the scope of this Code, is sometimes an option and there is separate guidance on this.<sup>8</sup>
- 1.4 It will often be necessary to engage in an informal dialogue with stakeholders prior to a formal consultation to obtain initial evidence and to gain an understanding of the issues that will need to be raised in the formal consultation. These informal dialogues are also outside the scope of this code.
- 1.5 Over the course of the development of some policies, the Government may decide that more than one formal consultation exercise is appropriate. When further consultation is a more detailed look at specific elements of the policy, a decision will need to be taken regarding the scale of these additional consultative activities. In deciding how to carry out such re-consultation, the department will need to weigh up the level of interest expressed by consultees in the initial exercise and the burden that running several consultation exercises will place on consultees and any potential delay in implementing the policy. In most cases where additional exercises are appropriate, consultation on a more limited scale will be more appropriate. In these cases this Code need not be observed but may provide useful guidance.
- 1.6 Consultation exercises should not generally be launched during election periods. If there are exceptional circumstances where launching a consultation is considered absolutely essential (for example, for safeguarding public health), departments should seek advice from the Propriety and Ethics team in the Cabinet Office. If a consultation is ongoing at the time an election is called, it should continue. However, departments should avoid taking action during election periods which will compete with candidates for the attention of the public.<sup>9</sup>

<sup>8</sup> See <http://www.berr.gov.uk/bre>

<sup>9</sup> For further guidance see <http://www.berr.gov.uk/bre>



**Criterion 2 Duration of consultation exercises**

*Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.*

- 2.1 Under normal circumstances, consultations should last for a minimum of 12 weeks. This should be factored into project plans for policy development work. Allowing at least 12 weeks will help enhance the quality of the responses. This is because many organisations will want to consult the people they represent or work with before drafting a response to Government and to do so takes time.
- 2.2 If a consultation exercise is to take place over a period when consultees are less able to respond, e.g. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.<sup>10</sup>
- 2.3 When timing is tight, for example when dealing with emergency measures, or international, legally-binding deadlines, or when the consultation needs to fit into fixed timetables such as the Budget cycle, consideration should be given to whether a formal, written, public consultation is the best way of seeking views. Where a formal consultation exercise is considered appropriate and there are good reasons for it to last for a shorter period (e.g. to seek views to inform the UK's negotiating position on EU proposals soon to be discussed in the Council of Ministers), the consultation document should be clear as to the reasons for the shortened consultation period and ministerial clearance (or equivalent, e.g. in non-Ministerial departments) for the shorter timeframe should be sought. In such circumstances it is important to consider the provision of additional means through which people can express their views.
- 2.4 When planning a consultation, it is important to take steps to raise awareness of the exercise among those who are likely to be interested. In particular, departments should consider ways to publicise consultations at the time of, or if possible before, the launch-date so that consultees can take advantage of the full consultation period to prepare considered responses.

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<sup>10</sup> For more on this, see the accompanying guidance at <http://www.barr.gov.uk/bre>

### Criterion 3 Clarity of scope and impact

*Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.*

- 3.1 Consultation exercises should be clear about the consultation process, i.e. what has taken place in the development of the policy prior to the consultation exercise, how the consultation exercise will be run and, as far as is possible, what can be expected after the consultation exercise has formally closed.
- 3.2 Consultation exercises should be clear about the scope of the exercise, setting out where there is room to influence policy development and what has already been decided, and so is not in the scope of the consultation.
- 3.3 Estimates of the costs and benefits of the policy options under consideration should normally form an integral part of consultation exercises, setting out the Government's current understanding of these costs and benefits. A "consultation stage Impact Assessment"<sup>11</sup> should normally be published alongside a formal consultation, with questions on its contents included in the body of the consultation exercise. An Impact Assessment should be carried out for most policy decisions and consultation of interested parties on the Impact Assessment and on equality assessments can bring greater transparency to the policymaking process and should lead to departments having more robust evidence on which to base decisions. It is important to read the guidance on specific impact tests, including the race equality impact assessment which is required by statute.<sup>12</sup>
- 3.4 Consideration should also be given to asking questions about which groups or sectors would be affected by the policy in question, and about any groups or sectors (e.g. small businesses or third sector organisations) that may be disproportionately affected by the proposals as presented in the consultation document. Consultation exercises can be used to seek views on the coverage of new policies, ideas of how specific groups or sectors might be exempted from new requirements, or used to seek views on approaches to specific groups or sectors that would ensure proportionate implementation.
- 3.5 The subject matter, any assumptions the Government has made, and the questions in the consultation should all be as clear as possible. A mixture of open and closed questions will often be desirable, and consideration should be given to offering consultees the opportunity to express views on related issues not specifically addressed in the questions.

<sup>11</sup> See guidance on impact assessment at <http://www.berr.gov.uk/bre/policy/scrutinising-new-regulations/page44076.html>

<sup>12</sup> See <http://www.berr.gov.uk/bre/policy/scrutinising-new-regulations/preparing-impact-assessments/toolkit/page44263.html>

**Criterion 4 Accessibility of consultation exercises**

*Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.*

- 4.1 It is essential that interested parties are identified early in the process so that consultation exercises can be designed and targeted accordingly. When consultation exercises need to reach a diverse audience, several approaches may be required. In the consultation document it should be stated what ways are available for people to participate, how exactly to get involved, and why any supplementary channels have been chosen. Over-reliance on standard lists of consultees to disseminate consultation papers can mean that key groups are excluded and others receive consultation documents that are not relevant to them.
- 4.2 As far as is possible, consultation documents should be easy to understand: they should be concise, self-contained and free of jargon. This will also help reduce the burden of consultation. While consultation exercises on technical details may need to seek input from experts, when the views of non-experts are also required, simpler documents should be produced.
- 4.3 It is vital to be proactive in disseminating consultation documents. Careful consideration should be given to how to alert potential consultees to the consultation exercise and how to get views from relevant sectors of the community and the economy. While many interested parties can usually be contacted directly, there will often be other interested parties not known to Government or who can only be reached through intermediary bodies. Working with appropriate trade, community or third sector organisations can help the Government to hear from those who would otherwise go unheard. Using specialist media or events can also help promote consultation exercises among interested groups.
- 4.4 Thought should also be given to alternative versions of consultation documents which could be used to reach a wider audience, e.g. a young person's version, a Braille and audio version, Welsh and other language versions, an "easy-read" version, etc., and to alternative methods of consultation. Guidance on methods to support formal consultation exercises to help reach specific groups and sectors (regional, public meetings, online tools, focus groups, etc.) is available.<sup>13</sup>
- 4.5 It is important that people can decide quickly whether a consultation exercise is relevant to them. For this reason, a standard table of basic information should be used for all consultation exercises produced by any public body. This will mean that all the key information is readily accessible when potential consultees are first presented with a new consultation document and that regular consultees will become familiar with the format.<sup>14</sup>

<sup>13</sup> See <http://www.berr.gov.uk/bre>

<sup>14</sup> For an example template which can be used to provide key information at the beginning of a consultation document, see the guidance available at <http://www.berr.gov.uk/bre>

**Criterion 5 The burden of consultation**

*Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.*

- 5.1 When preparing a consultation exercise it is important to consider carefully how the burden of consultation can be minimised. While interested parties may welcome the opportunity to contribute their views or evidence, they will not welcome being asked the same questions time and time again. If the Government has previously obtained relevant information from the same audience, consideration should be given as to whether this information could be re-used to inform the policymaking process, e.g. is the information still relevant and were all interested groups canvassed? Details of how any such information was gained should be clearly stated so that consultees can comment on the existing information or contribute further to this evidence-base.
- 5.2 If some of the information that the Government is looking for is already in the public domain through market research, surveys, position papers, etc., it should be considered how this can be used to inform the consultation exercise and thereby reduce the burden of consultation.
- 5.3 In the planning phase, policy teams should speak to their Consultation Coordinator and other policy teams with an interest in similar sectors in order to look for opportunities for joining up work so as to minimise the burden of consultations aimed at the same groups.
- 5.4 Consultation exercises that allow consultees to answer questions directly online can help reduce the burden of consultation for those with the technology to participate. However, the bureaucracy involved in registering (e.g. to obtain a username and password) should be kept to a minimum.
- 5.5 Formal consultation should not be entered into lightly. Departmental Consultation Coordinators and, most importantly, potential consultees will often be happy to advise about the need to carry out a formal consultation exercise and acceptable alternatives to a formal exercise.<sup>15</sup>

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<sup>15</sup> Guidance on alternative means of seeking input are available. See <http://www.berr.gov.uk/br>

**Criterion 6 Responsiveness of consultation exercises**

*Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.*

- 6.1 All responses (both written responses and those fed in through other channels such as discussion forums and public meetings) should be analysed carefully, using the expertise, experiences and views of respondents to develop a more effective and efficient policy. The focus should be on the evidence given by consultees to back up their arguments. Analysing consultation responses is primarily a qualitative rather than a quantitative exercise.
- 6.2 In order to ensure that responses are analysed correctly, it is important to understand who different bodies represent, and how the response has been pulled together, e.g. whether the views of members of a representative body were sought prior to drafting the response.
- 6.3 Consultation documents should, where possible, give an indication as to the likely timetable for further policy development. Should any significant changes in the timing arise, steps should be taken to communicate these to potential consultees.
- 6.4 Following a consultation exercise, the Government should provide a summary of who responded to the consultation exercise and a summary of the views expressed to each question. A summary of any other significant comments should also be provided. This feedback should normally set out what decisions have been taken in light of what was learnt from the consultation exercise. This information should normally be published before or alongside any further action, e.g. laying legislation before Parliament.<sup>16</sup> Those who have participated in a consultation exercise should normally be alerted to the publication of this information.
- 6.5 Consideration should be given to publishing the individual responses received to consultation exercises.
- 6.6 The criteria of this Code should be reproduced in consultation papers alongside the contact details of the departmental Consultation Coordinator. Consultees should be invited to submit comments to the Consultation Coordinator about the extent to which the criteria have been observed and any ways of improving consultation processes.

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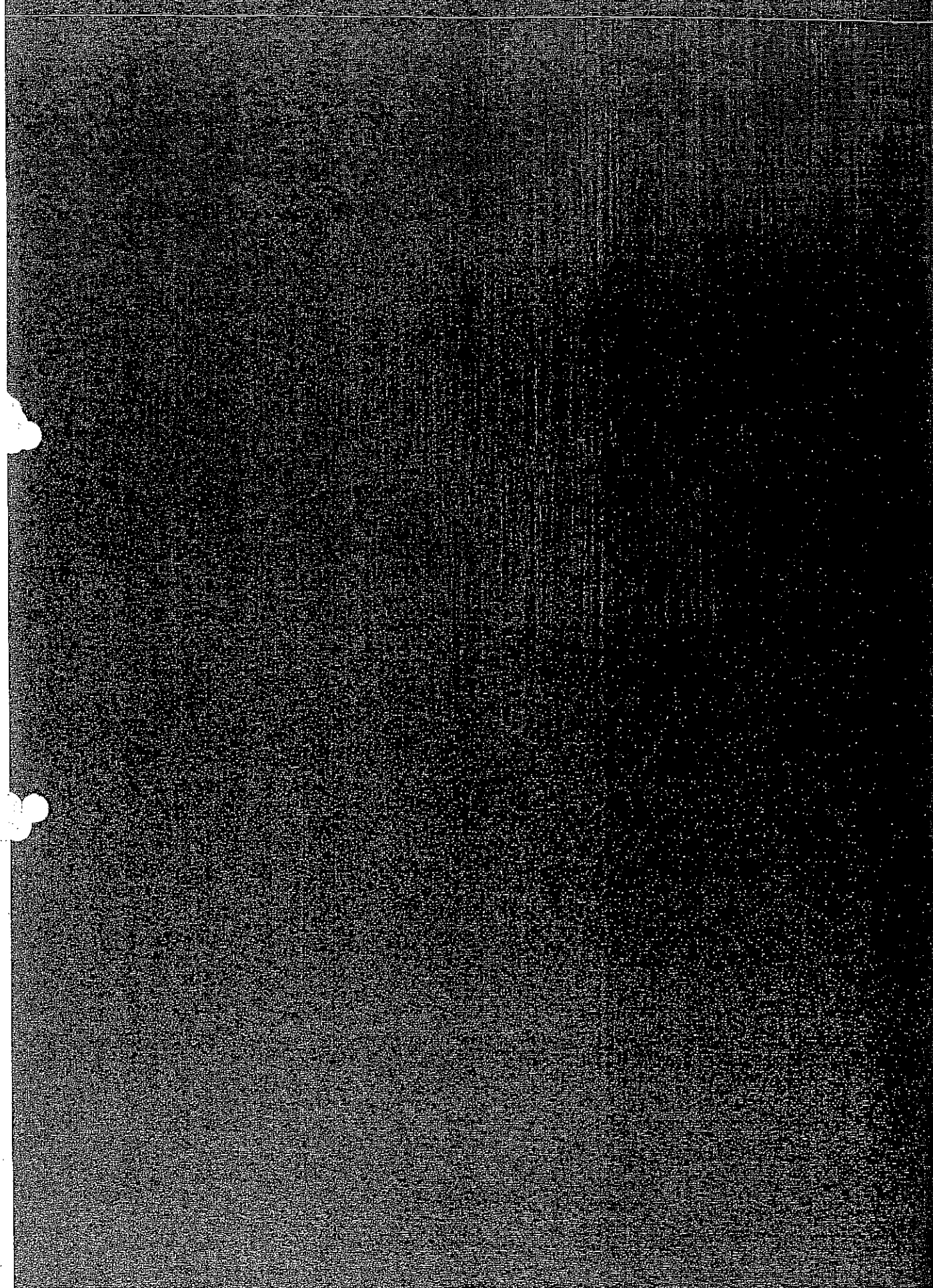
<sup>16</sup> Where Statutory Instruments are being brought forward it is a requirement to include within the accompanying Explanatory Memorandum a summary of the consultation exercise and its outcome (*Statutory Instrument Practice* paragraph 4.12 refers <http://www.opsi.gov.uk/si/statutory-instrument-practice.htm>)

**Criterion 7 Capacity to consult**

*Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.*

- 7.1 Every organisation to which this Code applies should appoint a Consultation Coordinator. The Consultation Coordinator should be named in consultation documents as the person to contact with any queries or complaints regarding consultation process (the policy lead should be the contact point for queries regarding content).
- 7.2 Policy officials who are to run a consultation exercise should seek advice from their Consultation Coordinator early in the planning stages.
- 7.3 Government departments should monitor the effectiveness of their consultation exercises. Learning from consultation exercises should be shared with the department's Consultation Coordinator who will facilitate the sharing of lessons learned within the department and between departments and agencies.







Better Regulation Executive  
Department for Business, Enterprise  
and Regulatory Reform  
3rd Floor, 1 Victoria Street  
London SW1H 0ET

Tel: 020 7215 0352  
Website: [www.bre.berr.gov.uk](http://www.bre.berr.gov.uk)

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**ANNEX 91**

Minutes of the Annual General Meeting of the Chagos Conservation Trust, held on 18  
November 2008

3

Sue Parker

From: Simon Hughes [simonhughes@hughes-mccormack.co.uk]  
 Sent: 29 November 2008 13:06  
 To: CCT AGM APOLOGIES  
 Subject: CHAGOS CONSERVATION TRUST AGM 18 NOVEMBER 2008 - MINUTES  
 Attachments: AGM 2008 Minutes 27 Nov 08.doc; AGM 2008 minutes Annex A Accounts 19 Oct 08.xls;  
 AGM 2008 Minutes Annex B Chairman's report 18 Nov 08.pdf

Ladies and Gentlemen,

Thank you very much for letting us know that you would not be able to attend our AGM. I attach a copy of the minutes for your information and hope that you can make it next year.

**Simon Hughes**

Secretary  
Chagos Conservation Trust

OTI 272/001/08		
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- 8 DEC 2008		
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	✓	SB

JY.  
 Shall I register ph?  
 Sue 1/12.

Yes, please.

Joane

OTI 272/001/08

3/12



**Minutes of the Annual General Meeting  
of the Chagos Conservation Trust  
held at 1815 on Tuesday 18 November 2008  
in the Wrench Room at Over-Seas House, Park Place, St James's  
Street, London SW1A 1LR.**

**Those present:**

William Marsden, *Chairman*  
Richard Martin, *Treasurer*  
Chas Anderson  
Jules Azzopardi  
Jennifer Barclay-Coulder  
Andrew Brown  
Ann Brown  
Marina Carter  
Allison Debney  
Bruce Dinwiddy  
Bernadette Dugasse  
Mike Elgood  
Roch Evenor  
Tony Goodson  
Mark Hall  
Sarah Hamylton  
Simon Harding  
Chris Hillman  
Geoff Hilton  
R R Langley  
Francisco Leotte  
Richard Martin  
Chris Mees  
Jean-Philippe Palasi  
Pete Raines  
Lorenzo Ricciardi  
Colin Roberts

Jon Schleyer  
Anne Sheppard  
Charles Sheppard  
David Snoxell  
Mark Spalding  
Mark Stephens  
Michelle Taylor  
Ruth Temple  
John Topp  
John Turner  
Jan-Willem van Bochove  
Tony Walker  
Nigel Wenban-Smith  
Oliver Wilson  
Simon Hughes, *Secretary*

Thomas Harris  
Monique Heijn  
Peter Hunt  
Rachel Jones  
Gren Lucas  
David MacLennan  
Caity Marsh  
Guntram Meier  
Fieke Molenaar  
Ted Morris  
Jay Nelson  
Sue Parker  
Paul Pearce-Kelly  
Adrian Phillips  
Mike Pienkowski  
Jonathon Porritt  
Sam Purkis  
Steve Renvoise  
Marianne Robothan  
David Rowat  
Sarah Sanders  
Mark Seaward  
David Simon  
Ann Stewart  
Tom Thornton  
Zoe Townsley  
Anne Tunbridge  
Nigel Wells

**Apologies received from:**

Francesca Benzoni  
Heather Bradner  
Fran Buckel  
Don Cairns  
John Canter  
Chris Davies  
Philippe la Hausse de  
Lalouviere  
Shaun Earl  
Carol Garner  
Brendan Godley

**Item 1. Apologies for not attending.**

Those listed above had apologised for not being able to attend.

Jay Nelson of Pew's Global Ocean Legacy wrote to the Chagos Conservation Trust (CCT) and those present apologising for his absence. His letter is quoted in full in the Chairman's Report (at Annex B) and was much appreciated.

Sam Purkis of CCT US also apologised for his absence, noting their success in launching CCT US at the 2008 11<sup>th</sup> International Coral Reef Symposium, held in Florida, where they recruited several members and raised \$400. Their main aim was to gain recognition as a Charity by early 2009.

## **Item 2. Minutes of Annual General Meeting 2007.**

The minutes of the Annual General Meeting held on Tuesday 20 November 2007 were agreed.

## **Item 3. Treasurer's report.**

The annual accounts were presented for the year ending 31 August 2008 (a summary of the accounts is attached at Annex A)

**Post meeting note:** anyone who would like a full report please contact the Secretary or Treasurer.

Publications had been noted as an asset as requested at the 2007 AGM and amounted to copies of the book *Peak of Limuria* valued at cost price (£4,878). It was noted that the Trust had about £5,000 and \$14,500 available to spend and that there were 132 members, but that the increase in subscriptions had yet to have its effect.

The accounts were accepted *nem con*.

## **Item 4. Chairman's report.**

The Chairman tabled his report and copies were made available to those present. The full text is at Annex B.

He highlighted the need for more people to know about the environmental importance of the Chagos (BIOT), and also about that of other Overseas Territories with vast marine biodiversity. He commended the work of the UK Overseas Territories Conservation Forum in this area.

He noted the lack of progress in conservation measures for the Chagos in recent years due to the legal activity concerned with the Chagossian case, as well as government changes and lack of clarity in departmental responsibilities.

He asked for support for CCT's activities to heighten awareness with the help of an attractive new booklet *The Chagos Archipelago: its nature and the future* (made possible with funding from Pew Ocean Legacy).

**Post meeting note:** All members will be sent a copy of the brochure which is in the course of production in the New Year.

## **Item 5. Election of Committee Members and Officers.**

In accordance with the Trust's Constitution one third of the Executive Committee Members stood down, namely Geoff Hilton, Simon Hughes, Charles Sheppard, Michelle Taylor and Sam Purkis. Frank Stewart had stood down earlier in the year. The Secretary had received nominations for election to the Committee for Geoff Hilton, Simon Hughes, Anne Sheppard, Charles Sheppard, Michelle Taylor and Sam Purkis. There being no other nominations and there being sufficient vacancies on the Committee, there was no need for a ballot and these four were duly elected.

Again in accordance with the Constitution the Chairman, Treasurer and Secretary needed to be elected each year. The Secretary had received nominations to elect William Marsden as Chairman, Richard Martin as Treasurer and Simon Hughes as Secretary. There being no other nominations they were duly elected.

The 16 members of the Executive Committee are therefore:

William Marsden, *Chairman*  
Chris Davies  
Geoff Hilton  
Rachel Jones  
David MacLennan  
Richard Martin, *Treasurer*  
Paul Pearce-Kelly  
Sam Purkis

Pete Raines  
Anne Sheppard  
Charles Sheppard  
Mark Spalding  
Michelle Taylor  
John Topp  
John Turner  
Simon Hughes, *Secretary*

There being no other business, the meeting was closed and those present enjoyed a presentation entitled:

### ***The value of Chagos and how to maintain it***

This was opened by Dr John Turner who described the value to the Chagos by taking a representative cross section of the ocean and islands showing their rich diversity and mountainous terrain, especially below the water. Slide after slide of wonderful and beautiful coral of many different types and age, fish from great (sharks and grouper and rays) to small (clown fish, parrot fish and swarms of others). Lagoons, fresh water lakes, sandy beaches, palm weed jungles, original hard wood copses. Many exotic and less plumaged birds: in burrows, in nests on the ground and nests in the foliage. Truly marvellous scenes of abundant diversity.

Professor Charles Sheppard continued with *...how to maintain it*.

Three basic lines of research are needed: the is first continual monitoring of the condition of the reefs which underpin the archipelago, research into the position of Chagos in the Ocean in a biological sense, such as its role as a stepping stone in species movements across the ocean, and thirdly the consequences of climatic change in Chagos. In the last respect, information from Chagos fills a large geographical gap in global monitoring programmes.

He also showed the killing of 300 year old coral by yacht anchor chains, though it is thought that recent measures regarding yachts introduced by BIOT, has reduced yacht damage by over half. Poaching of sea cucumbers in particular was identified from work done in 2006. This points clearly to the need for active and protective conservation.

Charles then went on to describe what was needed to conserve the area, starting with monitoring. Rapid climate changes seriously threatened several aspects of both Chagos and the government's ability to effectively apply its obligations and Environment Charter. These required new measures and new information. How this can be done involves much exciting innovative science, and BIOT administration has granted the use of the *Marlin* from which to do this for a short period in 2010. One example of new work resulting from 2006 was the successful planting and recovery this year of temperature measurement equipment on the sea bottom in various locations, which recorded the temperature for up to four years before recovery; another, the possible future equipping of the *Marlin* with ocean acidification measurement equipment.

Issues of maintaining biodiversity and island integrity are increasingly problematic in this most low-lying of all the UK's Overseas Territories.

After questions the Commissioner BIOT, Colin Roberts, gave a talk:

He thanked CCT for the invitation and John Turner and Charles Sheppard for their inspiring presentation.

Two months as Commissioner made clear the challenge of protecting the extraordinary British Indian Ocean Territory (BIOT). To do this it was necessary to understand the past (and it was very difficult to understand some past decisions) and plot the future to move forward in a number of areas, particularly environmental protection.

First it was necessary to understand what people (not least the US) were doing in the territory about preservation. He praised the environmental record of the US forces stationed there. He noted that Diego Garcia itself was at risk through sea water levels rising and climate change etc and that the US authorities were becoming more receptive to the need to protect the environment in a wider sense.

He said that he was bringing forward as soon as possible arrangements for responsible visits by yachts to the archipelago to be improved. Moorings would be installed in the present restricted anchoring areas, all anchoring would be banned and the number of yachts with permission to visit would be reduced, as would the length of visits. Permit conditions would be tightened.

In the longer term he welcomed and needed the expertise and support of the CCT, the Chagos Environment Network and his Conservation Consultant, and any other scientific support, in order to map a way forward for the sustainable development and protection of the BIOT environment.

He personally found attractive the concept of a complete BIOT no take area managed to high environmental standards, but he acknowledged that it would not be easy to achieve this as there were constraints.

One such constraint was security; the UK as well as the US needed the facilities at Diego Garcia. It was most definitely a joint requirement. The treaty would be reviewed in 2016 when all aspects would be re-examined.

Another was resources. The need for fishery protection was well recognised. Protecting the fishery was difficult (the *Marlin* contract came up for renewal at the end of 2009) and BIOT was not alone among Overseas Territories in presenting challenges; Pitcairn, which was comparable, had no fishery protection, and that arranged for South Georgia and the South Sandwich Islands more than equalled the income from the fishery itself.

The Commissioner then drew attention to the need to raise public awareness of the area and welcomed particularly the production of the new brochure about the Chagos environment (with the help of Pew's Global Ocean Legacy).

During questions, when asked whether he would press for improvements by the US in protecting the environment he said he would not be waiting at all, and certainly not until 2016, to do this.

One questioner asked if there any correlation made between the aid the UK gave to Sri Lanka and efforts made by the Sri Lanka government to restrain their poaching fishermen.

When asked about the lack of "joined-up government" to protect the environment of the Overseas Territories, and BIOT in particular, he agreed that it should be ten times better. The introduction of DECC (Department of Energy and Climate Change) may bring about improvements, but meanwhile would drain resources away from FCO, Defra, DIFID etc.

The Chairman then thanked the Commissioner for his fresh and encouraging approach and invited those present to a reception and further discussion in the Rutland Room.

*Simon Hughes*

**Simon E Hughes**

*Secretary*

27 November 2008

29 Champion Hill, London SE5 8AL

Email: [simonhughes@hughes-mccormack.co.uk](mailto:simonhughes@hughes-mccormack.co.uk)

Tel: 020 7738 7712

*Distribution:*

Those present with email addresses. These minutes will also be posted on the web site in due course.



## CHAGOS CONSERVATION TRUST

Minutes of CCT AGM 18 November 2008 - Annex B

### CHAIRMAN'S REPORT 2008



The Chairman's Annual Report last year referred to the uncertainties and delays in implementing measures for practical conservation in BIOT. Since then the hesitance in policy-making seems to have continued, both in strategic definition and implementation. An example is the further delay in implementing the agreed Ramsar extension designations. There has also been increasing uncertainty about the responsibility of Government Departments for BIOT environmental policy and finance, notably between the FCO and Defra. This problem affects the Overseas Territories generally. A further, clearly important, factor in administrative delay has been the judicial process in regard to the Chagossian people.

However, though there may have been less action by BIOT on Chagos conservation, there has been much consideration about it. In this International Year of the Reef, the value of the Chagos Archipelago and its coral reefs has been well understood at the various relevant international meetings. Our experience is that the UN, IUCN, Ramsar Secretariat and others do not need convincing about BIOT's environmental importance. And in the UK, CCT's successful conference at the Zoological Society of London of October 2007 provided a good basis for practical proposals.

### THE CHAGOS ENVIRONMENT NETWORK

A related, positive development in the past year has been the creation of the 'Chagos Environment Network' (CEN), formed at a meeting in the Linnean Society on 22 April 2008. Its current members are Chagos Conservation Trust, the Linnean Society, Pew Environmental Group, Royal Society for the Protection of Birds (RSPB), The Royal Society, Zoological Society of London and Professor Charles Sheppard in his capacity as organiser and lead scientist for the BIOT scientific expeditions. We are very grateful to the Linnean Society, and to Professor Gren Lucas in particular, for facilitating the CEN's formation. The network stands to help member organisations, with the same general environmental approach to the Chagos, to coordinate their different contributions. Membership of the network is open to other interested and relevant parties.

The existing Government commitments to BIOT environmental protection remain extremely important; and CCT has a good track record of regularly reminding itself, as well as the Government and BIOT Administration, of those commitments. These include the eventual extension of Ramsar coverage to the whole of the Chagos; the Environmental Zone covering the entire marine area; and the undertaking to administer BIOT with no less regard for natural heritage considerations than areas actually nominated as World Heritage sites. There are also commitments on practical conservation and science, such as the reporting to CCT of fishery statistics and the provisions of the Administration's Conservation Management Plan.

### A CONSERVATION POLICY FRAMEWORK

The current top priority for CCT and CEN is the establishment of an integrated, durable framework for BIOT conservation and science, with as much international support as possible. This is seen as essential in view of the severe environmental challenges, the need for planning and consistency, the changes of government and of responsible officials, and even a hypothetical change of sovereignty.

So what in practice do CCT and CEN propose for such a framework? Ideas are set out in our paper entitled 'BIOT/CHAGOS Conservation Framework (Discussion Paper)'. The

Discussion Paper is on the CCT website ([www.chagos-trust.org](http://www.chagos-trust.org)) and is subject to 'continuous improvement'. An updated version of the policy framework will be posted soon, incorporating a substantial contribution from Dr Geoff Hilton and the Royal Society for the Protection of Birds.

The general concept is that the British Government, with the support of other organisations, should create a long-term conservation framework and reserve area for the British Indian Ocean Territory. This Chagos Conservation area organization, drawing on best practice in other sites, would aim to:

- protect nature, including fish stocks (benefiting neighbouring countries);
- benefit science, and support action against damaging climate change;
- be compatible with security;
- provide good employment opportunities including for Chagossians as appropriate.

#### **THE GOVERNMENT AND BIOT ADMINISTRATION**

BIOT is administered directly by the UK Government and its BIOT Administration (in the FCO). The team in charge has changed almost completely in the past few months. The new Minister, under the Foreign Secretary, is Gillian Merron MP. The Commissioner, BIOT is Colin Roberts. In Defra the Minister covering biodiversity, under Secretary of State Hilary Benn, is Huw Irranca-Davies MP, also brand new in the job.

We hope that the new teams will be open to consideration of more serious and ambitious policies for the management and conservation of the very large marine and island areas covered by the UK Overseas Territories. First indications are encouraging. In the FCO, CCT was told that the timing was good for a discussion of ideas on environmental protection. The FCO intended to take stock of the environmental assets of the UK Overseas Territories in the context of global environmental concerns. We hope that Defra too will make a contribution.

Meanwhile it is also a good sign that the BIOT Administration is going ahead with the long-planned fixed moorings for visiting yachts (in place of anchoring which does great damage to coral). CCT has offered some practical assistance.

#### **RAISING AWARENESS OF THE IMPORTANCE OF THE CHAGOS**

It is evident that very few people, not least those with an influence on policy, are aware of the greatness of the ecological asset that the archipelago has become. The past half century has seen the destruction or degradation of most other coral island ecologies around the world and this has made the Chagos even more exceptional.

CCT was established to promote conservation, scientific and historic research and 'to advance education concerning the Chagos Archipelago.' Any of us who can are encouraged to help with advancing education about the importance of this precious natural British asset. Please let us know of ideas you have, for example for arranging articles, talks or other educational activities on the subject of the Chagos Archipelago. CCT can provide (free for members) a PowerPoint™ presentation. We may also be able to arrange for a CCT member to give a talk or to write an article.

#### **CCT/CEN NEW BROCHURE: 'The Chagos: its Nature and the Future'**

The fine new brochure: 'The Chagos: its Nature and the Future,' made possible by generous support from Pew Environment Group, will be the centrepiece for awareness promotion in the coming months. Please help by getting copies (free from CCT) into the hands of others who might be interested. It's suitable for all ages!

## PARLIAMENT

The Trust twice responded to invitations to submit evidence to the House of Commons Inquiry into the governance of the UK Overseas Territories, in which BIOT figured rather prominently. Both our initial evidence and our further evidence, submitted at the invitation of the Committee, are printed in full in the report (dated 18 June 2008). The following is an extract from the Committee's Report on BIOT:

### 'Environmental considerations

The Great Chagos bank is one of the world's largest atolls. It has "the most pristine tropical marine environment surviving on the planet" and is "Britain's greatest area of marine biodiversity". The Chagos Conservation Trust, a Trust dedicated to the conservation of the Chagos Archipelago's environment, argued that the issue of human resettlement needed to take full account of the environmental implications. While it expressed sympathy for the Chagossians, it argued: [...] even as the legal arguments continue it is not too soon for the British Government and other concerned bodies to begin to draw up a long-term framework for sustaining the environmental integrity of the Chagos Archipelago..'

## CHAGOSSIANS

CCT maintains contact with Chagossians and greatly welcomes their expressions of commitment to the conservation of the Chagos. Some proposals put forward on their behalf were not compatible with the existing conservation undertakings, as was explained in the 'Evaluation' with which CCT associated itself. The proposals for a Chagos conservation framework which are emerging could provide some good employment related to science and conservation.

## SCIENTIFIC MONITORING AND RESEARCH

The 2006 Scientific monitoring expedition was carried out very effectively with excellent official support, including the essential role of the BIOT support vessel. This present mechanism of expedition-type research visits has served well enough in the past but much new science requires equipment which cannot simply be flown out on a temporary basis but needs a non-humid, fixed location. Some equipment can be moved, but only at great expense and inconvenience. There is now a need for a modest scientific facility which will remain on one or more of the BIOT islands for authorised scientific work.

At least three marine science priorities have been identified. These are:

- continued monitoring of the recovery taking place in Chagos, with a view to feeding this back into good management;
- research into the 'connectedness' of Chagos' biota, namely its place in the Indian Ocean and its role in acting as a stepping stone between islands and mainland coasts, and a source area for larvae for all those highly over exploited parts of the Ocean
- research into issues of erosion and climate change, including warming and sea level rise.

Of these, the first continues on an ad-hoc basis. For the second, substantial progress has been made: in this, the technique used is genetic, and information is available (or soon will be available) for several species of invertebrates, two species of seabirds, two turtles, coconut crabs and two dozen species of reef fishes. For the third priority - issues of climate change, sea level rise and erosion - plans are currently being developed. Several key scientists have been identified who can shed substantial light on these issues, and who we hope will participate in forthcoming studies. Chagos is

unusual here (as it is in so many ways) in that geochemical techniques amongst others have been shown to be particularly useful, and can be used for wider Indian Ocean benefit.

#### **TRANSATLANTIC COOPERATION AND CCT US**

CCT considers that a greater US contribution to environmental conservation within BIOT should be encouraged, in the co-operative spirit of the existing bilateral agreements.

We are pleased that the past year saw the birth of the new, still small, CCT US Chapter. Sam Purkis, Associate Professor at the Coral Reef Institute and the Acting Chairman of CCT US, reports as follows:

'The Chagos Conservation Trust in the United States (CCT US) was born in early 2008. The organization aims to extend the goals of CCT in the United States, by promoting conservation, science, education and historical research in relation to the Chagos Archipelago. The inception of CCT US coincided with the International Year of the Reef, for which Ft. Lauderdale hosted the keystone event, the 11<sup>th</sup> International Coral Reef Symposium, attended by more than 3,000 participants from 114 countries. An exhibition booth for the CCT was present at the five day symposium. From here, Chagos brochures were distributed to many of the conference participants, six copies of the Peak of Limuria were sold, and seven new members were recruited to CCT. In total, nearly \$400 was raised for the trust. The booth also provided a means with which to advertise the recently launched CCT US, which enjoyed particular attention since 2008 marked thirty years since the symposium was last held in North America. Many of the new members recruited to the trust were US-based.

To further widen the base of support for Chagos conservation across the Atlantic, in June the CCT-US mailed an introductory letter to all American members of the Trust. The mailing solicited feedback and encouraged participation from US-based members, while outlining the short-term goals of the US chapter. Not least, this included an update of our push to register the CCT-US as a 501(c)(3) not-for-profit organization at the state level. Attaining this charitable status remains our focus and we look forward to reporting to the CCT in 2009 that the process is complete.'

Sam Purkis (Acting Chair), Carol Garner (Acting Secretary), and Steve Snell (Acting Vice Chair)'

#### **MARINE CONSERVATION AND FISHERIES**

Fisheries conservation and management in BIOT waters was a major subject debated at the CCT conference in October last year by an impressive panel. It included Professor Callum Roberts, Dr Mark Spalding, and from the Marine Resources Assessment Group MRAG (who manage the fishery on behalf of the BIOT Government) MRAG's Managing Director, Dr Ian Payne and John Pearce. We were grateful for the presence of all of these people. Discussion raised key questions relating to the overall policy on fisheries management and conservation policy in the half million square kilometres of ocean, as well as that of the sources and size of funding required for implementation. It was argued that large scale no-take zones should be created. In Professor Roberts' words: 'The Chagos archipelago represents a magnificent, 'iconic,' conservation opportunity that could be of lasting benefit to humanity'

## PEW ENVIRONMENT GROUP

The strong interest of the Pew Environment Group in Chagos marine conservation is encouraging and important. Their essential concern is for the creation of large-scale marine protected areas, on which they have already had striking success. Jay Nelson, Director, Global Ocean Legacy kindly sent the Trust this message for our AGM:

*Dear Chagos Conservation Trust Members and Guests,*

*I regret that neither Heather nor I are able to join you for the Annual General Membership meeting of the Chagos Conservation Trust (CCT). Thank you so much for your invitation. Even though we are many time zones away, we are with you in spirit and look forward to hearing a report on your discussions.*

*As you know, Global Ocean Legacy was established by the Pew Environment Group for the singular purpose of seeking the designation and protection of a handful of large no-take marine reserves around the globe. With less than 0.01 percent of the world's oceans fully protected, humanity has woefully neglected its responsibility to cherish and care for our living marine resources. I fear unless we do much better, future generations will not look kindly on our ocean stewardship.*

*Today, precious few places on the globe remain unspoiled. The Chagos Archipelago and its surrounding waters is one such place and we pledge to do our part to help it remain that way.*

*We applaud the leadership of the CCT in working for many years to secure protection for the Chagos Archipelago. As a demonstration of our commitment, Global Ocean Legacy is looking to be represented in the UK, focused exclusively on Chagos marine conservation. We hope to be able to find someone to lead that effort in the first half of 2009.*

*We wish you the best in your meeting and look forward to working closely with CCT, the Chagos Conservation Network, the UK government and others interested in the welfare and future of this global biological gem.*

## CHAGOS HABITAT RESTORATION AND MANAGEMENT

Terrestrial issues of rat eradication and restoration of natural vegetation are also being explored. Scientific monitoring should pay particular attention to 'sentinel' species including seabirds, turtles, corals, reef fish, sharks, native plants. In the Indian Ocean most of these are on the decline. Sea-birds are subject to numerous threats and some are at a small fraction of historic levels. The Chagos is a vital refuge and breeding ground for them. Yet, even in the relatively 'pristine' Chagos, biodiversity suffers from invasive species and the effects of past habitat destruction. The islands which were previously inhabited are to a large extent infested by rats (*Rattus rattus*, the black rat) which came in on ships. They have a seriously detrimental impact on biodiversity, particularly birds and turtles whose eggs they eat. Moreover much of the islands' native hardwoods were cut down and lost to coconut plantations and invasive plant species, such as Dodder have also been introduced

The Trust is in the early stages of drawing up proposals for a strategy on 'Chagos Habitat Restoration and Management: The Way Ahead'. We envisage this as a collective effort of leading experts and based on existing scientific knowledge drawn from the 1996 and 2006 Expeditions, the 2006 operation on Eagle Island and other sources. Dr Chris Hillman has already made a valuable contribution and others have offered to support.

## **PUBLICATIONS AND CCT MEMBERSHIP**

Work is in hand on further website upgrading and new publications (including 'factsheets' and a postcard with mini CD of factsheets with many new Chagos pictures. A new conservation advisory leaflet is being handed out to all arrivals on Diego Garcia. CCT operates on a very tight budget. We are very grateful to Cable and Wireless for making our other publications available for sale there. Our new Membership Secretary, Michelle Taylor, and our new Editor of Chagos News, Anne Sheppard, will be working with Simon Hughes (Secretary of the Society) to ensure that membership is both rewarding and increasing. We are also keen to see the growth of the new-style Friends of the Chagos who we hope will become a significant source of inspiration and support for the conservation of the Chagos in the future.

**William Marsden CMG**  
*Chairman*  
Chagos Conservation Trust  
18 November 2008

**CHAGOS CONSERVATION TRUST ACCOUNTS**

1 September 2007 to 31 August 2008

**Assets and liabilities**

		£ Sterling		\$ £	JS
		2007-08	2006-07	2007-08	2006-07
<b>Cash assets</b>					
Bank accounts	@ 31.8.08	7,111.23	8,031.10	15,916.72	12,297.41
Petty cash held by Treasurer	@ 31.8.08	28.73	28.73	300.00	-
Cheques to be credited	@ 31.8.08	-	-	-	-
Stocks of publications (PoL) (1826@£3)	@ 31.8.08	4,878.00	5,022.00	-	-
<b>Total assets</b>		<b>£12,017.96</b>	<b>£13,081.83</b>	<b>\$16,216.72</b>	<b>\$12,297.41</b>
<b>Liabilities</b>					
Prepaid subscriptions (Note 1)	2008 Current year	430.00	570.00	180.00	180.00
	2009 Year +1	320.00	470.00	180.00	220.00
	2010 Year +2	110.00	330.00	100.00	187.00
	2011 Year +3	70.00	110.00	40.00	100.00
	2012 Year +4	10.00	70.00	-	40.00
	2013 Year +5	-	10.00	-	0.00
	<b>Total subs</b>	<b>940.00</b>	<b>1,560.00</b>	<b>500.00</b>	<b>727.00</b>
Restricted funds - Expedition		1,000.00	-	-	-
<b>Total liabilities</b>		<b>£1,940.00</b>	<b>£1,560.00</b>	<b>\$500.00</b>	<b>\$727.00</b>
<b>Net current cash assets</b>		<b>£10,077.96</b>	<b>£11,521.83</b>	<b>\$15,716.72</b>	<b>\$11,570.41</b>
<b>Total assets in £ Sterling:</b>		<b>£18,718.27</b>	<b>£17,259.70</b>		
	(Note 2)				

		£ Sterling		\$ £	JS
		2007-08	2006-07	2007-08	2006-07
<b>Receipts and Payments</b>					
<b>Receipts</b>					
Subscriptions paid in year (Note 3)		868.00	790.00	340.00	160.00
Sales of publications		295.00	599.24	2,527.00	87.00
Gift Aid refund		643.12	192.04	-	-
FCO Refund for leaflets		700.00	-	-	-
Donations		95.90	68.50	48.00	10.00
Friends' donations		1,550.00	-	-	-
<b>Total receipts</b>		<b>£4,152.02</b>	<b>£1,649.78</b>	<b>\$2,915.00</b>	<b>\$257.00</b>
<b>Payments</b>					
Conference		1,148.99	-	-	-
AGM		689.42	832.96	-	-
Printing - Chagos News		1,785.80	713.70	-	-
Website expansion and hosting		1,328.91	-	-	-
Travel expenses		60.00	139.89	-	-
CD Royalties		93.50	108.60	-	-
Postage & stationery		368.53	316.18	-	-
<b>Total payments</b>		<b>£5,475.15</b>	<b>£2,111.33</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Notes:**

- At 31.8.08 subscriptions paid for 2008 totalled 73 x £10, 18 x £6 and 12 x £20 (£1078), 10 x \$20 and 2 x \$40 (\$20). Of this, £540 and \$180 had been pre-paid in earlier years. For future years, see the subscription tables.
- The 'Total assets in £ Sterling' figures are calculated at exchange rates at 1 Sep 07 of \$2.0165 : £1, and at 1 Sep 08 of \$1.819 : £1. The exchange rate has moved in the Trust's favour over the year.
- At 31.8.08 there were 127 live UK members and 19 US members. 2007 figures were 107 (UK) and 16 (US).

## **ANNEX 92**

The Legal Position of Mauritius', Ian Brownlie CBE QC, undated (registered January 2009)



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## THE LEGAL POSITION OF MAURITIUS

IAN BROWNLIE, CBE, QC

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Mauritius is fully aware of the significance of the opening of a dialogue between the two Governments and looks forward to achieving results involving mutual benefits.

In order to have a constructive dialogue it is necessary for the U.K. side to understand the legal framework within which the position of Mauritius is to be assessed.

It is the position of Mauritius that her enjoyment of sovereignty in respect of the Chagos Archipelago has been deferred as a result of the policy of the UK Government and this without any legal justification.

In order to effect a restoration of legality in face of the status quo created in 1968 Mauritius considers that the following principles are applicable:

- (a) recognition of the sovereignty of Mauritius in respect of the Chagos Archipelago;

- (b) the restoration of the legal authority of Mauritius, involving political and administrative control, management of natural resources, and protection of the environment;
- (c) freedom of access for citizens of Mauritius and the resettlement of individuals displaced in disregard of recognised standards of human rights;
- (d) the recognition on the part of Mauritius of considerations of security in respect of Diego Garcia and adjacent maritime areas; and
- (e) the payment of compensation as a necessary part of the restoration of legality including recompense for unjust eviction.

These principles are rooted in public international law and the consequences of applying the principles would include the payment of compensation as a part of the restoration of legality.

This represents the summary of the position in international law.

The foundations for this position are two-fold. First, the unit of self-determination relevant to the process of decolonisation was the Territory of Mauritius and its dependencies, which included the Chagos Archipelago.

In the opinion of the Government of Mauritius the excision of the Chagos islands prior to independence was an act incompatible with the principles of the U.N. Charter and also with general international law.

The key General Assembly resolution was Resolution 2066 (XX), of 16 December 1965.

The text of Resolution 2066 is very significant and it stands out as an affirmation of the Territory of Mauritius as a single unit of self-determination:

The General Assembly,

Having considered the question of Mauritius and other islands composing the Territory of Mauritius.

Having examined the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Regretting that the administering Power has not fully implemented Resolution 1514 (XV) with regard to that Territory,

Noting with deep concern that any step taken by the administering Power to detach certain islands from the Territory of Mauritius for the purpose of establishing a military base would be in contravention of the Declaration, and in particular of paragraph 6 thereof,

1. *Approves* the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Mauritius and endorses the conclusions and recommendations of the Special Committee contained therein;
2. *Reaffirms* the inalienable right of the people of the Territory of Mauritius to freedom and independence in accordance with General Assembly Resolution 1514 (XV);
3. *Invites* the Government of the United Kingdom of Great Britain and Northern Ireland to take effective measures with a view to the immediate and full implementation of the Resolution 1514 (XV);
4. *Invites* the administering Power to take no action which would dismember the Territory of Mauritius and violates its territorial integrity;
5. *Further invites* the administering Power to report to the Special Committee and to the General Assembly on the implementation of the present resolution;
6. *Requests* the Special Committee to keep the questions of the Territory of Mauritius under review and to report thereon to the General Assembly at its twenty-first session'.

The terms and determinations of Resolution 2066 are reinforced by the content of Resolution 2232 (XXI) adopted on 20 December 1966, and also by the content of Resolution 2357 (XXII) adopted on 19 December 1967.

Both resolutions provide in the operative paragraphs as follows:

1. *Approves* the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to these Territories;
2. *Reaffirms* the inalienable right of the peoples of these Territories to self-determination and independence;
3. *Calls upon* the administering Powers to implement without delay the relevant resolutions of the General Assembly;
4. *Reiterates* its declaration that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of colonial Territories and the establishment of military bases and installations in these Territories is incompatible with the purposes and principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV).

[.....]

The majority of member states of the United Nations recognised the title of Mauritius to the Chagos Archipelago. Mauritius has received support from the OAU and the Non-Aligned Movement.

The 36<sup>th</sup> Ordinary Session of the OAU Assembly of Heads of State and Government held from 10 to 12 July 2000, adopted a decision AHG/Dec. 159 (XXXVI) wherein the delegations represented.

1. EXPRESS CONCERN that the Chagos Archipelago was unilaterally and illegally excised by the colonial power from Mauritius prior to its independence in violation of UN Resolution 1514;
2. NOTES WITH DISMAY that the bilateral talks between Mauritius and UK on this matter has not yet yielded any significant progress;

3. URGES that UK Government immediately enter into direct and constructive dialogue with Mauritius so as to enable the early return of the Chagos Archipelago to the sovereignty of Mauritius.'

The title of Mauritius has been recognised by the leading states of the region including India.

In conclusion, the continuing possession of the Chagos by the United Kingdom since the independence of Mauritius has no basis in law and has not been recognised by a large number of States, and, in particular, by States in the region.

This exposition on behalf of the Government provides a framework for talks and it is a framework which is not inherently opposed to the possibilities of agreements on a bilateral basis, relating to the exercise of sovereign rights on the part of Mauritius at least for certain purposes. I refer, for example, to resettlement, rehabilitation of the economy of certain islands, protection of the environment, fishing rights, and the resources of the continental shelf.

The Government of Mauritius fully appreciates the constructive features of the agenda proposed by the FCO. At the same time the U.K. delegation will understand that such agreements will be without prejudice to the issue of the title of Mauritius to the Chagos Archipelago.

Thus far I have focussed on the position within the context of international law and the Charter of the United Nations.

I now turn to an alternative legal framework, represented by the talks at Lancaster House in 1965, and the arrangements which resulted. These talks were exclusively devoted to the granting of Independence to Mauritius.

It must be clear that the consent to the excision of the Chagos is regarded by the Government of Mauritius as invalid for two reasons. First, the Mauritian leaders did not have constitutional authority to conclude an agreement on excision and, secondly, such an agreement was incompatible with the principles of the U.N. Charter relating to self-determination and the modalities of decolonisation.

But whatever the legal position, the Lancaster House talks do provide an alternative framework, which represents the position adopted by successive <sup>Governments</sup> ~~Governors~~ of the United Kingdom over a long period of time.

And this British position includes a series of inducements offered to the delegation of Mauritius at the Lancaster House talks. The existence of these promises is of obvious relevance for present purposes.

The records available contain a substantial quantity of evidence that the British side offered promises of reversionary rights to the Mauritian delegates. This is important because, even if the Mauritius delegation gave their consent to the proposals for excision of the Chagos Archipelago, such proposals were accepted on the basis of certain understandings.

The evidence of the promises of reversion includes the following episodes.

#### The Meeting in Lancaster House on 23 September 1965

The record available includes the following significant paragraph:

22. Summing up the discussion, the SECRETARY OF STATE asked whether he could inform his colleagues that Dr Ramgoolam, Mr Bissoondoyal and Mr Mohamed were prepared to agree to the

detachment of the Chagos Archipelago on the understanding that he would recommend to his colleagues the following:-

- (i) negotiations for a defence agreement between Britain and Mauritius;
- (ii) in the event of independence an understanding between the two governments that they would consult together in the event of a difficult internal security situation arising in Mauritius.
- (iii) compensation totalling up to £3m. should be paid to the Mauritius Government over and above direct compensation to landowners and the cost of resettling others affected in the Chagos Islands;
- (iv) the British Government would use their good offices with the United States Government in support of Mauritius' request for concession over sugar imports and the supply of wheat and other commodities;
- (v) that the British Government would do their best to persuade the American Government to use labour and materials from Mauritius for construction work in the islands;
- (vi) the British Government would use their good offices with the U.S. Government to ensure that the following facilities in the Chagos Archipelago would remain available to the Mauritius Government as far as practicable;
  - (a) Navigational and meteorological facilities;
  - (b) Fishing Rights;
  - (c) Use of Air Strip for emergency landing and for refuelling civil planes without disembarkation of passengers.
- (vii) that if the need for the facilities on the islands disappeared the islands should be returned to Mauritius;
- (viii) that the benefit of any minerals or oil discovered in or near the Chagos Archipelago should revert to the Mauritius Government.'

In this rehearsal of the terms and conditions points (vi), (vii), and (viii) stand out.

In particular, point (vii) makes express reference to the contingency of a general reversion.

The British Record of the Final Meeting in London on Defence Matters

The record of the meeting held on 23 September 1965 was transmitted to the Government of Mauritius under cover of Colonial Office Despatch No.423, dated 6 October 1965, the text of which was as follows:

'I have the honour to refer to the discussions which I held in London recently with a group of Mauritius Ministers led by the Premier on the subject of U.K./U.S. Defence Facilities in the Indian Ocean. I enclose a copy of the record prepared here of the final meeting on this matter with Mauritius Ministers. This record has already been agreed in London with Sir S. Ramgoolam, and by him with Mr Mohamed, as being an accurate record of what was decided.

2. I should be grateful for your early confirmation that the Mauritius Government is willing to agree that Britain should now take the necessary legal steps to detach the Chagos Archipelago from Mauritius on the conditions enumerated in (i)-(viii) in paragraph 22 of the enclosed record.

3. Points (i) and (ii) of paragraph 22 will be taken into account in preparation of a first draft of the Defence Agreement which is to be negotiated between the British and Mauritius Government before independence. The preparation of this draft will now be put in hand.

4. As regards point (iii), I am arranging for separate consultations to take place with the Mauritius Government with a view to working out agreed projects to which the £3 million compensation will be devoted. Your Ministers will recall that the possibility of land settlement schemes was touched on in our discussions.

5. As regards points (iv), (v) and (vi) the British Government will make appropriate representations to the American Government as soon as possible. You will be kept fully informed of the progress of these representations.

6. The Chagos Archipelago will remain under British sovereignty, and Her Majesty's Government have taken careful note of points (vii) and (viii).'

Paragraph 6 refers to points (vii) and (viii) of paragraph 22 of the British record of the meeting in Lancaster House on 23 September 1965.



Telegram No. 313 from the Secretary of State for the Colonies dated 19 November 1965

This Telegram has a significant place in the sequence of documents. The text is as follows:

'U.K./U.S. defence interests.

There is no objection to Ministers referring to points contained in paragraph 22 of enclosure to Secret despatch No. 423 of 6<sup>th</sup> October so long as qualifications contained in paragraph 5 and 6 of the despatch are borne in mind.

2. It may well be some time before we can give final answers regarding points (iv), (v) and (vi) of paragraph 22 and as you know we cannot be at all hopeful for concessions over sugar imports and it would therefore seem unwise for anything to be said locally which would raise expectations on this point.

3. As regards point (vii) the assurance can be given provided it is made clear that a decision about the need to retain the islands must rest entirely with the United Kingdom Government and that it would not (repeat not) be open to the Government of Mauritius to raise the matter, or press for the return of the islands on its own initiative.

4. As stated in paragraph 2 of my telegram No. 298 there is no intention of permitting prospecting for minerals and oils. The question of any benefits arising therefrom should not therefore arise unless and until the islands were no longer required for defence purposes and were returned to Mauritius.'

(Passed to Ministry of Defence for transmission to Mauritius)

In this context it is necessary to accept the link between the British proposals of 1965 and the subsequent undertaking to cede the Chagos Archipelago. This link is expressly accepted by the British Government. Thus, in a reply in the House of Commons on 11 July 1980, the British Minister observed:

'I had a useful exchange of view on 7 July with the Prime Minister of Mauritius on political, economic and cultural matters. Diego Garcia was one of the subjects discussed. When the Mauritius Council of Ministers agreed in 1965 to the detachment of the Chagos Islands to form part of British Indian Ocean Territory, it was announced that these would be available for the construction of defence facilities and that, in the event of the islands no longer being required for defence purposes, they should revert to Mauritius. This remains the policy of Her Majesty's Government.'

Of course, a policy of reversion would do no more than restore to Mauritius the enjoyment of the rights of sovereignty which inhere in Mauritius, legally speaking, in any event. However, such undertakings do involve an indirect recognition by the United Kingdom of the legal interest of Mauritius in the Chagos Archipelago.

The conclusion to be drawn from the evidence relating to a reversion is that, even within the framework of the Lancaster House talks, promises were given which formed part of the inducements offered to the Mauritian leaders seeking independence. It is thus entirely fitting if the present talks were to involve offers from the U.K. side which reflect the content of the promises which appear in the record of the 1965 talks.

In closing, the Government of Mauritius wishes to emphasise that the legal framework adhered to is by no means incompatible with the conclusion of agreements relating to access to natural resources, the modalities of resettlement, and defence requirements, which would be without prejudice to the sovereignty of Mauritius and the conflicting claim of the United Kingdom.

## **ANNEX 93**

Joint communiqué of meeting of 14 January 2009

Registered on F35.

(Pw) BICT: Relations with  
Mauritius.

19/1/09

## Communique

Delegations of the British and Mauritian Governments met in London on Wednesday 14 January 2009. The British delegation was led by Mr Colin Roberts, Director of the Overseas Territories Directorate at the Foreign and Commonwealth Office and also Commissioner for the British Indian Ocean Territory. The Mauritian delegation was led by Mr S C Seeballuck, Secretary to the Cabinet and Head of the Civil Service. The purpose of the meeting was to establish a dialogue between the UK and Mauritius on the British Indian Ocean Territory/Chagos Archipelago.

The delegations discussed the latest legal and policy developments relating to the British Indian Ocean Territory/Chagos Archipelago. The Mauritian delegation set out the view of Mauritius on sovereignty. The British delegation set out the view of the UK on sovereignty and set out how the United Kingdom had to bear in mind its treaty obligations with the United States of America. There was also mutual discussion of fishing rights, environmental concerns, the continental shelf, future visits to the Territory by the Chagossians and respective policies towards resettlement. The two delegations agreed the need to maintain a dialogue on a range of issues relating to the Territory and to meet again at a date to be agreed.

Both Governments agreed that:

nothing in the conduct or content of the present meeting shall be interpreted as:

- (a) A change in the position of the United Kingdom with regard to sovereignty over the British Indian Ocean Territory/Chagos Archipelago;
- (b) A change in the position of Mauritius with regard to sovereignty over the British Indian Ocean Territory/Chagos Archipelago;
- (c) Recognition of or support for the position of the United Kingdom or Mauritius with regard to sovereignty over the British Indian Ocean Territory/Chagos Archipelago.
- (d) No act or activity carried out by the United Kingdom, Mauritius or third parties as a consequence and in implementation of anything agreed to in the present meeting or in any similar subsequent meetings shall constitute a basis for affirming, supporting, or denying the position of the United Kingdom or Mauritius regarding sovereignty of the British Indian Ocean Territory/Chagos Archipelago.

16 January 2009

## **ANNEX 94**

Record of the meeting of 14 January 2009 prepared by the Overseas Territories Directorate  
dated 15 January 2009

Registered on F39.

(Pw) BIOT Relations with Mauritius

BRITISH INDIAN OCEAN TERRITORY: UK/MAURITIUS TALKS, WEDNESDAY 14 JANUARY 2009

1. Introductory Statements

The UK delegation made the following points:

- The UK valued the friendly relations with Mauritius and the importance of that relationship.
- The British position, as had been made clear to Prime Minister Ramgoolam, was that the UK was not prepared to negotiate on the issue of sovereignty. The UK had no doubts about its sovereignty over the British Indian Ocean Territory which was ceded to Britain in 1814 and had been a British dependency every since. As we had reiterated on many occasions, we have undertaken to cede the Territory to Mauritius when it is no longer needed for defence purposes.
- The UK was ready to explore whether there were areas regarding BIOT where both sides saw merit in discussion without prejudice to our respective positions on sovereignty.
- There were three things which needed to be borne in mind during the talks: (i) the international security environment which was challenging and uncertain and was unlikely to change in the foreseeable future. (ii) the regional and possibly global environmental significance (especially the marine and coral assets) of BIOT had grown considerably as had its fragility; and (iii) the Chagossian movement had political traction in the UK which was a factor that needed to be dealt with.

The Mauritian delegation echoed the comments on the valued relationship between the UK and Mauritius. Mauritius welcomed this first opportunity which marked a new chapter in Mauritian and UK relations and hoped that the talks would be constructive and a way ahead could be found on the Chagos Archipelago.

2. Legal position of Mauritius

A paper prepared by Ian Brownlie QC was delivered (attached).

Mauritius enjoyment of sovereignty in respect of the Chagos Archipelago had been deferred as a result of the policy of the UK Government and this without any legal justification. In order to effect a restoration of legality the following was necessary:

- (a) Recognition of the sovereignty of Mauritius in respect of the Chagos Archipelago
- (b) The restoration of the legal authority of Mauritius, involving political and administrative control management of natural resources, and protection of the environment
- (c) Freedom of access for citizens of Mauritius and the resettlement of individuals displaced in disregard of recognised standards of human rights

[REDACTED]

- (d) The recognition on the part of Mauritius of considerations of security in respect of Diego Garcia and adjacent maritime areas; and
- (e) Payment of compensation as a necessary part of the restoration of legality including recompense for unjust eviction.

The Mauritius Government believed that the legal framework adhered to was not incompatible with agreements relating to access to natural resources, resettlement and defence requirements and would be without prejudice to the sovereignty of Mauritius and the conflicting claim of the UK.

Both delegations agreed that whatever passed at the meeting would be without prejudice to the UK and Mauritius respective positions on sovereignty. The UK delegation suggested that a joint communiqué might be issued at the end of the meeting.

Mr Neewoor, Secretary for Foreign Affairs re-stated the importance the Mauritians attached to excellent relations. The main aim of Mauritius was to seek the end of the "lease" over BIOT between the US and the UK and thus bring the reversion of the Chagos Archipelago under the sovereignty of Mauritius. All the issues on the agenda derived from the sovereignty issue. Both delegations could agree that this is the beginning of a process leading ultimately to discussion of sovereignty issue if not today then later. The UK had promised that the Territory would be ceded to Mauritius when no longer needed for defence purposes. But there was no definition as to when the Territory would no longer be needed. The situation could be indefinite and that was not justifiable. While these exploratory talks were just the beginning of a process, Mauritius expected the process to have an end-date and that should be before 2014 so that Mauritius' expectations that the Chagos Archipelago would revert to Mauritian sovereignty when the UK/US "lease" ended in 2016.

In response, the UK reiterated that we were ready to talk about issues in relation to BIOT but the UK delegation did not have a mandate to discuss the substance of sovereignty issues other than the questions related to our undertaking to cede the Territory to Mauritius when no longer needed for defence purposes. We could not accept that the process of talks would inevitably lead to substantive discussion of UK and Mauritius respective sovereignty claims.

### 3. UK/US defence needs to 2016 and beyond

[REDACTED]

(i) [REDACTED]

(ii) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. Possible Treaty formalising the UK undertaking to cede the Territory when no longer needed for defence purposes

The UK delegation reiterated its sovereignty position, suggested formalising this in a Treaty while pointing out that this would not be easy for us to achieve. We were still facing legal and political challenges which the Mauritians should be aware of. We gave a brief run-down of the litigation brought by the Chagossians to date and pointed out that Bancoult had lodged an application with the ECHR reactivating an older claim for compensation together with the issue of resettlement of the Chagossians. The possibility was that Strasbourg could make a decision which included the possibility of resettlement of the Chagossians in the outer islands. This could impact on the UK's ability to meet its commitments to Mauritius.

We were also still facing intense political pressure. The pro-Chagossian lobby in Parliament's reaction to the Law Lords judgment had been strong. An APPG had been launched which included Labour backbenchers. In addition, there was FAC interest. At the time, there had been substantial media coverage. This was the environment in which our Ministers had to work and they had taken a great deal of flack but had remained steadfast. There was now another legal challenge which could result in resettlement – the Mauritians would be aware that Bancoult had said to the FAC that it was in his interests to keep the islands British.

The Mauritians would also be aware that the FAC had recommended that any discussions between the UK and Mauritius over the future of BIOT on sovereignty should include the Chagossians. We wanted to reassure the Mauritians that we had made it clear that any discussions about the Territory would be between sovereign states concerned i.e., the UK and Mauritius. While the views of other interested parties are welcomed, a balance needs to be struck, and it is the views of the sovereign states concerned that will be paramount in any discussions. NB: this is one thing that both delegations agreed on!

In response to the proposed Treaty, the Mauritian delegation said that this was not necessary. They had our government's undertakings already. In any case, an open-ended Treaty would not serve any purpose. The Treaty would need to include a definite time when the Chagos Archipelago would be ceded.

5. Resettlement of the Chagos Archipelago

[REDACTED]



[REDACTED]

This agenda item was proposed by the Mauritians. The Mauritians had experience of managing outer islands and believed that Chagossians could be resettled on the outer islands without an impact on the base on Diego Garcia. They were comfortable over sustainability and pointed to the report produced by the Chagossians (Returning Home - Proposal for the Resettlement of the Chagos Islands) which stated that there were no environmental or economic reasons that stood in the way of resettlement of Peros Banhos and Salomon. We should consider the "segregation" of Diego Garcia and resettlement of the outer islands. It could and should be addressed by the two governments. The Mauritian delegation submitted that resettlement of the outer islands was not incompatible with continued use of Diego Garcia as a military base given the distance that separates Diego Garcia from the outer islands. The issue of resettlement should eventually be the subject of bilateral discussions between the UK and Mauritius.

The UK delegation could not agree. Defence security and feasibility of resettlement were at the heart of our legal challenge to resettlement. We were surprised to learn that the Mauritian's supported resettlement given that Chagossian settlement could lead to claims of self-determination which would complicate our existing agreement to cede the Territory to Mauritius. We also pointed out that the Exchange of Notes between the UK and US covered the whole of BIOT so "segregation" was not on the agenda and would need a new Exchange of Notes. We did not consider the Chagossian proposal for resettlement to be independent or feasible. It was a much less substantial study than our own.

The Mauritian delegation pointed out that it was difficult to see how we could pursue the agenda if the UK were sticking to the point that the US licence applied to the whole of BIOT. However, the UK explained that we had made it very clear to the Mauritian Prime Minister before these talks that there were very serious limitations to the areas we could go including not entering into substantive discussions about sovereignty.

## 6. Access to natural resources

### (1) Fishing Rights

*"The only part of the Indian Ocean where the fish die of old age" - Mauritius delegation.*

The UK pointed out that although BIOT was a rich fishery, it was not a profitable one. Revenue from licences was lower than expenditure on administration and modest level of fishing protection. It was only made financially viable through a subsidy from HMG to BIOTA. The UK and Mauritius had a framework for discussing fisheries in the 1994 Agreement. It was not the UK's fault that this had lapsed. The UK was ready to look at returning to the 1994 Agreement. But we were talking about the grant of privileged access; nothing more. The UK was also looking at more ambitious approaches to managing the marine resource.

The Mauritians explained that their lack of interest in taking up fishing rights (free licences) & continuing with the British Mauritian Fisheries Commission was that they felt this impacted on their position on sovereignty. They were, however, prepared to have a fresh look to ensure that the resources of the Chagos Archipelago were exploited in an equitable and responsible manner. This could be the subject of further talks. It became apparent

[REDACTED]

[REDACTED]

during the rest of this discussion that the Mauritians were under the illusion that we were agreeing to share resources. The UK pointed out again that this was not the case. We were talking about privileged access only. We added, too, that the BMFC had been constructed under a bullet-proof sovereignty umbrella.

## (2) Continental Shelf

The UK opened up the possibility of co-operating with the Mauritians, under a sovereignty umbrella, on an extended continental shelf agreement (ie., a joint submission to the Commission on the Limits of the Continental Shelf). We had no interest ourselves in seabed mineral extraction. That would be for Mauritius when we have ceded BIOT. There would be no exploration or exploitation until then. It would require much expensive scientific and research work to collect and analyse data but it could be done if both sides agreed that a joint submission was appropriate.

The Mauritian delegation welcomed the UK statement about a joint submission but was concerned that the deadline was 30 May 2009 so much work would need to be done. They already had some basic data that could help. Mauritian agreement to a joint submission would, however, be conditional upon an equitable exploitation of resources whenever they may occur.

The UK delegation clarified that all that was needed by May was an outline submission. The UK delegation reiterated that the UK had no expectation of deriving commercial or economic benefit from anything discovered on the continental shelf. Our understanding was that this would flow to Mauritius once the territory had been ceded. This was one of the reasons why the UK had not invested resources in collecting data. What we were talking about was legal and political co-operation to secure the continental shelf on the premise that it is scientifically possible to do this.

The Mauritians questioned why the UK was insisting on its position on sovereignty but prepared to accept a joint submission to the Continental Shelf? We explained that the Mauritians should not see our position as a sign of weakness or obligation. We wanted to be helpful where we could within the limits set out on sovereignty and treaty obligations. Our offers were on specific subjects we thought would be useful.

### Comment

It appears that the fact that the UK was not going to share resources on fish or exploit the benefits of the continental shelf was lost on the Mauritian delegation who continued to talk about equitable exploitation from both. They also continued to link up the two issues. However, they did reiterate their willingness to a joint submission on the continental shelf.

## 7. Visits by Chagossians to the British Indian Ocean Territory

The UK delegation thanked the Mauritians for their support and co-operation over the 2006 humanitarian visit of 100 Chagossians to BIOT. Following Law Lords judgment on 22 October 2008, our Ministers were keen that we continue to arrange visits by Chagossians to BIOT. While this would probably mean small visits, we flagged up to the Mauritians the

[REDACTED]

[REDACTED]

possibility of a larger visit and hoped that the Mauritians would be able to co-operate once more.

The Mauritian delegation stated that they would like any future visit to Chagos to be organised in the same spirit as 2006 on a cost-sharing basis and under joint supervision in consultation with both sides. The UK delegation could not agree. Some visits were small scale and involved British citizens going to a British Territory. We would inform the Mauritians of such visits but joint supervision for such small visits was a non-starter.

#### 8. Conclusions

The UK delegation thanked the Mauritians for coming to the talks and for the constructive and open spirit they had brought. There were some very difficult issues for the Mauritius government and people in relation to BIOT. It was not surprising that we had not reached full agreement on all the issues. On the issue of sovereignty, we had our positions and we had a sovereignty umbrella for these talks. Our conclusion was that today's talks had revealed that there were issues worth discussing. Today's agenda would serve for future talks. We should meet again at some point. We proposed keeping the issue of a Treaty live but if the Mauritians didn't want to discuss it further so be it. On the question of the continental shelf, there were timing issues that needed to be clarified by the legal teams.

[REDACTED]

The Mauritians added that they had not expected to come out with a result on sovereignty but wanted to put their legal position to the UK. There were issues we could work on and hoped that at the next talks in Port Louis, progress could be made.

A communiqué was subsequently agreed (attached) with agreement to a further meeting in Port Louis at a date to be decided and on discussions on a joint continental shelf submission in the meantime.

#### Comment

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

Overseas Territories Directorate  
15 January 2009

[REDACTED]

## **ANNEX 95**

Letter from the Chagos Conservation Trust to Gillian Merron, MP, Minister of State, 12  
February 2009 and her response dated 5 March 2009

# CHAGOS CONSERVATION TRUST



Gillian Merron MP

12 February 2009

The British Indian Ocean Territory (Chagos Archipelago)

*Dear Minister,*

I am writing to provide some advance information about the proposals (of the Chagos Conservation Trust in association with The Chagos Environment Network (CEN) for a Chagos Archipelago Conservation Area in the British Indian Ocean Territory. The area is comparable in importance with the Galapagos or Great Barrier Reef. Our general approach is described in the enclosed advance copy (not yet ready for public distribution) of the booklet 'The Chagos Archipelago: Its Nature and the Future.' Also attached is a related paper on 'Science in Chagos.'

The Chagos Environment Network members are: Chagos Conservation Trust, The Linnean Society of London, Pew Environment Group, The Royal Society, The Royal Society for the Protection of Birds, and The Zoological Society of London.

The Chagos is the United Kingdom's greatest area of marine biodiversity by far and is probably the most pristine tropical marine environment on Earth. It has the world's largest coral atoll, its healthiest reefs and its cleanest seas. The area is a crucial refuge, staging post and breeding ground for marine life. The Chagos also provides a scientific benchmark for an environment without degradation; this is important for helping to deal with problems such as pollution, climate change and loss of biodiversity.

The proposal is that the British Government, with the support of other organisations, should create in BIOT one of the world's greatest natural conservation areas. Drawing on best practice in other sites, this would aim to: protect nature, including fish stocks (benefiting neighbouring countries); benefit science, and support action against damaging climate change; be compatible with security and financially sustainable; and provide some good employment opportunities for Chagossians and others. Many of the elements for the project have already been agreed by UK Governments, as is explained in the booklet. It is mainly a question of providing a more integrated and durable conservation framework for the future.

Our intention is to make an announcement about the proposals at a press briefing sometime in the coming weeks. There will also be a reception and short presentation in the Royal Society at 6 pm on Monday 9 March. It would be a great honour if you were able to attend, even if briefly. And I should be very pleased to call on you, perhaps with a CEN colleague, before or after the event.

For later on, the Chagos Environment Network suggests an informal meeting be arranged to discuss the ideas, perhaps in about June, with FCO, Defra and other interested organisations.

I am writing in similar terms to the Foreign Secretary.

*Yours sincerely,  
William Marsden*

William Marsden CMG

Chairman, Chagos Conservation Trust

Email: [chagostrust@hotmail.co.uk](mailto:chagostrust@hotmail.co.uk) Tel: 44 01798 812394

Executive Committee: Chairman William Marsden CMG, Treasurer Richard Martin, Secretary Simon Hughes, Chris Davies, Dr Geoff Hilton (RSPB), Rachel Jones (ZSL), David MacLennan, Paul Pearce-Kelly (ZSL), Dr Sam Purkis (Nova Southeastern University, Florida), Pete Raines MBE (Coral Cay Conservation), Professor Charles Sheppard FLS (Warwick University), Dr Mark Spalding (TNC), Michelle Taylor BSc, John Topp OBE (Founder), Dr John Turner (University of Wales), The Chagos Conservation Trust is a UK Registered Charity No. 1031561 Web site: [www.chagos-trust.org](http://www.chagos-trust.org) Email: [simonhughes@hughes-mccormack.co.uk](mailto:simonhughes@hughes-mccormack.co.uk)  
Registered Office 29 Champion Hill London SE5 8AL Tel: 020 7738 7712

William Marsden CMG  
Chairman, Conservation Trust  
29 Champion Hill  
London  
SE5 8AL

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Foreign &  
Commonwealth  
Office

London SW1A 2AH

From the Parliamentary Under Secretary of State

(PA) OTI 260/003/09  
Pew

g.b.c.g.

5 March 2009

Dear William,

Thank you for your letter of 12 February 2009 about the proposals for a Chagos Conservation Area in the British Indian Ocean Territory.

As you know, the Government welcomes and encourages recognition of the global importance of the British Indian Ocean Territory, and notes that the very high standards of preservation there have been made possible by the absence of human settlement in the bulk of the territory, and the environmental stewardship of the BIOT Administration and the US military. The Government has already signalled its desire to work with the international environmental and scientific community to develop further the preservation of the unique BIOT environment. However, we do need to look at the ideas presented by the Chagos Environmental Network in greater detail and my officials are in the process of doing this.

Thank you for the invitation to the launch of the proposals at the Royal Society on 9 March. A prior engagement means that I am unable to attend, but please feel free to contact my office with details of the proposals if you wish.

Yours Sincerely

GILLIAN MERRON

## **ANNEX 96**

Minutes of the 'Chagos Environment Network Meeting with Government' on 23 April 2009,  
prepared by Chagos Environment Network



## **Chagos Environment Network meeting with Government**

Held at the Foreign & Commonwealth Office  
King Charles Street, London SW1A 2AH  
on Thursday 23 April 2009 at 1130

### *Those present:*

**Colin Roberts (CR)**, Director Overseas Territories, Commissioner BIOT, FCO, Chairman.  
**Andrew Allen (AA)**, Head of Southern Oceans Team, Deputy Commissioner BIOT, FCO.  
**Paul Buckley (PB)**, International Officer, Royal Society for the Protection of Birds.  
**Alison Debney (AD)**, Marine & Freshwater Programme Manager, Zoological Society of London.  
**Rachel Garthwaite (RG)**, International Officer the Royal Society.  
**William Marsden (WM)**, Chairman Chagos Conservation Trust.  
**Jay Nelson (JN)**, Director Ocean Legacy, Pew Environmental Group.  
**Tara Pelembe (TP)**, Overseas Territories Officer, JNCC.  
**Sarah Sanders (SS)**, UK OT's Programme Manager, Royal Society for the Protection of Birds.  
**Professor Charles Sheppard (CS)**, Warwick University.  
**Ashley Smith (AS)**, Assistant Head Asia Pacific, International Policy and Planning, MOD.  
**Dr Ruth Temple (RT)**, Executive Secretary Linnean Society.  
**Zoe Townsley (ZT)**, Assistant Administrator BIOT, FCO.  
**Joanne Yeadon (JY)** Head of BIOT and Pitcairn Section, BIOT Administrator, FCO.  
**Simon Hughes (SH)**, Secretary Chagos Environment Network, Secretary.

### **Item 1. Introduction.**

Colin Roberts welcomed those present and said that it was an important meeting; input and support from all was needed to make progress. He asked the Chagos Environment Network (CEN) to outline its position.

WM said that CEN wanted the government to put in place a robust, internationally supported, framework for the long-term conservation of BIOT (the Chagos Archipelago). This might draw on the ideas for a Chagos conservation area or marine park set out in the booklet *The Chagos Archipelago; Its Nature and the Future* (launched recently by CCT at the Royal Society).

CR emphasised the need to articulate convincingly the benefits of the proposal (above all) and to consider factors affecting implementation, including finance, organisation and political issues.

### **Item 2. Marine protected area(s).**

JN pointed out that some 6-11% of the terrestrial world was environmentally protected in some way, but that only 0.08% of the oceans. If Chagos was protected it would form 16% of the protected ocean area and would be the largest protected area on the planet. It would be globally significant and the more valuable as it was relatively untouched. 90% of some of the world's main fish stocks had already been destroyed in past decades; large no-take zones in marine protection areas were needed for fish stock regeneration, as these had proved successful. The Indian Ocean has no such zones and this would be of importance to the whole ocean, especially the African littoral states.

*Benefit:* UK seen to be protecting biodiversity to the benefit of countries around the Indian Ocean and more widely.

*[A post meeting and more detailed calculation of areas contributed by JN is at Annex 1]*

CS said that the Chagos Conservation Management Plan of 2003 foresaw the provision of one third no-take zones, ie the protection of one third of important fishery areas. This proportion has proved successful, but has also proved to be the absolute minimum. Full protection is much more successful.

WM recalled that the CCT proposal of 2004 to extend the Ramsar area in Phase 1 to the 3 nautical mile zone round all the islands ('Chagos Islands Ramsar site') was agreed in principle by Ministers. A Phase 2 extension including the whole 200 mile zone ('Chagos Archipelago Ramsar site') was also on the table. The inclusion of high seas in a Ramsar site had been questioned for legal reasons, though the Ramsar Secretariat had cited precedents. The designation of a Ramsar site was relatively easy since designation was the responsibility of only the government.

In answer to a query, it was confirmed that the provision of one sort of protection, eg a Ramsar site, is not in conflict with any other sort of protection.

JN, on the basis of Pew's experience with the creation of other large marine protected areas, pointed out that however large or small the area concerned, there would be considerable political and other hassle for each zone, large or small, at every step; a gradual bit-by-bit approach would entail all this political grief repeated for each new small area. It had therefore proved much easier to take one large step and do it all at once.

It had also proved best to set out for a complete no-take zone leaving if needed a little fuzziness (for example, in the case of Chagos, for recreational fishing at Diego Garcia or Mauritian artisanal fishing).

CR said that it was important to get the steps right otherwise the whole idea could be blown out of the water before started.

It was suggested that it would be useful to gain International Maritime Organisation recognition. This organisation would not bar transit shipping, but, usefully, could request notice of any ship wishing to transit.

### **Item 3. BIOT islands ecological management.**

PB said that Chagos was the most important bird area in the Indian Ocean. A whole large area needs to be protected for the birds, as breeding birds use; for example, the tuna to lead them to their prey. Important Bird Areas are valuable but the whole region is needed to ensure that the birds survive.

*Benefit:* Bird and marine life regeneration. It is a valuable refuge for all marine and bird life which can replenish African and other coastal stocks.

CS noted that demand placed on marine resources was increasing exponentially and that there was a need to restore plundered reefs etc to their former health. One of very few places where this former health existed was in the Chagos, which was unexploited and had shown that it could recover well from climate change events, which had devastated reefs elsewhere in the Indian Ocean and indeed the world.

*Benefit:* an understanding of reef regeneration, for the benefit of the Ocean's marine management.

Preliminary results from research carried out on the genetic identity of groups of species in Chagos and on the African coasts indicated that the Chagos could be an essential stepping stone for species and thus replenishing those reefs. Further results were expected soon from several international universities.

CR queried whether there would be any developmental benefits in protecting Chagos for other regions of East Africa, for example would it contribute to food security?

Monitoring of the flagship species (turtles etc) needed to be accompanied by the monitoring of the 50,000 other species which support them. A total habitat approach is called for needing total habitat protection over a wide area.

*Benefit:* a huge protected area benefiting all species and protecting biodiversity.

In answer to a query as to whether it was possible to articulate the value of a large scale reserve, Charles pointed out that this had been done by insurers in connection with the compensation demanded for large scale pollution of marine areas. Although this could put a price on the area it could not fully measure the value in this case, which was unique, especially in the way Chagos could inform managers regarding the regeneration of the devastated African coral reefs.

*[A post-meeting comment on the subject by Professor Sheppard is at Annex 2]*

Chagos was seen as certain to qualify as a natural World Heritage site on scientific grounds and now that terrestrial 'cultural' sites were becoming over numerous UNESCO wished to redress the balance with more 'natural' sites.

### **Item 3. Science.**

WM said a prestigious scientific programme for BIOT would have major benefits both for science and for international support for conservation of the area.

RG confirmed that the Royal Society recognised the very high scientific and environmental values of the Chagos and supported the urgent need for a comprehensive programme of research. The Society also supported the need to increase the scientific and environmental profile of the region.

CS emphasised that the Chagos was scientifically very important because it was relatively untouched and provides us with a benchmark showing how the web of life functions in its natural state; and this is important in helping us to understand and deal with such problems as pollution, loss of biodiversity and climate change. The value is incalculable, as Chagos reefs give an invaluable base line. Almost nowhere else in the world is this the case. Continuous monitoring of the Chagos was necessary and many scientists from all over the world have clear and important reasons to carry out research in this unique and unpolluted area.

Due to an expedition in the 70s and several since, scientists know what is there in some detail, and more importantly how it was before climate change and how it has changed, been devastated and recovered over the years. What needs to be done further has been listed and prioritised and was published recently in *Chagos News*. [This list is at Annex 2 to these minutes]

*Benefit:* research will assist climate change studies.

RSPB, the Royal Society, the Zoological Society and the Linnaean Society were particularly supportive of the need to carry out this scientific work in the archipelago. The Zoological Society wanted to carry this through to general education of the public, as the UK had the 7<sup>th</sup> largest area of reefs and yet no-one has heard of the Chagos. The fact that people cannot go to the reefs and islands was not seen as a serious disadvantage as techniques have now been

developed for the reefs and islands to be brought to the people via web links etc, as planned for example, and developed for the BIOTA! Aquarium.

#### **Item 4. Organisation, Finance, Enforcement.**

##### *Organisation*

WM suggested that a study of best International practice in managing conservation parks be undertaken, taking into consideration such sites as those managed by Australia in the Pacific and Indian Oceans and also Aldabra in the Indian Ocean (an organisation in which The Royal Society had played an important role). Cousin Island managed by Nature Seychelles was also mentioned.

It was expected that the small organisation required to manage a conservation area would be under government control. It was suggested that there could be a framework, with a financial foundation, for involving, advising and supporting organisations.

JN said that the Pew Environment Group was ready to discuss with the UK Government financial issues for the establishment of the framework up to 2011.

It was suggested that a limited degree of vessel based visiting, especially specialist ecological and scientific visiting would be compatible with conservation, bearing in mind that 90% of Aldabra's administrative income was so generated.

It was also suggested that Chagossians who were interested should be included in the conservation education and awareness-raising efforts undertaken by some CEN members. The FCO confirmed that there was no bar to Chagossians living and working on Diego Garcia, which both the UK and US encouraged. At the same time it would be a mistake to raise unrealistic expectations. The model for an effective conservation policy framework should not involve new 'footprints' from installations, residents and exploitation. Visiting yachts are being looked at carefully in the same light.

A way of convincing Mauritians that their long term interests lay in conservation was clearly desirable. Mauritian commercial fishing and tourism interests were at present hardly compatible with conservation concepts.

Monitoring and enforcement are well understood issues and a study of future requirements and costs was needed. Pew can offer help here. As poachers could also represent a military threat, and as underwater detection devices are always improving, it should not be too difficult to encourage some military cooperation in this area. The Ministry of Defence would investigate further.

FCO was going through a stage of stakeholder review and had already consulted with the Natural Environment Research Council, British Geological Survey and the National Oceanographic Centre.

#### **Item 5. Arrangements for Further Discussion**

The division of responsibilities between different government departments (*FCO, Defra, Dfid*) for Overseas Territories Environmental matters was being actively considered, and a report had been issued by JNCC to recommend a solution. Defra was likely to take over the lead on biodiversity policy in respect of Overseas Territories.

CEN would be invited to a further meeting in June/July, before the recession of Parliament.

*Simon*

**Simon E Hughes**

*Secretary*

Chagos Environment Network

[secretary@chagos-trust.org](mailto:secretary@chagos-trust.org)

1 May 2009

*Distribution:*

Colin Roberts, Chairman ([colin.roberts@fco.gov.uk](mailto:colin.roberts@fco.gov.uk))  
Andrew Allen ([andrew.allen@fco.gov.uk](mailto:andrew.allen@fco.gov.uk))  
Paul Buckley ([paul.buckley@rspb.org.uk](mailto:paul.buckley@rspb.org.uk))  
Alison Debney ([alison.debney@zsl.org](mailto:alison.debney@zsl.org))  
Dr Rachel Garthwaite ([rachel.garthwaite@royalsociety.org](mailto:rachel.garthwaite@royalsociety.org))  
William Marsden ([chagostrust@hotmail.com](mailto:chagostrust@hotmail.com))  
Jay Nelson ([jnelson@pewtrusts.org](mailto:jnelson@pewtrusts.org))  
Tara Pelembe ([tara.pelembe@incc.goc.uk](mailto:tara.pelembe@incc.goc.uk))  
Professor Charles Sheppard ([charles.sheppard@warwick.ac.uk](mailto:charles.sheppard@warwick.ac.uk))  
Ashley Smith ([Ashley.smith188@mod.uk](mailto:Ashley.smith188@mod.uk))  
Ruth Temple ([ruth@linnean.org](mailto:ruth@linnean.org))  
Zoe Townsley ([zoe.townsley@fco.gov.uk](mailto:zoe.townsley@fco.gov.uk))  
Joanne Yeadon ([joanne.yeadon@fco.gov.uk](mailto:joanne.yeadon@fco.gov.uk))  
Simon Hughes, Secretary ([secretary@chagos-trust.org](mailto:secretary@chagos-trust.org))

**Annex 1.**

**Calculation of protected areas.**

**[Post meeting note from Jay Nelson]**

If the Chagos (544,000 sq km) were entirely designated as a no-take marine reserve it would constitute 15% of the world's total Marine Protected Areas (MPAs) and 64.4% of the no-take MPAs in the world.

If we wanted to be more dramatic, the area of the Chagos Environment Protection and Preservation Zone represents 18 percent of the area of existing global MPAs and 181% of the area of existing no-take MPAs.

The numbers can be calculated from the information below which is the latest from the IUCN.

544,000 sq km	Chagos Archipelago
300,000 sq km	Existing area of global no-take MPAs May 2009
3,040,000 sq km	Existing area of global MPAs, May 2009

The no-take MPA figures do not include the Papahānaūmokuākea Marine National Monument which will not become a no-take reserve until June 15, 2011 when the last of the minimal commercial fishing ceases.

## Annex 2.

### Note on Economic Value of a Conservation Area

#### [Post meeting note from Professor Charles Sheppard]

*Based simply on global averaged values from the Costanza team developed a decade ago, the crude answer is \$400 million per year.*

*This has too many caveats of course to mean much yet. It is based on just those 10% of BIOT's reefs which are easily accessible from land - 90% of BIOT consists of huge additional submerged banks as you know. This sum also excludes any tourism values, which increase this number in most places.*

*But the sum includes nothing for:*

- *shoreline protection values (not properly recognised until more recently);*
- *value attributable to the fact that BIOT is one of a vanishingly small number of near-pristine scientific reference sites left, with all the scientific and management benefits we touched on;*
- *nothing for the fact that it is only the existence of healthy corals etc. that enable whatever value the UK and USA places on having a presence there;*
- *nothing for any 'species stepping stone' values.*

*Valuations are being done for several countries now, and I have documents (e.g. from the World Resources Institute of the USA) explaining how this could be done much more accurately for any country. It would not be straightforward for BIOT given the above comments, but could probably be done in a crude way. (And simple-minded press love to misuse the numbers of course.)*

## Annex 3.

### Objectives for scientific work in Chagos.

Charles Sheppard<sup>1</sup>, Nick Graham<sup>2</sup>, Al Harris<sup>1</sup>, Chris Hillman, Geoff Hilton<sup>3</sup>, Rachel Jones<sup>4</sup>, Andrew Price<sup>1</sup>, Sam Purkis<sup>5</sup>, Pete Raines<sup>6</sup>, Bernhard Riegl<sup>5</sup>, Anne Sheppard<sup>1</sup>, Mark Spalding<sup>7</sup>, Jerker Tamelander<sup>8</sup>, John Topp<sup>9</sup>, John Turner<sup>10</sup>.

1 Warwick University UK, 2 James Cook University Australia, 3 RSPB UK, 4 Zoological Society London, UK, 5 National Coral Reef Institute USA, 6 Coral Cay Conservation UK, 7 The Nature Conservancy, 8 IUCN, 9 Chagos Conservation Trust, 10 Bangor University UK

The Chagos archipelago is widely known to be an exceptional system of coral reefs and islets. The Pew Foundation's Ocean Legacy Program has identified it as one of six globally most important marine wilderness areas. In a time of cataclysmic decline in coral reefs world-wide, with firm predictions of worse to come, it provides a rare example of a reference area for coral reef ecology and climate change related research.

Because the ability of tropical marine environments to support the millions of people that depend on them is threatened, and indeed has already failed in many places, there is a need for research into ways of understanding and then minimizing threats to reefs. Sites such as Chagos are extremely valuable in this regard.

The Chagos Conservation Management Plan was accepted by the BIOT Government in 2003. Parts of it have been implemented, based on previous research. Each element proposed below supports the objective of permitting continued and future adaptive management of the archipelago, and of maintaining and enhancing its worldwide value.

Three broad categories of research work have been undertaken in Chagos which should be developed along the lines below. They overlap. **Category A** is basic monitoring necessary to maintain adequate environmental management of the archipelago, which is an obligation of the BIOT Government. **Category B** relates to global issues. It is one of very few global locations where climate change effects are not complicated by direct forms of pollution and coastal development. Its geographical location also means it fills a gap in global programmes, or appears to be a crucial stepping stone in oceanic species distributions. **Category C** covers work which should be done if the already recognized high ecological value of Chagos is to be restored and improved.

Costs: Some items are inexpensive, others costly. Cost to BIOT is generally no more than granting permission to visit and permission to use the BIOT Patrol Vessel or others offered by foundations in the manner done before. Funding would be as for all research, via applications to suitable bodies for post field work laboratory costs and staff time. Funds for several of the following are held already by potential visiting scientists.

#### A. Monitoring of reef and island condition

1. Repeated measurements of coral cover, community structure and juvenile recruitment to estimate extent and timing of recovery from previous climate change impacts.
2. Repeated measurements of reef fish status, abundance measurements of key groups and estimates of fish biomass, as indicators of responses to climate change and as a reference point for global comparisons.
3. Improve existing estimates of extent and damage from poaching, especially of shark, grouper and sea cucumbers.
4. Substantially upgrade monitoring of the internationally important seabird populations and their responses to environmental change and fluctuations.
5. Continued monitoring for marine diseases and species introductions, and consider preventative and remedial measures.
6. Micro-atoll measurements for data on past, present and future sea levels.



7. Accurate base-line measurements of coastlines and linked measures of erosion.
  8. Establish an ocean water alkalinity data series to measure acidification.
  9. Improve understanding and modeling of reef and lagoon currents and circulations, to identify locations most at risk from shoreline alteration and erosion.
  10. Continuation of direct temperature measurements at depth intervals.
  11. Preliminary plankton studies of key groups which underpin much of this marine system.
- B. Global environmental research needs**
12. Geochemistry cores of reef and corals to develop historical temperature records over the past 3-4 centuries, for referencing future changes.
  13. Geochemistry cores for linkage and calibration of global climate oscillations.
  14. Measurements of atmospheric gasses for calibration of geochemistry cores, and to fill the gap in global coverage that exists in the Indian Ocean.
  15. Continued genetic analyses to establish the biological 'connectedness' of Chagos with the rest of the ocean, and to understand its role as stepping stone and as a source of biological replenishment for depleted, inhabited areas.
  16. Tagging studies to investigate species movements of key migratory fish species.
  17. Biodiversity inventories to feed into international databases.
- C. Restoration of ecosystems and management improvements**
18. Conduct island vegetation mapping, soil structure and stability assessments.
  19. Rat eradication on Eagle Island (and subsequently other infested islands).
  20. Chicken eradication on Nelsons Island, Eagle Island and the Three Brothers.
  21. Vegetation restoration of Nelsons Island, Three Brothers and Eagle Island in conjunction with rat eradication.
  22. Development-reestablishment of hardwood tree nursery on Diego Garcia for offsetting arrangements on Diego Garcia and to supply seedlings for other islands.
  23. Investigation of turtle management (hatchery) with a view to accelerating their recovery from the past depredations.
  24. Removal of flotsam where it is impeding turtle nesting success.
  25. Building on GIS completed in 2007, complete archipelago-wide mapping of shallow-water habitats using satellite imagery; identification and mapping of highly vulnerable areas such as spawning sites, nursery areas and breeding grounds; areas of high erosion and likely inundation.
  26. Exploration of unexamined areas such as the submerged banks and atolls, which are likely to influence archipelago resilience.
  27. Linkage of the GIS to an image database.
  28. Strategic environmental impact assessment to determine potential impacts and their consequences from a broad range of natural and anthropogenic factors.
  29. Meta-analyses of Chagos research data and publications, to further define the global and regional (Indian Ocean) conservation value of the archipelago, including as a biodiversity refuge for reseeding degraded reef areas and as a natural heritage area.
  30. Supply advice to BIOT for reducing poaching and fishing in the archipelago, in particular of top predators (sharks), iconic species (turtles) and lagoonal sand cleaners (sea cucumbers).
  31. Adaptively refine Marine Protected Area boundaries and management plan based on all of above.

This programme is comprehensive. It would maximise the unique opportunity which Chagos provides for scientific research, to permit its effective management and to benefit other reef areas which need intervention or management. Many of the elements are likely to greatly reduce future costs of environmental management.

## **ANNEX 97**

Letter from Professor Hill, NOC, to Colin Roberts, BIOT Commissioner, 19 June 2009



**National Oceanography  
Centre, Southampton**  
UNIVERSITY OF SOUTHAMPTON AND  
NATURAL ENVIRONMENT RESEARCH COUNCIL

National Oceanography Centre,  
Southampton

Professor Anthony Edward Hill  
Director  
University of Southampton, Waterfront Campus,  
European Way, Southampton SO14 3ZH, UK  
t +44 (0)23 8059 5105 f +44 (0)23 8059 5107  
e ~~ehill@noc.soton.ac.uk~~ ~~water@noc.soton.ac.uk~~

①

Mr Colin Roberts  
Overseas Territories Directorate  
Foreign & Commonwealth Office WH2 307  
King Charles Street  
London  
SW1A 2AH

OTI 22070217666  
-switchboard +44 (0)23-80591666

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Friday, 19 June 2009

Dear Colin,

**British Indian Ocean Territory: Possible Marine Protected Area**

Further to our discussions on a range of issues relating to BIOT during your visit to the National Oceanography Centre on the 30th March, and the follow-up meeting with Lindsay Parson on 29th May, NOCS would be pleased to help facilitate the development of a comprehensive proposal for a 200 nautical mile Marine Protected Area around the Chagos Archipelago.

Recognising that some discussions have already taken place with the Chagos Environmental Network, and mindful of the need to establish a dedicated, effective and well-managed protection programme by our very best UK marine scientists, we would be pleased to facilitate a workshop in the next few weeks to address this initiative.

Given that the science/policy interface is part of our remit we believe we can probably support some of the costs from the NERC-funded the Oceans 2025 programme Strategic Ocean Funding Initiative (SOFI) workshop budget (subject to support from other Marine Centre directors), though some assistance from the FCO would be appreciated.

The principal objective of the workshop would be to bring together key marine research scientists from a range of disciplines to assess key scientific issues which would need be addressed in the area, and to refine the parameters of the management objectives of what would need to be specified for what would be one of the largest MPAs in the world. The outcome could probably feed the scientific basis for any future Government Consultation that may be required in due course, if appropriate.

We have identified a number of experts from NOCS and elsewhere in the UK who could complement the input from the Chagos Environmental Network, who, along with yourselves, would form the quorum of the group working on this over the next few months. Due to the timescale you have in mind for possible announcement of intentions, we would suggest a 2/3 day meeting during the last week of July or the first week in August.

NOCS can provide the venue, logistics, etc, as well as staff to run the event. If you are able to confirm this action fits with your understanding for the next steps, we will proceed with invitations and canvass for optimum dates.

For information, our provisional invitee list is attached – we would welcome your comments

Yours sincerely

A.E. HILL

Proposed SOFI workshop on "Marine conservation in British Indian Ocean Territories:  
science issues and opportunities"

PW's draft participants list – with highest priority in bold

Name	Institute	Email	Interests/comments
Mei Austen	PML	<a href="mailto:mcva@pml.ac.uk">mcva@pml.ac.uk</a>	Marine management and ecosystem services
David Billett	NOC Southampton	<a href="mailto:dsmb@noc.soton.ac.uk">dsmb@noc.soton.ac.uk</a>	Deep sea fauna and biogeochemistry; UNCLOS
Barbara Brown	UHI / Env Research Institute, Thurso	<a href="mailto:profbarbarabrown@aol.com">profbarbarabrown@aol.com</a>	Tropical coral biology and ecology (retired?)
Tim Daw	International Development, UEA	<a href="mailto:t.daw@uea.ac.uk">t.daw@uea.ac.uk</a>	Impact of MPAs on fisheries in western Indian ocean (Seychelles)
Ailsdair Edwards	University of Newcastle	<a href="mailto:a.j.edwards@ncl.ac.uk">a.j.edwards@ncl.ac.uk</a>	Reef fish/fisheries. Remote sensing for conservation management
Stefan Hain	UNEP World Conservation Monitoring Centre, Cambridge	<a href="mailto:Stefan.hain@unep-wcmc.org">Stefan.hain@unep-wcmc.org</a>	Head of Coral Reef Unit, link to World Database on Marine Protected Areas
Jason Hall-Spencer	Univ of Plymouth	<a href="mailto:Jason.hall-spencer@plymouth.ac.uk">Jason.hall-spencer@plymouth.ac.uk</a>	(Cold water) corals, marine conservation and management
Julie Hawkins	Univ of York	<a href="mailto:jph7@york.ac.uk">jph7@york.ac.uk</a>	MPAs; tropical coral reef management
Colin Jacobs	NOC Southampton	<a href="mailto:Colin.jacobs@noc.soton.ac.uk">Colin.jacobs@noc.soton.ac.uk</a>	Deep water habitat mapping; GEBCO
Rachel Jones	Inst of Zoology (London Zoo)		MPAs; tropical coral reef management
Olivia Langmead	Earth, Ocean & Env Sci, Univ of Plymouth	<a href="mailto:Olivia.langmead@plymouth.ac.uk">Olivia.langmead@plymouth.ac.uk</a>	Coral reef ecosystem dynamics; marine management
Andrew Mackle	National Museum of Wales	<a href="mailto:Andrew.mackle@nmw.ac.uk">Andrew.mackle@nmw.ac.uk</a>	Marine benthic biodiversity, including Indian Ocean
Francesca Marubini	JNCC Aberdeen (linked to Aberdeen Univ)	<a href="mailto:f.marubini@jncc.ac.uk">f.marubini@jncc.ac.uk</a>	Cetacean distribution; turtles in Indian Ocean; member of BIOT Sci Adv Cttee
Andy McGowan	Univ of Exeter	<a href="mailto:a.mcgowan@exeter.ac.uk">a.mcgowan@exeter.ac.uk</a>	Tropical seabirds and turtles
Laurence Mee	SAMS	<a href="mailto:Laurence.mee@sams.ac.uk">Laurence.mee@sams.ac.uk</a>	Marine policy; MPAs and socio-economic use
Peter Mumby	Univ of Exeter	<a href="mailto:p.j.mumby@exeter.ac.uk">p.j.mumby@exeter.ac.uk</a>	MPAs; tropical coral reef management
Rupert Ormond	Univ Marine Biology Station, Millport	<a href="mailto:Rupert.ormond@millport.gla.ac.uk">Rupert.ormond@millport.gla.ac.uk</a>	Coral reef biology and management
Lindsay Parson	NOC Southampton	<a href="mailto:lparson@noc.soton.ac.uk">lparson@noc.soton.ac.uk</a>	Seafloor surveys, marine governance, UNCLOS
Nick Polunin	Univ of Newcastle	<a href="mailto:n.polunin@ncl.ac.uk">n.polunin@ncl.ac.uk</a>	Tropical coastal management
Callum Roberts	Univ of York	<a href="mailto:Cr10@york.ac.uk">Cr10@york.ac.uk</a>	MPAs
Alex Rogers	Inst of Zoology / International Programme on State of the Ocean	<a href="mailto:Alex.rogers@ioz.ac.uk">Alex.rogers@ioz.ac.uk</a>	Coral habitats and their conservation; organiser of Coral Reef mtg at RS
Charles Sheppard	Univ of Warwick/Chagos Conservation Trust	<a href="mailto:Charles.sheppard@warwick.ac.uk">Charles.sheppard@warwick.ac.uk</a>	Chagos conservation
Tom Spencer	Coastal Research Unit, Univ of Cambridge		Tropical coral reef geomorphology and ecosystem links
David Smith	Coral Reef Research Unit, Univ of Essex	<a href="mailto:dsmithc@essex.ac.uk">dsmithc@essex.ac.uk</a>	Tropical coral reef biology and management
John Turner	Univ of Bangor	<a href="mailto:oss005@bangor.ac.uk">oss005@bangor.ac.uk</a>	Coral reef biology and management
(Phil Williamson)	UEA/Oceans 2025	<a href="mailto:p.williamson@uea.ac.uk">p.williamson@uea.ac.uk</a>	
Ian Wright	NOC Southampton	<a href="mailto:i.wright@noc.soton.ac.uk">i.wright@noc.soton.ac.uk</a>	Marine geology and geomorphology

Also representatives of:

FCO – Colin Roberts, Joanne Yeaden?  
UK Overseas Territories Conservation Forum – Mike Pienkowski? (via UKOTCF secretariat, Oliver Cheesman [oliver@dipsacus.org](mailto:oliver@dipsacus.org))

## **ANNEX 98**

Email from MRAG to Joanne Yeadon, BIOT Administrator, 6 July 2009 and attachments,  
'Summary of the activities of Mauritian (flagged and owned) vessels in the BIOT FCMZ by  
year 1991 to date' and 'Purse Seine Fishery'

**From:** [REDACTED]@mrag.co.uk  
**Sent:** 06 July 2009 16:10  
**To:** Joanne.Yeadon@fco.gsi.gov.uk  
**Subject:** Mauritian fishing in BIOT  
**Attachments:** Summary of the activities of Mauritian Fishing Vessels.docx

Dear Joanne

Further to our conversation this morning when you requested 'a full history of fishing in BIOT by Mauritian vessels'. The Mauritians have engaged in the offshore tuna fishery with purse seine fishing vessels, and in the inshore demersal (banks) fishery. The attached document summarises the number of licences issued each year since 1991, the days in the zone and the catch taken. Considerably more detail is available in the background papers to the BMFC but I am not sure that you need this for your purposes (e.g. species caught, fishing locations etc). If you require more detailed information, please let me know. With respect to the inshore fishery, there was a Mauritian 'Banks' fishery that prosecuted the Chagos fishery for many years prior to the declaration of the BIOT FCMZ. Details are available in the following report which I produced under a DFID Fisheries Management Science Programme project, and may be of interest (probably more detail than you need, but see Table 7 which shows catches as far back as 1977):

[http://www.fmsp.org.uk/Documents/r5484/R5484\\_Rep2.pdf](http://www.fmsp.org.uk/Documents/r5484/R5484_Rep2.pdf)

Previously you asked me about how much tuna caught in BIOT FCMZ goes to Mauritius. As I indicated, this information is not available directly on MRAG's database. However under the rules of origin this information will be available. There is the Princes cannery in Mauritius and also a fresh fish processing facility for tuna. Both Princes and the other facility should be able to indicate the quantity of fish derived from BIOT. Additionally, the Mauritian authorities will have this information, though they may not have extracted it as such, but it would be possible to ask them. MRAG also have contacts in Princes and could ask for this information, though they may suggest that such detail is commercial in confidence. Please let me know if you want me to do any more to obtain this information.

Best wishes

[REDACTED]  
[REDACTED]  
Development Director  
MRAG Ltd, 18, Queen Street, London, W1J 5PN, UK  
Tel: [REDACTED] (General)  
Tel: [REDACTED] (Direct)  
Fax: [REDACTED]  
Web : <http://www.mrag.co.uk>

MRAG managed the DFID Fisheries Management Science Programme  
Web: <http://www.fmsp.org.uk>

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**Summary of the activities of Mauritian (flagged and owned) vessels in the BIOT FCMZ by year 1991 to date**

**Inshore Fishery**

<b>Year</b>	<b>Licences Issued</b>	<b>Days in Zone</b>	<b>Catch (t)</b>
1991	6	na	299.196
1992	4	136	305.170
1993	7	68	199.683
1994	8	116	308.134
1995	8	117	217.479
1996	8	159	319.450
1997	3	145	302.025
1998	3	60	80.712
1999	2	59	124.009
2000	4	108	311.524
2001	6	112	185.275
2002	2	110	218.640
2003	2	119	242.994
2004	3	101	127.532
2005	0	0	0
2006*	1	44	136.070
2007*	1	48	121.135
2008	0	0	0
2009*	2	Ongoing	Ongoing

\* Note that since 2006 Talbot fishing company have reflagged their vessels to Madagascar and Comoros. However they remain Mauritian owned and so we have included them in the above table.

In 2009 one of the vessels applying for a licence is Mauritian flagged and owned

Under the terms of the agreement with Mauritius, no licence fee is charged for Mauritian flagged vessels.

### Purse Seine Fishery

Year	Licences Issued	Days in Zone	Catch (t)
1991	3	6	356
1992	6	40	606
1993	6	24	421
1994	4	52	612
1995	4	4	75
1996	4	7	75
1997	2	0	0
1998	4	5	79
1999	3	0	0
2000	0	0	0
2001	0	0	0
2002	0	0	0
2003	0	0	0
2004	0	0	0
2005	0	0	0
2006	0	0	0
2007	0	0	0
2008	0	0	0
2009	0	0	0

Mauritius operated two purse seine vessels, Lady Sushil I and II. Licences issued were for 3 months at a time. Under the terms of the agreement with Mauritius, no licence fee was charged for Mauritian flagged vessels. Neither vessel is still fishing and no licences have been issued since 1999.



## **ANNEX 99**

EGram from the British High Commissioner, Port Louis, dated 21 July 2009

[REDACTED]

# eGram



# 26453/09

Classification [REDACTED]

Caveat

eGram Number

26453/09

From

PORT LOUIS

Date Created

21/07/2009 16:49:00

Date Registered

30/07/2009 16:42:14

Action Immediate

Action Routine

eP FCO

Info Immediate

Info Routine

eP WASHINGTON;ePL EU POSTS;ePL SADC POSTS;eP COLOMBO;eP  
TAIPEI;eP BEIJING;eOGD DEFRA;eOGD DFID;eP VICTORIA

FCO Distribution

eDL BIOT;eDL SOUTHERN AFRICA

Lead

eD OTD

Military Action Imm

Military Action Rtn

Military Info Imm

Military Info Rtn

Subject

BIOT: Marine Reserve: Talks with the Mauritians:Id=2593277

Summary

Second round of BIOT talks with Mauritian officials yields better than expected discussions on the issue of a possible marine reserve. Meeting with Foreign Minister Boolell similarly positive and tees up future engagement.

SIC

1. An FCO team led by Colin Roberts (OTD) held the second round of BIOT talks with Mauritian officials today. The Mauritian delegation was headed by Seeballuck (Head of the Civil Service and Secretary to Cabinet). Before the meeting, we met for an hour with Foreign Minister Arvin Boolell, enabling us to give unfiltered messages on BIOT.

2. These talks proved more productive than the first bout held in January earlier this year. Discussion got less bogged down on sovereignty issues, which were rapidly parked under the sovereignty 'umbrella'. This enabled swift agreement on the desirability of a coordinated submission to UNCLOS for an extended continental shelf in the BIOT region. Technical discussions will clarify the way forward ahead of a third round of talks to be held in London in early October. At Mauritius' request, we agreed to further investigate their suggestion to set up a mechanism to look into the joint issuing of fishing licenses for BIOT waters, although discussion on this point (tabled on the agenda ahead of time) was somewhat overtaken by the larger issue of a possible marine reserve in BIOT (see below) which might

[REDACTED]

render the issue of fishing licenses redundant.

[REDACTED]

4. The bulk of the talks, and of the meeting with Boolell, focused on the concept of a Marine Reserve in BIOT. This discussion went well. The narrative used - building value for the day when we cede the islands to Mauritius; protecting the archipelago's unique heritage; growing value of a globally important ecosystem - resonated with Prime Minister Ramgoolam's own 'Maurice: Ile Durable' (Mauritius: sustainable island) programme and the Mauritian side was ready to agree a communique which welcomed - in principle - the concept (attached). The Mauritians focused on the need for greater support to tackle IUU fishing both in BIOT waters and in the wider Indian Ocean area.

Comment

5. Mauritius had previously reacted testily to NGO proposals for a marine reserve in BIOT. But it appears this was in large-part due to western NGOs failing to consult with the Government here and thereby being seen to ignore Mauritius' sovereignty concerns. However, it is these same sovereignty concerns that have long prevented Mauritian fishermen from making large-scale use of fisheries in BIOT waters, with the result that most legal fishing is done by Taiwanese vessels and most IUU fishing by boats from Sri Lanka. Consequently, the economic impact of a reserve is likely to be marginal - or even positive - for Mauritius: the Minister, officials and the CEO of the sole Mauritian firm fishing in BIOT waters could all see that the potential economic value of high-end eco-tourism in any future reserve might outweigh the possible loss of fisheries revenue. This will be a useful angle for future ministerial engagement.

6. [REDACTED]

Sign Off	MURTON
Contact Name	JOHN MURTON
Contact Telno.	8263 9428
Attachments	

## **ANNEX 100**

Joint communiqué of meeting on 21 July 2009

## JOINT COMMUNIQUE

Delegations of the Mauritian and British Governments met in Port Louis on Tuesday 21 July 2009 for the second round of talks on Chagos Archipelago/British Indian Ocean Territory. The Mauritian delegation was led by Mr S. C. Seeballuck, Secretary to Cabinet and Head of the Civil Service. The British delegation was led by Mr Colin Roberts, Director of Overseas Territories Department, Foreign and Commonwealth Office. The purpose of the meeting was to resume dialogue between Mauritius and the United Kingdom on the Chagos Archipelago/British Indian Ocean Territory.

Both delegations reiterated their respective positions on sovereignty and resettlement as expressed at the first round of talks held in London on 14 January 2009.

The British side provided an update on developments regarding the proceedings before the European Court of Human Rights.

Both delegations were of the view that it would be desirable to have a coordinated submission for an extended continental shelf in the Chagos Archipelago/British Indian Ocean Territory region to the UN Commission on the Limits of the Continental Shelf, in order not to prejudice the interest of Mauritius in that area and to facilitate its consideration by the Commission. It was agreed that a joint technical team would be set up with officials from both sides to look into possibilities and modalities of such a coordinated approach, with a view to informing the next round of talks.

The British delegation proposed that consideration be given to preserving the marine biodiversity in the waters surrounding the Chagos Archipelago/British Indian Ocean Territory by establishing a marine protected area in the region. The Mauritian side welcomed, in principle, the proposal for environmental protection and agreed that a team of officials and marine scientists from both sides meet to examine the implications of the concept with a view to informing the next round of talks. The UK delegation made it clear that any proposal for the establishment of the marine protected area would be without prejudice to the outcome of the proceedings at the European Court of Human Rights.

The Mauritian side reiterated the proposal it made in the first round of the talks for the setting up of a mechanism to look into the joint issuing of fishing licences in the region of the Chagos Archipelago/British Indian Ocean Territory. The UK delegation agreed to examine this proposal and stated that such examination would also include consideration of the implications of the proposed marine protected area.

Both sides agreed to meet in London on a date to be mutually agreed upon during the first fortnight of October 2009.

Both Governments agreed that nothing in the conduct or content of the present meeting shall be interpreted as :

- (a) a change in the position of Mauritius with regard to sovereignty over the Chagos Archipelago/British Indian Ocean Territory;
- (b) a change in the position of the United Kingdom with regard to sovereignty over the Chagos Archipelago/British Indian Ocean Territory;
- (c) recognition of or support for the position of Mauritius or the United Kingdom with regard to sovereignty over the Chagos Archipelago/British Indian Ocean Territory;
- (d) no act or activity carried out by Mauritius, United Kingdom or third parties as a consequence and in the implementation of anything agreed to, in the present meeting or in any similar subsequent meetings shall constitute a basis for affirming, supporting, or denying the position of Mauritius or the United Kingdom regarding sovereignty of the Chagos Archipelago/British Indian Ocean Territory.

*Port Louis  
Mauritius  
21 July 2009*



**Composition of Mauritian Delegation:**

- (i) Mr S. C. Seeballuck, Secretary to Cabinet and Head of the Civil Service; (Head of Delegation)
- (ii) Mr A. P. Neewoor, Secretary for Foreign Affairs
- (iii) Mr D. Dabee, Solicitor General
- (iv) Mr M. Kundasamy, Mauritius High Commissioner in UK;
- (v) Amb. J. Koonjul, Ministry of Foreign Affairs, Regional Integration and International Trade

***In attendance:***

- Mrs A. Narain, Assistant Parliamentary Counsel, Attorney-General's Office
- Mr M. Munbodh, Principal Fisheries Officer, Ministry of Agro Industry, Food Production and Security (Fisheries Division)
- Mr B. Gokool, First Secretary, Ministry of Foreign Affairs, Regional Integration and International Trade
- Mr A. Pursunon, Principal Assistant Secretary, Prime Minister's Office

**Composition of the United Kingdom Delegation:**

- (i) Mr Colin Roberts, Director of Overseas Territories Department, Foreign and Commonwealth Office (FCO); (Head of Delegation)
- (ii) H.E. Mr John Murton, British High Commissioner in Mauritius;
- (iii) Mrs Joanne Yeadon, Head of Section for BIOT; and
- (iv) Mrs Katherine Shepherd, FCO Legal Advisor

## **ANNEX 101**

Overseas Territories Directorate record of discussion in Port Louis on 21 July 2009 dated 24  
July 2009



Registered on F39.



(Pw) UK/Mauritius & later

**UK/MAURITIUS TALKS ON THE BRITISH INDIAN OCEAN TERRITORY (BIOT), TUESDAY 21 JULY 2009: RECORD OF MEETING**

*[Signature]*

10-8-09

**Summary**

1. Talks billed as the "2<sup>nd</sup> round" of discussions between the UK and Mauritius on BIOT took place in Port Louis on 21 July. Both sides agreed at the outset of the meeting that discussions should take place under the usual sovereignty umbrella in order to enable both sides to speak frankly. The agenda (attached) was almost a facsimile of the January agenda.

**Detail**

2. The UK delegation spelt out the 3 contextual issues to BIOT which needed to be born in mind during the talks: the security situation in the region remained challenging and uncertain; the significance of the environment and its science was increasing all the time and gaining traction in the international community; and the Chagossian community and their interests. There had been little movement on some of the agenda items since the January talks but there was potential to take forward co-operation on the extended Continental Shelf (eCS) claim process in the UN. The UK delegation also wanted to discuss issues relating to the environmental stewardship of BIOT.

Sovereignty

3. Both delegations stated that their respective positions remained the same and the talks should be pursued without prejudice to either side.



- 4.

- 5.



[REDACTED]

[REDACTED]

EEZ delimitation

6. The Mauritians raised the issue of overlapping claims between BIOT and outer Maldives EEZ zones. The UK delegation was relatively unsighted but agreed to check the issue but did not believe there was a huge problem as the declaration of the EEZ in 2003 had gone ahead without any complaint from the Maldives.

Extended Continental Shelf (eCS)

7. The UK delegation suggested that Mauritius and the UK could work together within the UN process to secure a claim perhaps by a coordinated submission. This could be of benefit to Mauritius because otherwise the submission would effectively be put on ice because of the sovereignty dispute. All benefits of an eCS would ultimately fall to Mauritius when BIOT was no longer required for defence purposes. Mauritius welcomed the suggestion that UK and Mauritian teams could work together on this. The Mauritian delegation explained the reasons behind their preliminary note which flagged up their intention to lodge a submission over this area by 2012 was to ensure they were not prejudiced by failing to meeting the May 2009 deadline. The UK delegation commented that this time-frame for preparation of the submission seemed realistic. The UK delegation also explained that we were not proposing UK funding extensive analysis and surveys but could facilitate access to the technical sources and help with the legal process. It was agreed that the best way forward would be a coordinated submission under a sovereignty umbrella and that technical experts from both sides should get together. Comment: there was a need, as in the January talks, to reiterate the fact that the UK had no intention of benefiting from an eCS. Any exploitation would be for the benefit of Mauritius. Our proposal was to get an eCS established. We would then talk about the basis on which exploitation could begin. We could not define a date when BIOT will no longer be needed for defence purposes but this was one way of ensuring that the eCS could be established in principle pending the area being eventually ceded to Mauritius.

Environmental issues

8. The UK delegation explained that environmental law had been strengthened in BIOT over the last 15 years with the establishment of strict nature reserves, Ramsar designation in DG and the establishment of an EPPZ. The Territory and its environs had become one of the most valuable sites in the world for coral biodiversity and also had the cleanest oceans and was a valuable scientific resource. This was due to lack of inhabitants. The UK derived no commercial benefit from resources. The fishery
- [REDACTED]

[REDACTED]

was a loss-making venture and heavily subsidised by HMG. Looking ahead, the value of BIOT as a reserve/sanctuary for marine life and coral would only increase. It was better to invest available resources in a higher level of environmental protection. There was a proposal from the Chagos Environment Network (CEN). One of the ideas being mooted was that the whole of the EEZ be a no-take zone for fishing. The scientific basis had not yet been fully established but the idea merited consideration. An alternative route would be a more gradual process, i.e., to designate the reefs as no take or another proposal of a different / larger area than that of the closure of reef areas extending 12 n miles from the 200m depth contour and leave the rest of the fishery open.

9. There were powerful arguments in the UK to establish a marine protected area. However, many questions still needed to be worked through. The UK delegation explained the advantage to Mauritius that through a marine protected area, the value of the Territory would be raised and this resource would eventually be ceded to Mauritius. No decisions had yet been taken. The UK was discussing issues with the US; BIOT was created for defence purposes and the environmental agenda must not overcome that purpose.
10. The Mauritian delegation explained that they had taken exception to the proposal from the CEN but on the basis that it implied that the Mauritians had no interest in the environment. They had also found it necessary to protest on sovereignty grounds. There was a general agreement that scientific experts should be brought together. However, the Mauritians welcomed the project but would need to have more details and understand the involvement of the Mauritian government. The UK delegation explained that not many details were available as the UK wanted to talk to Mauritius before proposals were developed. If helpful the UK could, for the purposes of discussion, produce a proposal with variations on paper for the Mauritians to look at.
11. The UK delegation added that the Foreign Secretary was minded to go towards a consultative process and that would be a standard public consultation. However, the UK had wanted to speak to Mauritius about the ideas beforehand. Also, we needed to bear in mind the case before the ECtHR. Any ideas proposed would be without prejudice to any judgment by the Court.

#### Access to Fishing Rights

12. There was a short discussion about access to fishing rights. The Mauritians wanted to manage jointly the resources. This was simply put on the table for the UK to consider. Comment: this all seemed a bit surreal when we'd spent the last half hour discussion the possible ban on any fishing in the territory but the Mauritians had warned us that this would remain an agenda item. We agreed to consider the idea but would need to take into consideration the implications of a proposed marine protected area.

[REDACTED]

Next meeting

13. In London, possibly in October but with scientific experts and eCS experts meeting before then.

Comment

14. A surprisingly positive meeting with a more cohesive Mauritian delegation taking their line from the Mauritian Foreign Minister (who was positive about the proposal of a marine protected area in a meeting beforehand with Colin Roberts)

[REDACTED]

Much remains to talk about as far as a marine protected area is concerned and one of the Mauritians in the margins of the meeting explained that proposals for co-operation etc remained to be rubber-stamped at higher levels. But we did not get a rebuff on sovereignty grounds and a way forward on this issue and that of an eCS appears to be possible.

Joanne Yeadon  
OTD

24 July 2009

[REDACTED]

## **ANNEX 102**

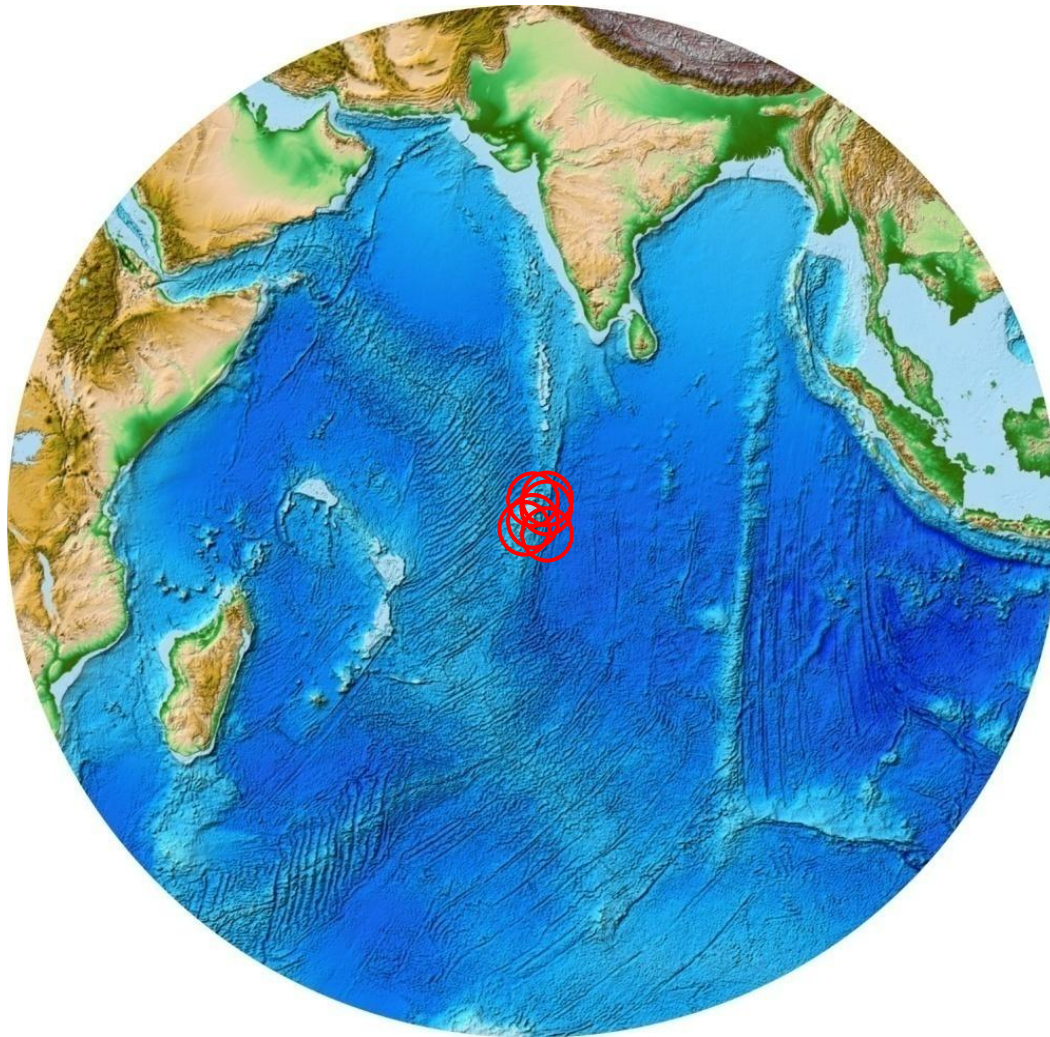
National Oceanography Centre final report of workshop held on 5-6 August 2009



**Marine conservation in  
the British Indian Ocean  
Territory: science issues  
and opportunities**

Workshop held 5-6 August 2009 at the National Oceanography Centre,  
Southampton supported by the NERC Strategic Ocean Funding Initiative  
and the Oceans 2025 programme





**Figure 1.** The British Indian Ocean Territory (Chagos Archipelago) is centrally-located in the Indian Ocean; larger islands circled. This position increases its conservation value as a 'stepping stone' for reef-associated marine life, providing a re-seeding source and refuge for other Indian Ocean localities.

Published December 2009 by the UK Natural Environment Research Council, Swindon SN2 1EU [www.nerc.ac.uk](http://www.nerc.ac.uk) with support from the Pew Environment Group (Global Ocean Legacy project) [www.pewtrusts.org](http://www.pewtrusts.org) and the International Union for Conservation of Nature [www.iucn.org](http://www.iucn.org). This document underpins the NERC marine science community's response to the UK government consultation on the proposed marine protected area in the British Indian Ocean Territory [www.fco.gov.uk/resources/en/pdf/21153320/mpa-consultation-101109](http://www.fco.gov.uk/resources/en/pdf/21153320/mpa-consultation-101109).

**Editor:** Phil Williamson (Oceans 2025 Science Coordinator, [p.williamson@uea.ac.uk](mailto:p.williamson@uea.ac.uk))

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Report available online at [www.oceans2025.org/SOFI\\_Workshops.php](http://www.oceans2025.org/SOFI_Workshops.php)

# Marine conservation in the British Indian Ocean Territory: science issues and opportunities

*Report of workshop held 5-6 August 2009, Southampton, UK*

## 1. Executive summary

- i) There is sufficient scientific information to make a very convincing case for designating all the potential Exclusive Economic Zone of the British Indian Ocean Territory (BIOT, Chagos Archipelago) as a Marine Protected Area (MPA), to include strengthened conservation of its land area.
- ii) The justification for MPA designation is primarily based on the size, location, biodiversity, near-pristine nature and health of the Chagos coral reefs, likely to make a significant contribution to the wider biological productivity of the Indian Ocean. The potential BIOT MPA would also include a wide diversity of unstudied deepwater habitats.
- iii) There is very high value in having a minimally perturbed scientific reference site, both for Earth system science studies and for regional conservation management.
- iv) Whilst recognising that there is already relatively strong *de facto* environmental protection, MPA designation would greatly increase the coherence and overall value of existing BIOT conservation policies, providing a very cost-effective demonstration of UK government's commitment to environmental stewardship and halting biodiversity loss.
- v) MPA designation for the BIOT area would safeguard around half the high quality coral reefs in the Indian Ocean whilst substantially increasing the total global coverage of MPAs. If all the BIOT area were a no-take MPA it would be the world's largest site with that status, more than doubling the global coverage with full protection. If multi-use internal zoning were applied, a BIOT MPA could still be the world's second largest single site.
- vi) Phasing-out of the current commercial tuna fisheries would be expected. Nevertheless, this issue would benefit from additional research attention to avoid unintended consequences.
- vii) Climate change, ocean acidification and sea-level rise jeopardise the long-term sustainability of the proposed MPA. They also increase its value, since coral reef areas elsewhere (that are mostly reduced in diversity and productivity) are likely to be more vulnerable to such impacts.
- viii) To safeguard and improve the current condition of the coral reefs, human activities need to continue to be very carefully regulated. Novel approaches to wider sharing of the benefits and beauty of the MPA would need to be developed, primarily through 'virtual tourism'.
- ix) Many important scientific knowledge gaps and opportunities have been identified, with implications both for BIOT MPA management and for advancing our wider understanding of ecosystem functioning, connectivity, and the sustained delivery of environmental goods and services.
- x) Further consideration of the practicalities of MPA designation would require increased attention to *inter alia* site boundary issues, possible zoning, and socio-economic considerations, with wider engagement and consultations expected to involve other UK government departments; neighbouring nations (e.g. Mauritius, Seychelles and Maldives); NGOs with interests; and other stakeholder groups (including Chagossian representatives).



## 2. Background

The 55 islands of the British Indian Ocean Territory (Chagos Archipelago; Figs 1 & 3) have a combined land area of less than 60 sq km – around 15% of the size of the Isle of Wight. However, they are surrounded by several thousand sq km of coral reefs<sup>1</sup>, and the potential BIOT Exclusive Economic Zone for management of marine resources is at least 544,000 sq km – more than twice the total UK land area. This marine space includes mid-ocean ridges, trenches and abyssal plains, as well as coral reefs, atolls and banks. Whilst the UK government is already committed to strong environmental protection<sup>2-5</sup> of the Territory and its surrounding marine resources “as if it were a World Heritage site”<sup>2</sup>, the case for formal, additional safeguards with international recognition has been made<sup>6</sup> by the Chagos Conservation Trust and the Chagos Environment Network, as discussed at a meeting at the Royal Society on 9 March 2009.

To assess the scientific justification for such action, the UK Foreign and Commonwealth Office (FCO) sought independent advice from the National Oceanography Centre, Southampton (NOCS) on environmental considerations relevant to the possible designation of a BIOT Marine Protected Area (MPA, see below). In response, NOCS, in partnership with university co-convenors, obtained NERC SOFI support for a workshop held on 5-6 August in order to i) widen the informal evidence base for such scientific advice, through involvement of relevant experts in the UK research community and elsewhere, and ii) identify knowledge gaps and associated marine science opportunities<sup>7</sup>.

Workshop participants were made aware of the unique historical and legal complexities relating to the Territory. It was recognised that many issues relating to MPA establishment and governance for this area could not be covered by a two-day meeting, arranged at relatively short notice and focused on environmental questions in the context of existing conditions. A comprehensive socio-economic assessment would anyway be beyond NERC interests and competence, requiring wider stakeholder engagement and attention to human dimension issues (including ethical, jurisdictional and defence considerations) at both national and international levels. The workshop noted that a formal FCO consultation [*now in progress*] will be carried out on the potential BIOT MPA, and the UK and Mauritian governments have had preliminary discussions on this issue<sup>8</sup>.

Annex 1 of this report provides the workshop programme; Annex 2, the participants list; Annex 3, references and notes; and Annex 4, acronyms.

## 3. MPA definition and global context

The workshop adopted the International Union for Conservation of Nature (IUCN) definition of a Protected Area, whether terrestrial or marine, as “A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values”<sup>9</sup>. This definition is also used by the Convention on Biological Diversity (CBD).

Protected Area designation regulates, but does not necessarily exclude, human use. As detailed in Table 1 (below), six categories are recognised by IUCN, depending on the naturalness of what is being conserved, and the objectives and strictness of protection. Most existing large MPAs are zoned, to allow for multiple uses; e.g. 0.3% of the area of the Great Barrier Reef Marine Park is IUCN category I, fully protected; 33% category II; 4% category IV; and 62% category VI. MPA zoning can also be vertical, with different levels of protection for the water column and seafloor. For all categories, protection needs to be a deliberate goal, involving a long-term commitment and addressing both generic and site-specific conservation objectives, rather than as an incidental outcome of other management policies (e.g. defence), that may change according to external circumstances.

The global total MPA coverage (of all categories) has recently been estimated<sup>10</sup> as 2.35 million sq km, 0.65% of the world ocean. This value compares with the internationally-agreed CBD target of 10% (by 2012), and a 30% target by the World Commission on Protected Areas. Only 0.08% of the world’s ocean was estimated to be fully protected, i.e. ‘no-take’.

Although there have since been additional substantive MPA designations in the Pacific by the US (Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments) and Australia (Coral Sea Conservation Zone; interim status), representative Indian Ocean ecosystems remain poorly protected or unprotected<sup>11</sup> with many already badly damaged. As a result, the US-based Pew Environment Group has identified the Chagos Archipelago to be “top of the global list” as the marine area most worthy of MPA status, with full protection considered to be both highly desirable and achievable.

For the purposes of the workshop, the potential MPA was considered to include land-based ecosystems and the lower atmosphere, as well as reef systems, the

deep sea-floor and the open ocean water column. All discussions were held without prejudice to the outcome of proceedings at the European Court of Human Rights, i.e. whilst noting the UK government

position on Chagossian issues, the workshop made no assumptions with regard to the possibility of future re-settlement of any of the currently uninhabited BIOT islands.

**Table 1.** IUCN categories for protected areas in MPA context<sup>9</sup>.

Category		Main characteristics
I	Strict nature reserve/wilderness area	Strictly protected, and as undisturbed as possible to preserve natural condition. Very limited visitor access. No commercial extraction of either living or non-living resources (no-take).
II	National Park	Natural or near-natural areas; managed for ecosystem protection, with provision for visitor use. Resource extraction not generally considered compatible with this designation.
III	Natural monument or feature	Aimed at specific natural feature (e.g. sea mount) or cultural site (flooded historical/archaeological area); visits and recreation may be encouraged.
IV	Habitat/species management area	Aimed at particular habitats or target species (e.g. whale sanctuary); may require active management intervention or time-limited protection (e.g. during spawning/breeding season).
V	Protected landscape/seascape	Balanced interaction of nature and culture; human intervention is expected. Considered suitable designation for inhabited coastal areas of high aesthetic value.
VI	Protected area with sustainable use of natural resources	Explicit promotion of sustainable use of natural resources (including regulated fishing) to provide the means of achieving nature conservation



**Figure 2.** Coral reefs cover less than 1% of the Earth’s surface, yet are home to around 25% of marine fish species.

## 4. Scientific (and societal) importance of the BIOT area

Through national legislation (Marine and Coastal Access Act), European directives (e.g. EU Marine Strategy Framework Directive, EU Habitats Directive, Natura 2000), international agreements (e.g. CBD, Ramsar Convention on Wetlands, UN Convention on Law of the Sea, and 2002 World Summit on Sustainable Development), and recent speeches<sup>12</sup>, the UK government is committed to protecting marine biodiversity for direct and indirect human benefits. The wider scientific and societal rationale for MPAs is detailed elsewhere<sup>13-16</sup>, although not without critics<sup>17</sup>. Discussions at the workshop focused on the environmental features of the BIOT area<sup>18</sup> that are either unique or particularly valuable in an MPA context – as follows, and in Tables 2 and 3 below.

**Large size.** Many conservation-related benefits of Protected Areas increase non-linearly with size, since smaller areas are much less effective in maintaining viable habitats or populations of threatened species (particularly in the face of global warming, causing major spatial shifts in weather patterns and climatic regimes). Furthermore, the scale of a possible BIOT MPA would be global news, clearly delivering on UK political objectives for environmental protection and sustainability. Thus if all the potential EEZ is included, the BIOT MPA would be the world's second largest to date, only exceeded by Australia's Coral Sea Conservation Zone – and if all the MPA were a no-take zone, it would more than double the total world marine area with fully protected status.

**Habitat diversity.** Whilst most conservation attention has to date focussed on shelf and coastal sea habitats (temperate and tropical), the BIOT area also includes an exceptional diversity of deepwater habitat types. Thus a very wide range of geomorphological and tectonic features are indicated from survey transects and satellite altimetry (sea surface height used as a proxy for bathymetry; Figs 3 & 4), with such features including plate separation, fracture zones, sea-floor spreading, sea-mounts and mid-ocean ridges (Central Indian Ridge and Chagos-Laccadive Ridge, the former likely to support chemosynthetic vent communities); deep trenches, to ~6000m (Chagos Trench); and abyssal plains (mid-Indian Ocean Basin). Although the deepwater habitats of the BIOT area have not been mapped or investigated in any detail, work elsewhere has shown that: i) deepwater biodiversity is closely linked to physical diversity; ii) there may be marked temporal and spatial variability in community composition and abundances; and iii) species richness can be very high (particularly at the microbial scale; e.g. molecular analyses of deep sea sediment yielding >1000 species of a single class, Actinobacteria, per sample, with >90% being novel taxa)<sup>19</sup>.

**Near-pristine conditions.** Human impacts on the BIOT area are minimal, and less than any other tropical island groups in the Indian, Pacific or Atlantic Oceans. Fishing is limited and relatively well-regulated (see Section 5 below), and there are currently no significant economic activities on the islands other than those associated with the US military base on Diego Garcia. Direct anthropogenic impacts elsewhere in BIOT relate to the introduction of non-native terrestrial species (coconut palms and rats, not on all islands); illegal harvesting of sea cucumbers<sup>20</sup> and reef sharks, with occasional temporary encampments; mooring damage by visiting yachts; and some strandline marine litter, originating outside the BIOT area. Sea-water quality is exceptionally high (even in the Diego Garcia lagoon), with pollutant levels mostly below detection limits.

The combination of these factors results in the BIOT area supporting around half the total area of 'good quality' coral reefs in the Indian Ocean, on the basis that 17% of that total is estimated to have been effectively lost, 22% is in a critical condition, 32% is threatened by a range of human activities, and only 29% (with BIOT providing 14%) remaining at low threat level<sup>21</sup>. The health of marine ecosystems in the BIOT area gives them crucial importance as the 'control' for research and management activities elsewhere, where human impacts are very much greater.

**High resilience of BIOT coral reefs.** Since the late 1970s, coral reefs worldwide have increasingly suffered mass mortalities from temperature-induced bleaching, due to the breakdown of the symbiotic relationship between corals (animals) and algae (plants), the former relying on the latter for photosynthetically-derived energy. Whilst BIOT surface waters have warmed by ~1°C since the late 19<sup>th</sup> century, and many Chagos reefs were badly affected by bleaching in 1998, they have recovered more, and faster, than any other known coral reef system<sup>22</sup>. This resilience has been ascribed to the lack of suspended sediment, pollution and other human impacts, providing beneficial consequences both for ecosystem integrity and water clarity. Thus grazing reef-fish prevent overgrowth by macro-algae; lagoonal corals are more abundant than in reef systems subject to anthropogenic pressures; and high light penetration allows Chagos corals to grow to depths of >60m where they are less prone to thermal stress (cf lower limits of 20-40m elsewhere in the Indian Ocean). Chagos corals may also benefit from locally-favourable hydrodynamic conditions (intermittent inflows of cooler water, due to vertical movements of the thermocline), and/or genetic factors (prevalence of heat- and light-resistant dinoflagellate clades<sup>23</sup>). Whatever the basis for this



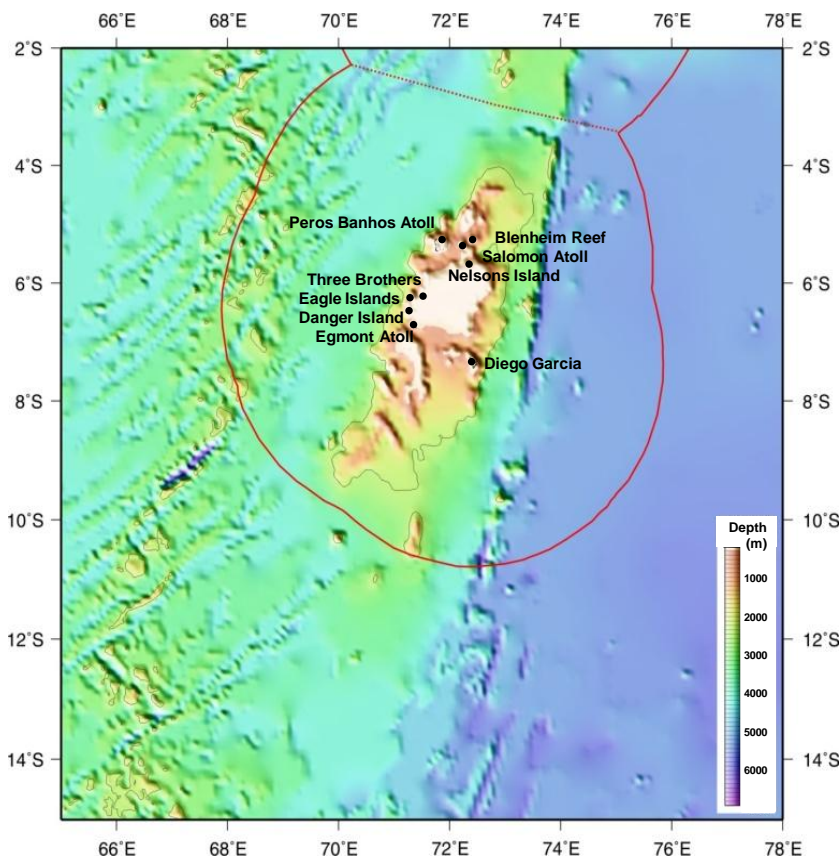
resilience – currently subject to research attention, and meriting additional effort – it is of global conservation significance, in the context of recent dire prognoses for the future survival of coral reefs<sup>24-26</sup>.

Role as regional stepping stone and re-seeding source.

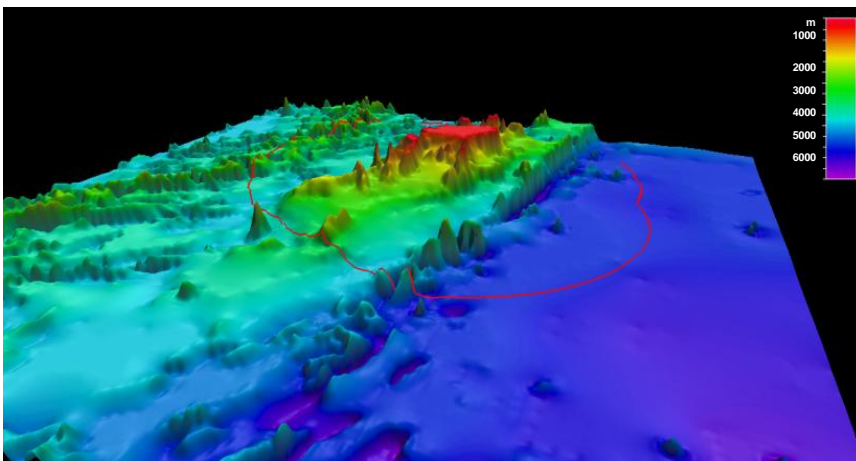
A key role for MPAs is their natural export of ‘surplus’ production and reproductive output, providing other areas with biomass and propagules (juveniles, larvae, seeds and spores) of species important either for commercial exploitation, conservation purposes or more general ecosystem functioning. This replenishment is hard to quantify, yet can be critical to the viability of heavily-harvested populations, particularly if they are also subject to regionally or temporarily variable breeding success. The BIOT area is exceptionally well-placed to serve this role (Fig 1), and preliminary studies

of connectivity, based on species similarity coefficients and genetic markers<sup>27</sup>, indicate potentially significant export (and hence scope for population replenishment) to the western Indian Ocean, consistent with ocean current data.

In particular, such connectivity studies show that corals and turtles are linked east-west, not north-south, with fish genetics results also indicating high regional dispersion<sup>28</sup>. Other groups currently being investigated (by US, German, Canadian and Taiwanese researchers) include terns and boobies, coconut crabs, and reef invertebrates. High-resolution biophysical modelling (combining life cycle features, dispersal behaviour and ocean hydrodynamics) could also advance our understanding of crucial connectivity issues; for example, as developed for zooplankton in the North Atlantic<sup>29</sup>.



**Figure 3.** Bathymetry around the British Indian Ocean Territory, mostly indirectly determined from satellite-derived sea height data. Larger islands and atolls named. The boundary of the current Fisheries Conservation Management Zone (minimum potential EEZ) is shown, based on 200 nm limits.



**Figure 4.** Bathymetry around the British Indian Ocean Territory, as above; 3D view from south-east.

Table 2. Specific issues raised by the FCO to assist in assessing the conservation value of the BIOT area. Priority assessment: **XXXX**, very high global/regional importance; **XXX**, high global/regional importance; **XX**, moderate regional importance; **X**, low importance.

FCO question	Priority	Summary response
Are there areas kept inviolate from human interference so that future comparisons may be possible with localities that have been affected by human activities?	<b>XXXX</b>	Nowhere on Earth is inviolate from human impacts, but the BIOT area is amongst the least affected (with many pollutants lower than in polar regions). Land access is highly controlled and limited to military personnel and support workers, the BIOT Administration, and authorised scientists. Most of Diego Garcia is a designated Ramsar site <sup>30</sup> ; the Chagos Bank is a proposed Ramsar site; and five reef/island areas are managed as Strict Nature Reserves (all or part of Peros Banhos Atoll, Nelsons Island, Three Brothers and Resurgent Islands, Cow Island and Danger Island). Non-native terrestrial species are problematic on some islands; a recent attempt at eradicating rats from Eagle Island was unsuccessful. All the BIOT area is a Fisheries Conservation Management Zone, with commercial catches regulated by licence and limited to 'surplus production'. However, some illegal fishing (for sea cucumbers, sharks and reef fish) does occur, and the BIOT area is affected by over-fishing elsewhere (e.g. ~90% depletion of sharks throughout the Indian Ocean since 1970s).
Are there representative examples of major marine ecosystems or processes? What is the level of heterogeneity?	<b>XXXX</b>	There is a very wide range of (tropical) marine habitats and ecosystems. Shallow water and land areas are all reef-based, including one of the world's largest – if not <i>the</i> largest – atoll (Chagos Bank). Reef heterogeneity is high, depending on wave-exposure, shelter and water depth, with different coral assemblages. Some island ecosystems have been greatly affected by historical use. Deep seafloor ecosystems are expected to be highly diverse, based on large-scale geomorphological variety, but have not been surveyed or studied in detail. Water column (planktonic) ecosystems are inherently less heterogeneous.
Are there areas with important or unusual assemblages of species, including major colonies of breeding native birds or mammals? Is there type locality or is the region the only known habitat of any species?	<b>XXXX</b>	The BIOT area is host to ~440 red-listed <sup>31</sup> species with 76 having elevated risk of extinction (including the world's largest arthropod, the coconut crab); 10 Important Bird Areas recognised by Birdlife International <sup>32</sup> , at least 784 species of fish, 280 land plants, 220 corals, 105 macroalgae, 96 insects and 90 birds (24 breeding); and undisturbed and recovering populations of Hawksbill and Green Turtle. Bird breeding populations are amongst the densest in the Indian Ocean (e.g. 22,000 nests on Nelsons Island, that has a total area of only 80 ha). Vegetation includes remnants of Indian Ocean island hardwoods. Marine endemics and type localities include the Chagos Brain Coral <i>Ctenella chagius</i> and the Chagos Clownfish <i>Amphiprion chagosensis</i> . However, there are relatively few other endemics, supporting the case for high connectivity between BIOT and other areas.
Are there areas of particular interest to ongoing or planned scientific research?	<b>XXX</b>	All areas are of scientific interest. Over 200 publications to date from research visits limited in number, duration and platform capabilities. Current work includes reef resilience and palaeo-climate studies (on 300 yr old corals). There is scope for globally-significant advances in knowledge of i) ocean acidification, using BIOT as a 'clean' reference site for observations on atmospheric composition and ocean carbon chemistry; ii) climate change, by developing and testing climate prediction models; iii) spatial scaling of population connectivity, from field-based and theoretical approaches; and iv) deep sea biology, geochemistry and geology. [Also see Section 7]
Are there examples of outstanding geological or geomorphological features?	<b>XXX</b>	Unique or near-unique reef features include: i) Chagos Bank is the world's largest atoll; ii) archipelago has a very high number of drowned and awash atolls yet with good coral growth; iii) Diego Garcia is possibly the most completely enclosed atoll with a sea connection; iv) the calcareous algal ridges are the most developed of the Indian Ocean (these stop atolls from eroding); only long-swell Pacific atolls show the development seen in Chagos; v) there are lagoonal spur and groove systems (only site where this is reported); vi) most lagoon floors are carpeted with corals instead of sand and mud; vii) light penetration to >60 m in deep lagoons and seaward slopes, linked to exceptionally deep peak coral diversity (20m); viii) earlier Holocene still-stand cuts and caves clearly visible at 30m depth; ix) location is seismically active, resulting in examples of recent uplifted limestone (raised reef islands) and some down-jolted, now submerged reefs. As noted above, deepwater geology and geomorphology in the BIOT area are also potentially of great interest, but have yet to be subject to detailed scientific study.
Are there areas of outstanding aesthetic and wilderness value?	<b>XXX</b>	Nearly all of it. Most small islands and lagoons are extremely picturesque and idyllic, with several smaller islands in near-pristine condition. The 'bird islands' are exceptionally rich. Reef quality and health are at a level that has not been seen at most other global locations for > 50 years, with water clarity for seaward reefs near its theoretical maximum.



Table 2. continued.

FCO question	Priority	Summary response
Are there any sites or monuments of recognised historic value?	XX <sup>33</sup>	Known historic sites include the restored old settlement on eastern Diego Garcia. Settlements on other atolls have mostly disintegrated, especially those on Egmont and Eagle which were abandoned in 1950s. There are graveyards on Diego Garcia, Peros Banhos and Salomon, with some recent restoration. Some pre-settlement wrecks deduced from collections of artefacts, such as Ming pottery, copper and brass naval items from various times over last 400 years. An Australian expedition in November 2009 looked for even older remains or evidence of settlement from very early ocean-faring societies.
What is the general state of Indian Ocean fisheries and reef fish? Is the status of blue water and reef fish in Chagos different?	XXXX	Indian Ocean reef fisheries are mostly grossly over-exploited, with low catch per unit effort. Catch per unit effort of reef fish in the mostly unexploited BIOT area is ~20 times higher than in East Africa and elsewhere (although that does not mean 20-fold higher harvests could be sustained). Licensed blue water fisheries in BIOT focus on migratory tuna (in BIOT waters for only 10-20% of their lives), with some bycatch. [Also see Section 5]

The analyses given in Tables 2 and 3 indicate that non-use values of BIOT natural resources are generally higher than use values. Preliminary monetary values were included in Gravestock's presentation at the workshop. Global studies done on the economic benefits of coral reefs estimate their value to range

between \$100,000 - \$600,000 per sq km per year. That range compares with current BIOT protection costs of ~\$5 per sq km per year. There was not, however, the opportunity at the workshop for detailed discussions of economic issues.

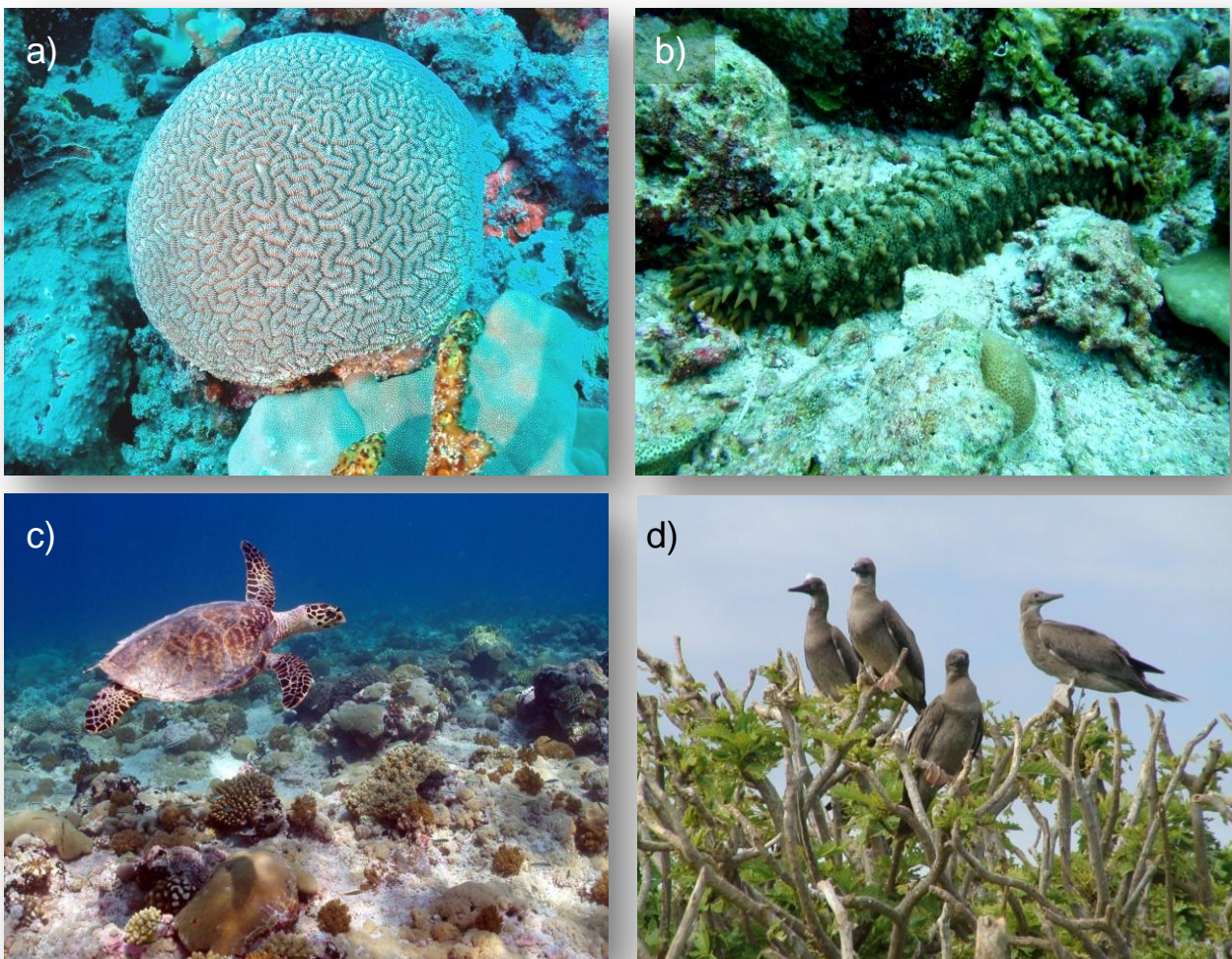


Figure 5. Fauna that would benefit from the proposed BIOT marine protection area include a) the endemic Chagos brain coral *Ctenella chagius*; b) shallow-water holothurians (sea cucumbers), such as *Thelenota ananas*; c) the land-breeding hawksbill turtle *Eretmochelys imbricata*, and d) a wide range of nesting seabirds, including the red footed booby *Sula sula*, shown here in juvenile plumage.

Table 3. Preliminary assessment of relative economic values (use and non-use) for the environmental goods and services<sup>34,35</sup> provided by the BIOT area, excluding mineral resources [from presentation prepared for the workshop by P Gravestock and shown by C Sheppard]. Darker shading = higher value.

Environmental goods and services	USE VALUES		NON-USE VALUES		
	Direct use	Indirect use	Option value	Bequest value	Existence value
Tourism					
Fisheries					
Shoreline protection					
Research					
Scientific baseline					
Aesthetic land/seascapes					
Support for Indian Ocean fisheries					
Cornerstone of Indian Ocean reef recovery					
Model for Indian Ocean reef restoration					
Spiritual and cultural values					
Iconic					
Pristine					
Biodiverse(ity)					
Unique					

## 5. Fishery issues

The expectation for MPAs is that they are partly, if not fully, no-take zones for fishing, either immediately or phased-in, on the basis that the protected area thereby assists in achieving stock recovery and/or maximising longterm yields over a larger area. No-take zones should also eliminate any non-targeted bycatch, that might threaten endangered species.

As already noted, fisheries in the BIOT area are both protected and exploited to some degree. MRAG Ltd is currently contracted to the BIOT Administration for the provision of relevant services and advice, primarily relating to fishery management within the 200 nm BIOT Fisheries Conservation Management Zone (FCMZ) declared in 1991 and revised in 1998<sup>3</sup>.

Indian Ocean tuna fisheries are regulated by the Indian Ocean Tuna Commission (IOTC), of which UK-BIOT is a member. Yellowfin, bigeye and skipjack are the main species commercially targeted in the BIOT FCMZ, through both longline and purse seine fisheries (Fig 6; Table 4)<sup>36</sup>. The latter generally has higher catches, although both are very variable due to tuna's migratory behaviour (with maximum abundance in BIOT waters in December and January). Longline bycatches of

sharks have been recorded by weight since 2005, averaging ~50 tonnes per year. Bird bycatch is not considered a significant problem.

There are two other BIOT fisheries: i) low-level recreational fishing activity in Diego Garcia and from visiting yachts; and ii) Mauritian inshore fishing, through historical rights regulated through free licences, with the number of licences based on assessments of surplus allowable catch. Licence uptake and inshore catches have been very low in recent years, with no Mauritanian-flagged vessels fishing since 2006.

MRAG representatives at the workshop questioned whether full closure of all BIOT fisheries would achieve the desired conservation outcomes, providing a paper<sup>37</sup> that argued that:

- Inshore and offshore fishing areas need to be considered separately. Whilst a full no-take MPA would undoubtedly benefit resident reef fish, its benefits were less certain for highly migratory species such as tuna.
- The most likely outcome of tuna fishery closure would be a displacement of the fishing fleets to the edge of the BIOT area; total fishing effort (and tuna



**Table 4.** Summary of commercial tuna fisheries in BIOT Fisheries Conservation Management Zone. Data based on fishing vessels' logbooks, as provided in 2008 UK national report to the IOTC Scientific Committee<sup>36</sup>.

	LONGLINE		PURSE SEINE	
	2007/08	Range 2003/04 – 2007/08	2007/08	Range 2003/04 – 2007/08
Total catch (tonnes per yr)	1366	590 - 1366	23418	95 - 23418
Catch per unit effort (tonnes per vessel per fishing day)	0.91	0.52 – 1.10	18.1	3.5 – 36.2

catches) might therefore remain much the same, the only difference being that the BIOT Administration would no longer receive licence income.

- True conservation benefit for tuna may best be achieved by maintaining an IOTC catch quota allocation as a coastal state and subsequently managing that quota to meet conservation aims, as a sunset option. This could help reduce the total Indian Ocean tuna catch in contrast to merely closing the FCMZ and displacing fishing elsewhere.
- If all the BIOT area were a no-take zone, that action might reduce the conservation influence of UK-BIOT within the IOTC.
- Furthermore, illegal fishing in the BIOT area might increase, since licensed fishing vessels currently assist in the policing (and exclusion from the FCMZ) of unlicensed ones. Such an increase would have cost implications for management and surveillance, no longer covered by licence fees.
- The above factors make it preferable to fully or partly continue the commercial fishery, by internally zoning the BIOT MPA, or by limiting its size to less than the current FCMZ.

Whilst acknowledging the complexities of the above issues, other workshop participants were not all fully persuaded by these arguments. Coupled modelling of fishing fleet behaviour and tuna population dynamics under different zoning scenarios was suggested as an approach that might assist in quantifying key interactions, together with an analysis of the effects of the current 'closure' of Somali waters (due to risk of piracy). An interim measure for the BIOT area could include a more comprehensive research and observer programme for the licensed tuna fisheries, to increase the database on tuna spawning, juvenile catches and bycatches, and sensitivity of individual and population movements to climate change<sup>38</sup> and other environmental variables. If the tuna fishery in the BIOT area were to continue, on the basis of MPA-zoning, then such research activities could, in MRAG's view, contribute to longterm population conservation whilst also identifying any areas of aggregation of protected, endangered or threatened species that might benefit from targeted time-area closures.

Ultimately the decision on the extent of the open ocean no-take zone within a potential BIOT MPA will be a political one. There is undoubted attractiveness in the simplicity – and greater presentational impact – of a large, no-take MPA. For either a scaled-down version or an internally zoned one, more subtle justifications would be needed, with the risk that such options might appear to be no different from business-as-usual.

The workshop also considered the issue of Mauritian fishing rights to be a political one, that could only be resolved by negotiation and international agreement. Full protection of the BIOT area as a no-take MPA would also need to apply to recreational fishing by visiting yachtsmen and on Diego Garcia.



**Figure 6.** Purse seine catch of yellowfin tuna.



**Figure 7.** BPV Pacific Marlin escorting an illegal fishing vessel into Diego Garcia.



## 6. Threats, risks and uncertainties

The workshop discussion groups identified a number of events, activities and possible developments that, depending on their location, timescale, severity and combination, might either strengthen the case for MPA establishment or jeopardise its future success. These issues could be grouped under three general headings – environmental changes, human activities, and science-policy interactions – as below. This list does not claim to be comprehensive; for additional details on several of these topics, see the Chagos Conservation Management Plan (2003)<sup>5</sup>.

### ***Environmental changes***

Direct climate change impacts. In addition to a likely increase of ~2°C in sea surface temperatures over the next 20-30 years (with serious implications for the frequency of coral bleaching<sup>24,25</sup>), significant changes in storm activity, rainfall, and ocean circulation are now near-inevitable<sup>39</sup>. All these aspects of climate change will impact the integrity and ecosystem functioning of coral reef ecosystems not just in the Indian Ocean but globally, increasing the societal and scientific value of near-pristine reefs that have shown greatest resilience to date, and that are therefore most likely to survive in future.

Ocean acidification. Closely linked to climate change, increases in dissolved CO<sub>2</sub> cause decreases in pH and aragonite saturation – with potentially serious implications for coral calcification<sup>40</sup>. Thus ~50% reduction in coral growth rates are predicted<sup>41</sup> if atmospheric CO<sub>2</sub> levels reach 450 ppm (optimistically considered the ‘safe’ target in international climate negotiations; levels are currently ~385 ppm). Ocean acidification may already be affecting the rate of post-bleaching recovery, and is highly likely to hasten the demise of coral reefs subject to other stressors.

Sea level rise. Closely linked to climate change (but also affected by local vertical land/seafloor movements), relative sea level at Diego Garcia increased by 4.4 mm per year over the period 1988-2001<sup>42</sup>, nearly twice the global average for absolute sea level change. If future increases are not fully matched by the upward growth of reef flats – considered unlikely on the basis of historical evidence – the consequence will be increased shoreline wave energy, erosion of island rims and much greater flooding risk (Fig 9), particularly during extreme weather events. Since the maximum elevation of most northern BIOT islands is only 1- 2 m, these are at risk of becoming submerged or ‘drowned’ atolls within a century on the basis of business-as-usual climate change scenarios.

Introduced species. Current (land-based) problems for invasive non-native animals and plants are relatively well known, and the need for control measures recognised. No marine introductions were found when surveyed by IUCN in 2006, but continued care, e.g. re ballast water discharge in Diego Garcia lagoon, is necessary.

### ***Human activities***

Illegal fishing. Illegal near-shore and reef fishing (e.g. for holothurians – sea cucumbers<sup>20</sup>; Fig 5b) is a concern, and any increases could require a step-wise increase in protection and enforcement effort, in the form of an additional fishery protection vessel (Fig 7; that could also be available for research and monitoring activities). Underlying factors include the increase in the small-vessel fishing fleets of Sri Lanka and other nearby nations, in part due to post-tsunami aid; the rapid growth of populations all around the Indian Ocean; and the declining condition of coral reefs elsewhere, with severe over-exploitation of their fisheries.

*Figure 8. Whilst all tropical corals are threatened by global warming and ocean acidification, those in Chagos reefs may be more resilient due to fewer other stresses.*



Visitors. Anchor-damage from yachts was identified as a significant visitor impact in the 2003 Management Plan<sup>5</sup>, and remedial action has since been taken. The workshop considered that the development of commercial tourism would risk ecological damage and disturbance, and was pragmatically unlikely because of current defence activities; the very limited land available for infrastructure (~16 sq km, excluding Diego Garcia); and constraints on freshwater supply and waste disposal. Nevertheless, it would be important goal for a BIOT MPA to provide virtual visits online (e.g. using Google Earth, and via the websites of conservation bodies<sup>43</sup>). Such access should involve underwater and land-based webcams and opportunities for 'citizen science' engagement in research and educational projects.

Research activities. Scientists are also occasional visitors (around 50 over the past 25 years, not connected with defence issues). Whilst considerable care has been taken to ensure that researchers do not themselves cause environmental damage, high standards need to be maintained for any future expansion of scientific activities – that could be expected following MPA designation.

Sound pollution. Underwater seismic surveys and defence-related underwater acoustic operations are potentially damaging to marine mammals such as whales and dolphins, and were identified as a concern at a recent Indian Ocean Cetacean Symposium<sup>44</sup>. Any such activities would need to be carefully regulated to minimise or exclude impacts within a BIOT MPA.

Oil pollution, marine litter. No marine oil-spill incidents to date. Most UK legal measures to minimise the incidence of oil pollution and assign liability for clean-up costs already apply to BIOT. Marine litter (flotsam, mostly plastic debris originating outside the BIOT area) is a shoreline problem on northern islands; its periodic removal is underway to maintain beach quality for nesting turtles.

Seabed mineral extraction. Although not currently of economic importance, deep sea mineral exploitation may occur in future as land-based ore reserves become depleted and metal prices rise. The Central Indian Ocean abyssal plain (Figs 1,3 & 4; to the east of the BIOT area) is rich in ferromanganese nodules<sup>45</sup>, and deposits of polymetallic sulphides and cobalt-rich ferromanganese crusts may occur at the actively-spreading Indian Ridge system<sup>46</sup> (Figs 1, 3 & 4; to the west of the BIOT area). An ISA licence for polymetallic nodule exploration<sup>47</sup> was issued to India in 2002 for an area of 150,000 sq km outside national jurisdiction to the south-east of the Chagos Archipelago. The environmental impacts of commercial-scale seabed mineral extraction have yet to be determined.

Bioprospecting. The high genetic diversity of coral reef ecosystems makes them attractive targets for biotechnological and pharmacological applications<sup>48</sup>. However, bulk harvesting is generally not required; instead small samples are used for initial screening, with subsequent laboratory-based molecular characterisation and production scale-up of any novel bioactives. The high cost of drug safety testing, together with patenting problems for natural products, has limited commercial development to date.

## ***Science-policy interactions***

Political uncertainties. The head of the FCO delegation at the workshop stated the UK government position with regard to Chagossian re-settlement, US military use of Diego Garcia, and Mauritian sovereignty claims for the Chagos Archipelago: on all of these issues, no changes to existing arrangements were envisaged in the near future. Whilst some workshop attendees considered that more detailed planning for an MPA should not preclude re-settlement, and/or the possible return of all or some of the islands to Mauritian jurisdiction, these scenarios were not discussed in detail. The FCO emphasised that any proposal for the establishment of a BIOT MPA was without prejudice to the outcome of proceedings at the European Court of Human Rights.

Financial commitment. MPA designation, establishment and maintenance are not cost-free activities: a longterm financial commitment is needed for their success<sup>49</sup>. Protection costs for the BIOT area are currently modest (estimated by Gravestock to be ~\$5 per sq km per year), at the low end of a global analysis<sup>50</sup> of MPA costs that had a median of \$775 per sq km per year. Whilst larger areas can be expected to have lower costs when expressed on a per area basis, other site-specific factors would continue to keep costs low for a BIOT MPA; in particular, the very low visitor numbers (reducing infrastructure and maintenance costs), and the negligible opportunity costs (income that might otherwise be available from alternative uses).

Stakeholder support. As already noted, wide stakeholder support would be needed for the success of a BIOT MPA, where stakeholders are defined as all groups involved in achieving project objectives – not just in terms of permission or financial support, but also those who are directly or indirectly affected, and with the ability to influence public opinion.

## 7. Science needs and opportunities

A recent online review<sup>51</sup> identified a very wide range of environmental science topics (mostly coral-reef related) considered to be of high importance for the Chagos Archipelago, grouped under 16 headings: Stepping stone in the Indian Ocean; ocean warming effects; coral mortality from warming; coral recovery and trajectories; fore- and hindcasting of coral population trajectories; lagoon responses; fish responses to climate change; acclimation by zooanthellae clades; water, exchange, clarity and sand budgets; reef geomorphology from remote sensing; estimates of fish diversity from remote sensing; pollution and water quality; invasive and introduced species; bird life; exploitation and poaching; and geochemistry and climate teleconnections.

The workshop had neither the time nor the expertise to consider all of these in detail. Nevertheless, it did re-group some key knowledge gaps and environmental science opportunities, in the context of both wider understanding (hypothesis-testing research

opportunities, that might be of interest to NERC, the Royal Society or NSF) and MPA management (more operationally focussed requirements, for support by BIOT Administration/FCO, DfID, Defra or NGOs), as summarised in Table 5 below.

NERC support could either be through individual, responsive-mode research grant proposals; consortium bids, assessed on scientific merit and involving a multi-institute research team; or a large-scale Research Programme, addressing NERC strategic priorities and initiated through theme leaders' Theme Action Plans. The workshop noted that responsive-mode grant bids were highly competitive, and that it was difficult to achieve the critical mass needed for interdisciplinary work. Whilst Research Programme development and approval were likely to be a lengthy and uncertain processes, multi-sector linkages (involving marine, terrestrial, geological and atmospheric research communities) could enhance the likelihood of success. Co-support arrangements could also be potentially advantageous, e.g. research proposal development via the multi-agency Living with Environmental Change (LWEC) programme<sup>52</sup>.



*Figure 9 (above). Coastal erosion is likely to increase as a consequence of future sea level rise, currently occurring more rapidly in the central Indian Ocean than elsewhere.*

*Figure 10 (left). Studies of coral cover include measurement of densities of juvenile and young colonies, to quantify recovery from warming-induced mortality events.*



Table 5. Summary of some environmental science needs and opportunities for the BIOT area.

	Knowledge gap	Context of wider understanding	Context of MPA management
1. Survey-based research and mapping	Deep sea geophysics in BIOT area	Geomorphological evolution of West Indian Ocean basin; plate tectonics and other seafloor processes	Basic mapping and knowledge of habitat diversity; requirement for EEZ recognition under UNCLOS, and MPA boundary definition
	Deep sea biodiversity in BIOT area	Development of biodiversity rules re ubiquity/endemism, trophic structuring, and upper ocean - lower ocean connectivities; potential for novel discoveries	Inventories of species' presence and abundances within the MPA; reference for future changes
	Shallow sea (50-200m) habitats and biodiversity in BIOT area [below standard SCUBA diving range]	Key ecosystem component linking islands/reefs with open ocean; maximum planktonic production likely to be at base of thermocline	Inventories of species' presence and abundances within the MPA; importance for fish feeding and spawning; reference for future changes
	Detailed mapping of island vegetation and soil structure	Comparison of natural and human-influenced tropical island ecosystems; improved calibration/validation of satellite-based data	Baseline information for monitoring and stability/erosion assessments
2. Monitoring environmental change	Atmospheric and marine biogeochemistry observations	Role as 'clean' control site, including dynamics of air-sea exchange processes; testing and development of global models of climate change and Earth system biogeochemistry (including ocean acidification)	Basic parameters for detecting site pollution and anthropogenic impacts
	Measurements of key coral reef parameters (for corals, reef fish invertebrates, turtles and birds) as indicators of ecosystem health	Distinguishing responses to local, regional and global environmental change; quantifying factors determining ecosystem resilience; reference data for studies elsewhere	Information on MPA status and management effectiveness (protection, restoration or remedial action)
	Open ocean plankton studies and abundance estimates for top predators (blue water fish and sea mammals)	Regional studies of ocean productivity, linkage to ocean circulation changes; development of ecosystem approach to marine resource management	Information on MPA status and management effectiveness
	Physical oceanography measurements over range of spatial scales, including sea-level changes	Improved models of reef and lagoon currents and circulations within wider context; impacts of extreme events and future climate change	Identification of coastal erosion risks
3. Large-scale or generic science questions	Palaeo-climate studies using coral cores (century-scale)	Understanding responses of reef system to past changes	Quantifying natural variability and referencing future changes
	Biological connectivity of BIOT area to wider region (via genetics, tagging and modelling, and including open-ocean fisheries)	Theoretical basis for ecosystem scaling and delivery of goods and services; optimising design and effectiveness of protected areas; management of migratory fish populations	Quantifying benefits of MPA for food security in wider Indian Ocean; engagement with Indian Ocean Tuna Commission and wider conservation activities
	Factors determining recovery from coral bleaching and wider ecosystem resilience	Improved understanding of species interactions, non-linear ecosystem changes, emergent properties of intact systems and functional redundancy	Information on MPA status and management effectiveness; 'best practice' approaches for application elsewhere

## Annex 1. Workshop programme

### Wednesday 5 August

10.45 Welcome, scene setting and current progress

- Context of meeting, broad outline (Lindsay Parson)
- UK government perspective of Chagos/BIOT MPA (Joanne Yeadon)<sup>53</sup>
- Chagos protection as of now (Charles Sheppard)
- Chagos – shallow water ecosystems and issues (John Turner)
- Chagos – mid- and deepwater ecosystems and issues (David Billett)

12.00 Discussion

12.30 *Lunch*

13.30 Short presentations/contributions with discussion, including:

- Fisheries management in the Chagos FCMZ (Chris Mees)
- Marine conservation: the Pew perspective (Jay Nelson)
- The economic value of the British Indian Ocean Territory (Pippa Gravestock; presentation given by Charles Sheppard)
- Marine conservation: the IUCN perspective (Dan Laffoley)
- Issues relating to MPA development and design (Francesca Marubini)
- Marine conservation in SE Asia (Heather Koldewey)
- MPA development in Southern Ocean (Susie Grant)
- Shallow marine benthic biodiversity: tropical-temperate comparisons (Andrew Mackie)

16.30 Scientific review; key issues

17.30 *Close*

### Thursday 6 August

09.00 Short presentations/contributions with discussion, continued

- Deepwater bathymetry and habitat mapping (Colin Jacobs)

09.15 Working Groups on science justification for BIOT MPA : benefits, threats and research issues

12.00 Reports from Working Groups (Rapporteurs: David Billett, Phil Williamson)

12.30 *Lunch*

13.30 Concluding discussions

15.30 *Close of meeting.*

Note (54) below gives details of additional written inputs.

## Annex 2. Workshop participants

David Billett	National Oceanography Centre, Southampton
Alan Evans	National Oceanography Centre, Southampton
Susie Grant	British Antarctic Survey
Simon Harding	Institute of Zoology
Peter Hunter	National Oceanography Centre, Southampton
Colin Jacobs	National Oceanography Centre, Southampton
Douglas Kerr	Foreign and Commonwealth Office
Heather Koldewey	Zoological Society of London/Institute of Zoology
Dan Laffoley	International Union for Conservation of Nature / Natural England
Andrew Mackie	National Museum of Wales
Francesca Marubini	Joint Nature Conservation Committee
Chris Mees	MRAG Ltd
Jay Nelson	Pew Environment Group: Global Ocean Legacy project
Iain Orr	Independent observer
Scott Parnell	Foreign and Commonwealth Office
Lindsay Parson	National Oceanography Centre, Southampton
John Pearce	MRAG Ltd
Katharine Shepherd	Foreign and Commonwealth Office
Charles Sheppard	University of Warwick / Chagos Conservation Trust
John Turner	University of Bangor
Keith Wiggs	BIOT Administration
Phil Williamson	University of East Anglia / NERC
Ian Wright	National Oceanography Centre, Southampton
Joanne Yeadon	Foreign and Commonwealth Office

### Annex 3. References and notes

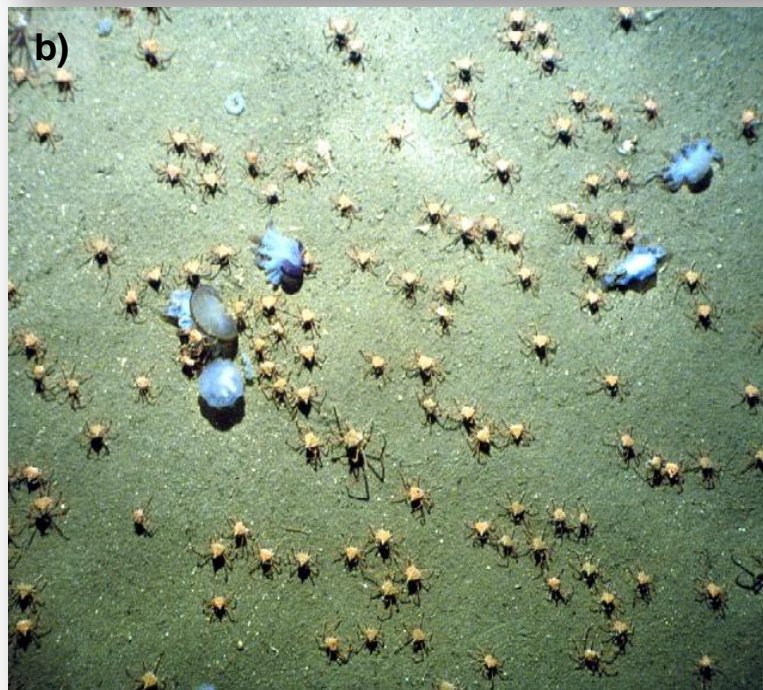
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53. Apart from this initial short presentation, stating the current UK government position, FCO participants had an observer role at the meeting.
54. Comments and other written submissions were provided both before and after the workshop by Pippa Gravestock (Univ of York), Sidney Holt (ex FAO), Peter Sand (ex-UNEP lawyer, University of Munich), David Vine (American University) and David Snoxell (Coordinator of Chagos All Party Parliamentary Group), also on behalf of the Chagos Refugee Group (Olivier Bancoult) and the Mauritius Marine Conservation Society (Philippe la Hausse de Lalouvière and Jacqueline Sauzier). Most of these inputs were either circulated to all workshop participants or made available at the meeting.

## Annex 4. Acronyms and abbreviations

BIOT, British Indian Ocean Territory; CBD, Convention on Biological Diversity; CCT, Chagos Conservation Trust; DECC, Department of Energy and Climate Change; Defra, Department for Environment, Food and Rural Affairs; DfID, Department for International Development; EEZ, Exclusive Economic Zone; ESRC, Economic and Social Research Council; EU, European Union; FCMZ, Fisheries Conservation Management Zone; FAO, Food and Agriculture Organization; FCO, Foreign and Commonwealth Office; GEBCO, General Bathymetric Chart of the Oceans; IOTC, Indian Ocean Tuna Commission; ISA, International Seabed Authority; IUCN, International Union for Conservation of Nature; LWEC, Living with Environmental Change; MPA, Marine Protected Area; NERC, Natural Environment Research Council; NGO, non-governmental organisation; NOAA, National Oceanic and Atmospheric Administration; NOCS, National Oceanography Centre, Southampton; NSF, National Science Foundation; SOFI, Strategic Ocean Funding Initiative; UNCLOS, United Nations Convention on the Law of the Sea; UNEP, United Nations Environment Programme.





**Figure 11.** a) The maximum species diversity for corals in the Chagos Archipelago is around 20m depth, with light penetration to >60m in deep lagoons and seaward slopes. b) Very little is known about the deep water fauna of the BIOT area; shown here are seafloor crabs from the north-western Indian Ocean, feeding on dead jellyfish *Crambionella orsini*. c) Sea mammals visiting the Chagos reefs include spinner dolphins *Stenella longirostris*.





The support of the International Union for the Conservation of Nature and the Pew Environment Group for the publication of this report is gratefully acknowledged

## **ANNEX 103**

Email from British High Commissioner on 13 October 2009

Joanne Yeadon (Conf)

From: John Murton (UKBA International Group) (Conf)  
Sent: 13 October 2009 12:05  
To: Joanne Yeadon (Conf)  
Cc: Sarah Riley (Conf); Jennifer Townson (Conf); Colin Roberts (Conf); Andrew Allen (Conf)  
Subject: RESTRICTED: MAURITIUS/BIOT: NEXT ROUND OF BIOT TALKS

Importance: High

Dear Joanne,

I've just spoken to Colin, and then to you, on the phone about my call on Boolell detailed below. You may find this helpful when Mahen Kundasamy comes in.

We are now firmly into election season in Mauritius. Although the poll is unlikely to take place until April next year, pre-election manoeuvring is already taking place at an accelerated pace. Given that Mauritian party politics is unencumbered by the burdens of party manifestos and policy differences, participants have greater freedom to focus on personalities, alliances and the complex business of ethnic politics on a rainbow island. A riveting e-gram with a low readership will issue in due course. One of the (few) issues where there is a discernable difference between the parties is BIOT: where Berenger's MMM is notably tougher than Ramgoolam's Labour or Jugnauth's MSM.

In this context that I called once more on Arvin Boolell yesterday. As usual, we touched on BIOT. As requested by you, I flagged up the likelihood that we would be in public consultation on the BIOT MPA by the time the next round of bilaterals were held - probably the end of November. This prompted an unusually political discussion.

Boolell was uncomfortable about the prospect of the MPA consultation. He said the opposition (Berenger) would seek to portray it as the UK going ahead with the MPA in the face of Mauritius' sovereignty over the island. It could become a stick to beat the Government with. I noted that the UK too was entering a period of intense political activity. As in Mauritius, politicians were seeking to make their mark. I would, of course, report any Mauritian concerns to London, but we had to be realistic about the impact of these concerns: the consultation was most unlikely to be halted. He took the point.

We agreed that, rather than seeking to stop the MPA consultation (which risked painting us both into corners), we should seek to pro-actively manage our messaging on BIOT to ensure that we could portray the consultation as being on mutual benefit and about an area of mutual concern. Indeed, the consultation could be portrayed as a 'fruit' of the first two rounds of UK-Mauritius dialogue (**Comment:** as we discussed, there is a peg for this in the last communique). As wide a consultation in Mauritius as possible would help avoid the idea that the Chagossians maintained a privileged position here (this concept is not helpful for the Government). Themes to draw on in our messaging would include:

- early fruit of our bilateral dialogue - Mauritius a privileged partner in this consultation.
- Mauritius fully kept in the loop about our plans to launch a consultation
- shared commitment to protecting the environment: 'Maurice: Isle Durable'. There is also plenty of material in Mauritius' new 'branding strategy' - with the strapline 'Mauritius: c'est un plaisir' and themes of environmental stewardship and nurturing.
- shared commitment to protecting commercial viabilities of fisheries in the Indian Ocean: Mauritius as a seafood hub.
- no impingement on our 1982 commitment to cede the islands to Mauritius when the territory as a whole was no longer needed for defence purposes.
- Indeed, simply means that when archipelago is ceded, it will be in a condition worth ceding;
- Fruit of new cooperative spirit and shows benefit of discussion and identification of areas of mutual interest e.g. continental shelf.

Use of these themes should help keep our messaging in-step and cooperative in nature.

Hope is helpful.

John

John Murton

## **ANNEX 104**

Email from British High Commissioner on 23 October 2009

(R)

AW  
AM/10/10/09 (20)

Joanne Yeadon (Conf)

From: John Murton (UKBA International Group) (Conf)  
 Sent: 23 October 2009 11:45  
 To: Joanne Yeadon (Conf); Ewan Ormiston (UKBA International Group) (Conf); Andrew Allen (Conf); Colin Roberts (Conf)  
 Cc: Rebecca Davies (Conf); Sarah Riley (Conf); Jennifer Townson (Conf)  
 Subject: RE: RESTRICTED: BIOT: Meeting with PM Ramgoolam

Dear Joanne, all,

I've just met again with Kailash Ruhee, the PM's respected Chief of Staff (and former Mauritian Ambassador in Washington). I explained the likely shape of the anticipated consultation, underlining that the document would, whilst confirming UK sovereignty, contain a re-iteration of HMG's 1982 commitment to cede the Islands to Mauritius when the archipelago as a whole was no longer needed for defence purposes (Comment: this is of utmost importance here).

At his request I traced the evolution of the MPA idea from its origins in March with the Chagos Environmental Network and the involvement of prominent NGOs such as the Pew Centre etc. This explained why he'd been seeing clippings relating to the concept for some period of time. The Foreign Secretary was attracted to the idea and was now seeking a consultation in order to test the waters. Timelines were tight in the UK. The proposed consultation couldn't now be delayed, although it was likely that SoS might be able to telephone the PM to explain further.

Kailash took this in his stride. He, personally, was 1000% committed to the idea. He understood and agreed with the science. It made sense for Mauritius. He would seek to persuade the PM of the merits of embracing the idea on environmental grounds alone. The political angle in Mauritius also augured for supporting the idea and selling it to the domestic audience as a step forward emanating from the bilateral talks. Kailash observed that the PM was beginning to think about 'legacy' issues as he approached his third term. The MPA could be one such issue.

Kailash then (unprompted) went on to discuss how Mauritius was considering setting up similar MPAs around St Brandon and Cargados Shoals. The lease-holder on St Brandon was supportive of the idea for eco-tourism reasons. We discussed how a network of Indian Ocean MPAs could have a magnifying effect and make a globally significant contribution to marine conservation. (Comment: there may be mileage in considering the points I made in this regard - managing a network of IO marine reserves - in an earlier document).

So far, so good. An early Miliband call to Ramgoolam (better than Boolell I think, despite the FM-PM mismatch) would be helpful. They could follow up at CHOGM. A network of MPAs in the Indian Ocean, if it could be achieved, would be a prize larger still than the proposed BIOT MPA - and one worth going the extra mile for: both in conservation terms and in terms of the political sustainability of the MPAs themselves.

John

John Murton  
 British High Commissioner, Mauritius  
 British Ambassador, Madagascar and Comoros 7th Floor, Les Cascades Building, Edith Cavell St, Port Louis, Mauritius  
 > \*T: +230 202 9400/ FTN 8263 2420 \*F: +230 202 9408 \*  
 > john.murton@fco.gov.uk \* www.fco.gov.uk Visit the FCO blogs at  
 > http://blogs.fco.gov.uk  
 Please note: the FCO system does not send "out of office" replies or non-deliverable

## **ANNEX 105**

Terms of Reference: Facilitator for British Indian Ocean Territory MPA Consultation,  
October 2009

## TERMS OF REFERENCE

### FACILITATOR FOR BRITISH INDIAN OCEAN TERRITORY (BIOT) MPA CONSULTATION

#### The Objective

1. To facilitate the FCO/British Indian Ocean Territory Administration (BIOTA) public consultation on whether to establish a marine protected area in the British Indian Ocean Territory. The facilitator will hold a series of meetings in Port Louis, Mauritius, Victoria, Seychelles and Crawley to allow interested parties to express their views, and produce a report summarising all written and oral responses received ("The Consultation Report"). Both the consultation and the summary report will conform to the Government *Code of Practice on Consultation* ("The Code of Practice").

#### The Recipient

2. The recipient for the work is the Secretary of State for Foreign and Commonwealth Affairs and the BIOT Commissioner. The facilitator will be supported by FCO Overseas Territories Department (OTD) in London, along with the British High Commissions in Victoria and Port Louis during the scheduled visits to the Seychelles and Mauritius and for consultation meetings in Crawley.

3. OTD will be responsible for:

- drafting the Consultation Document, supporting annexes and background information;
- publishing them on the FCO websites and disseminating them proactively to relevant stakeholders;
- dealing with queries related to the consultation process or requests for further information;
- making travel arrangements;
- receiving and forwarding to the facilitator all written responses (electronic and hard copy); and
- if required providing a workstation in King Charles Street and access to the *biotmpaconsultation* e-mail address during the period of the collation and analysis of the responses.

4. FCO/Port Louis/Victoria will be responsible for:

- scheduling and advertising all meetings;
- booking the venues; and
- providing office space in Port Louis/Victoria if necessary.

5. OTD will provide further support in finalising the Consultation Report, in particular by:

- providing the facilitator with all written responses received;
- providing comments on the draft report; and
- finalising the Consultation Report.



## The Scope

6. Consultation is a formal process for getting people's input on a specific issue, analysing this input and using it to inform the Government's policy development work. Consultation is not a public vote, it is a qualitative exercise to seek evidence to help deliver the most effective and efficient policy within the constraints set.

7. Although in this particular case consultation is not required, the decision has been taken to go ahead with a public consultation in order to canvass the views of the widest possible range of people with an interest in the environment of the British Indian Ocean Territory. It will give those who have an interest in or may be affected by the eventual decision the opportunity to express their views.

8. Consultation exercises should be accessible to, and clearly targeted at, those people the exercise is intended to reach. In this particular case, we need to reach the Chagossian communities living in Mauritius, the Seychelles and Crawley. Not all of them will have access to IT or have the confidence to reply in writing. For this reason it is important for the Chagossians to have the opportunity to voice their opinions in person to a facilitator.

9. While the meetings in Port Louis and Victoria are primarily to give the Chagossians an opportunity to express their views, the consultation will also invite views from any other stakeholders and interested parties who have an interest in the environment of BIOT. The full range of views will need to be represented in the Consultation Report.

10. The role of the facilitator will be to:

- conduct meetings in Port Louis, Victoria and the UK to allow interested parties to express their views on the options and questions in the Consultation Document;
- draft a written summary representing all views expressed at the meetings;
- collate and process these together with all written responses that have been received, electronically and in hard copy, by OTD by 26 February; and
- produce a summary of the consultation exercise, a summary of responses and an analysis of key findings, in the form of a draft Consultation Report that is consistent with the Code of Practice and DBERR guidance.

11. The meetings will take a range of forms: from open public meetings to workplace meetings and surgeries with representatives of community or other interested groups.

12. In addition, FCO may require the Facilitator to attend meetings to discuss the Government's response to the analysis, and to input into the final Consultation Report.

## Method

13. Analysing responses is one of the most important parts of the consultation process. The Code of Practice recommends keeping records of all stakeholder engagement undertaken throughout the consultation process. The notes of meetings should be analysed alongside written responses. Participants should be made aware in advance that their names will be recorded and this should comply with the Data Protection Act 1998.



14. Written consultation responses should be carefully documented using a "Response Analysis Grid", entering the names of respondents and the contact details so that they can be kept informed later on; the organisation represented; and a summary of their comments for each of the questions asked in the consultation document. It may also be useful to sort respondents into different types of stakeholder groups.

15. The summary of responses should give a précis of who responded to the consultation exercise (listing all respondents in annex) and through what means, and provide a synopsis of the range of responses to each question. Consultation is not a public vote. If a petition or a large number of responses is received as part of a campaign, it should clearly state in the summary of responses the number of responses received in this way and how they have been analysed.

## Reporting

16. The Consultation report should set out clearly what has been learnt from the exercise. The report should follow the structure recommended in the Code of Practice:

- **Introduction** – a summary of what the consultation exercise was about/its purpose
- **Conducting the consultation exercise** – a brief description of what the consulting body did during the consultation period and a summary of the responses received (how many, breakdown by sector, etc.).
- **Key findings** – a summary of the key themes from the consultation exercise
- **Summary of responses** – a summary of the range of responses received to each question
- **Annexes** – e.g. a list of those people/organisations who submitted written responses, a list of the meetings held, etc.

All of the above sections will be the responsibility of the Facilitator.

## Timeframe

17. The Consultation will begin on 10 November 2009 and the deadline for receipt of written responses is 12 February 2009. In keeping with the Code of Practice, the Consultation Report must be published within three months of the close of the Consultation, in other words by 12 May 2009. To allow time for revision and Ministerial approval the facilitator will be expected to submit:

- a collation of responses by 26 February
- a final draft Consultation Report (excluding the sections to be drafted by OTD) by 19 March.

18. DFID may ask the Facilitator to attend meetings to discuss the Government's response to the analysis, during the period between submission of the Facilitator's report (12 March) and publication of the final Consultation Report (12 April). These should be budgeted on a calldown basis.

19. The visits to Port Louis, Victoria and Crawley are planned provisionally for the period from 21 January to 9 February 2009. We envisage 4 days in Port Louis and 2/3 days in Victoria will be necessary and 1 day for Crawley.

## FCO/BIOTA Co-ordination

20. The facilitator will report to the BIOT Administrator in OTD, FCO. In Port Louis the facilitator will be accompanied by a member of the High Commission who will also act as translator. In Victoria, translation will not be necessary but the facilitator will again be accompanied by a member of the High Commission. On the facilitator's visit to Crawley, a member of the BIOT Administration will accompany if required.

## Background

21. All relevant background material is included in the Consultation Document and Annexes, and the links in Annex B.

22. The Department for Business Enterprise and Regulatory Reform (DBERR) website has a helpful guidance on all stages of the consultation process:

<http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

See in particular the links to the *Code of Practice on Consultations*, and the guidance on *Supplementing your written exercise*; *Closing the consultation*; and *Producing a summary of responses*.

OTD, October 2009

**ANNEX 106**

Record of telephone call between Foreign Secretary and Mauritian Prime Minister, 10  
November 2009

Registered

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(Pw)  
071/200/005/09 (20)

**RECORD OF TELEPHONE CONVERSATION BETWEEN FOREIGN SECRETARY  
AND MAURITIAN PRIME MINISTER, TUESDAY 10 NOVEMBER 2009**

The Foreign Secretary said that he understood that UK and Mauritian officials had been talking very productively about a marine protected area being created during the bilateral discussions on areas of mutual co-operation on BIOT. He wanted to reassure PM Ramgoolam that the public consultation being launched was on the *idea* of an MPA and it was only an *idea* at this point. Going out to consultation was the right thing to do before making any decisions. We would talk to Mauritius before we made any final decision. Mauritian views were important. We were arranging a facilitator to travel out to Port Louis and to Victoria in January to hold meetings with all interested parties. While the focus would be on the Chagossian community, the facilitator would also listen to other peoples' views.

The Foreign Secretary reassured PM Ramgoolam that there would be no impact on the UK commitment to cede the Territory to Mauritius when it was no longer needed for defence purposes. In the meantime, an MPA provided a demonstration of our bilateral relationship of trust and would make something of the remarkable features that exist in BIOT. He hoped the UK and Mauritius could work closely together on this.

PM Ramgoolam responded that environmental protection was an important subject for him. He had a few problems with the consultation document which he had only just seen and would be sending a Note Verbale on this. His first problem was on page 12 "we {Mauritius} have agreed in principle to the establishment of an MPA". This was not the case. Could we amend the consultation document?

In addition Mr Ramgoolam said that the consultation document completely overlooked the issue of resettlement. A total ban on fishing would not be conducive to resettlement. Neither was there any mention of the sovereignty issue. PM Ramgoolam did not want the MPA consultation to take place outside of the bilateral talks between the UK and Mauritius on Chagos.

The Foreign Secretary said he hoped there had been no misunderstanding. He understood that the discussions between the UK and Mauritius had been positive. He would ask officials to look at page 12 of the consultation document. *Comment: we have amended the language in page 12 to reflect more closely the wording in the communiqué.* He added that while the bilateral talks were an important forum, the purpose of the consultation was to bring the idea of an MPA to a wider public. Neither the consultation nor any decision would prejudice the court cases or any of the issues PM Ramgoolam referred to. He hoped PM Ramgoolam would see that the consultation was a positive thing.

PM Ramgoolam repeated his point that a ban on fishing would be incompatible with resettlement. The Foreign Secretary suggested he make that point in the consultation but there were all sorts of ways of organising sustainable fishing. Resettlement was a different question and would take enormous resources regardless of which Government did this. He knew that PM Ramgoolam was aware of the Government's strong position on this issue.

PM Ramgoolam said he had a problem with the consultation document saying that the BIOT Commissioner would make the declaration of an MPA. They wanted it to be declared by the

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UK Government as Mauritius did not recognise BIOT. He pointed out that he had elections next year. *Comment: this should not be an insurmountable problem. The Foreign Secretary might instruct the BIOT Commissioner to declare an MPA and make this clear in any press release.*

The Foreign Secretary said he believed that there was nothing in the document that weakened the Mauritian claim on sovereignty. There was no reason for Mauritius to criticise Ramgoolam on that score. The UK commitment to cede the Territory was as before. He added that he had a lot of respect for PM Ramgoolam's political skills and could not see the consultation being a problem for PM Ramgoolam.

PM Ramgoolam said he would take up the issue with Gordon Brown at CHOGM. He asked if the subject could be brought up at the next bilateral talks. The Foreign Secretary agreed that it could be.

Overseas Territories Directorate  
11 November 2009

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**ANNEX 107**

Written Ministerial Statement, 10 November 2009

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 29 DEC 2009

DESK OFFICER	DATE
INDEX	ACTION TAKEN
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Foreign &  
Commonwealth  
Office

(PA)

*[Handwritten signature]*

(4)

11-11-09

Written Ministerial Statement  
10 November 2009

**British Indian Ocean Territory: Marine Protected Area Consultation**

**The Secretary of State for Foreign and Commonwealth Affairs (David Miliband):**  
 The Government is today launching a public consultation into a proposal put forward by the Chagos Environment Network to establish a Marine Protected Area in the British Indian Ocean Territory.

The Chagos Environment Network's proposal "The Chagos Archipelago: its Nature and the Future" advocates the creation of one of the world's greatest natural conservation areas and is a remarkable opportunity for Britain to create one of the world's largest marine protected areas and double the global coverage of the world's oceans benefiting from protection.

The purpose of the consultation is to seek views from stakeholders and interested parties to help the Government assess whether a Marine Protected Area is the right option for the future environmental protection of the Territory and we are, therefore, strongly encouraging as many people as possible to participate in the consultation. We are also arranging for a facilitator to travel to Port Louis and Victoria early next year to listen to the views of the Chagossian communities and other stakeholders in Mauritius and Seychelles. The consultation will run until 12 February 2010.



Copies of the consultation are available on [www.fco.gov.uk](http://www.fco.gov.uk) , [www.ukinmauritius.fco.gov.uk](http://www.ukinmauritius.fco.gov.uk) and [www.ukinseychelles.fco.gov.uk](http://www.ukinseychelles.fco.gov.uk) and are being disseminated widely to interested groups.

## **ANNEX 108**

FCO Press Release, posted at 17:27 10 November 2009, 'UK enhancing protection for world's oceans and Antarctica'



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## UK enhancing protection for world's oceans and Antarctica

10 November 2009

The Government announced three measures aimed at enhancing environmental protection of the world's oceans and the Antarctic on Tuesday 10 November.

The three measures include:

- > A consultation that could see the British Indian Ocean Territory become one of the world's largest marine reserves;
- > A consultation on enhanced environmental protection for Antarctica; and
- > The designation of the world's first 'high seas' marine protected area south of the South Orkney Islands.



The British Indian Ocean Territory (also known as the Chagos Archipelago) includes a quarter of a million square miles of some of the most unspoilt, natural marine areas in the world. In their near pristine state, the islands remain a vital habitat to many forms of marine life as well as an important research site for marine biologists who are working to combat global climate change.

The Foreign Secretary, David Miliband, launching a consultation on the possibility of making BIOT one of the world's largest Marine Protected Areas (MPAs), said:

"This is a remarkable opportunity for Britain to create one of the world's largest marine protected areas, and to double the global coverage of the world's oceans that benefit from full protection. It also demonstrates this Government's commitment to protecting the global environment and halting biodiversity loss."

Dr Charles Sheppard, BIOT Scientific Adviser said:

"Very few areas of the world's oceans are in a condition remotely like their natural condition: Chagos is one of them, and

FCO on Flickr

> See all photos

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if made a refuge for species and habitats it can provide a guide to many other conservation efforts around the world."

The consultation asks for views on whether BIOT should become an MPA, the options around making BIOT a partial or full 'no-take' fishing zone, and on what other measures should be taken to protect the environment in BIOT. Responses to the consultation will form the basis of a report which will be written and presented to the Foreign Secretary who will then decide on the next steps.

The Government today also publishes a draft Antarctic bill which aims to enhance the protection of this unique and unspoilt wilderness. The bill seeks to strengthen measures to ensure that all British activities in Antarctica will be carried out with strict regard for the environment and includes additional protection for the Antarctic marine environment.

The bill would implement into UK legislation an internationally agreed framework for the recovery of costs of cleaning up any environmental damage which occurs in Antarctica. It will also enhance the safety and search and rescue requirements for expeditions to Antarctica.

Chris Bryant, FCO Minister who is leading the Antarctic consultation, said:

"The UK has been at the forefront of Antarctic science and exploration and has played a leading role in the Antarctic Treaty System, which the UK was the first to sign 50 years ago. This draft Bill implements our international commitments and provides for the continued protection of the continent into the future. It ensures that British activities in Antarctica will be carried out safely and that environmental risks are minimised."

The South Orkneys Marine Protected Area (MPA) would be the world's first 'high seas' marine protected area covering a large area of the Southern Ocean in the British Antarctic Territory, south of the South Orkney Islands. The UK proposal was successful at last week's 25-nation Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), held in Tasmania.

The marine protected area, the result of four years of development work, is just under 94,000 square kilometers, which is more than four times the size of Wales. No fishing activities and no discharge or refuse disposal from fishing vessels will be allowed in the area, which will allow scientists to better monitor the effects of human activities and climate change on the Southern Ocean.

Welcoming the South Orkneys MPA, Chris Bryant said:

"I am delighted that the UK is leading the world in recognizing the need to protect and conserve our oceans. The Commission for the Conservation of Antarctic Marine Living Resources has again been able to show that it is a world leader in marine conservation. Climatic changes are having a serious effect on the Southern Ocean and it is vital that we take this first step towards the development of a network of marine protection



across all of the world's oceans."

Drs Phil Trathan and Susie Grant from the British Antarctic Survey led on the scientific work which underpinned the proposal for the MPA. Dr Trathan said:

"The South Orkneys MPA is the first link in a network that will better conserve marine biodiversity in the Antarctic. It will help conserve important ecosystem processes, vulnerable areas, and create reference sites that can be used to make scientific comparisons between fished areas and no-take areas. Such networks will become increasingly important as climate change impacts become increasingly evident in the future."

The BIOT and Antarctica consultations both run from 10 November 2009 until 12 February 2010.

The South Orkneys MPA will come into force in May 2010 (180 days after the adoption date).

#### **Further information**

##### **BIOT Consultation**

- › The British Indian Ocean Territory, also known as the Chagos Archipelago, consists of some 55 tiny islands which sit in a quarter of a million square miles of the world's cleanest seas.
- › The Chagos Islands have belonged to Britain since 1814 (The Treaty of Paris) and are constituted as the British Indian Ocean Territory (BIOT). Only Diego Garcia, where there is a military base, is inhabited (by military personnel and employees).
- › The idea of making the British Indian Ocean Territory an MPA has the support of an impressive range of UK and international environmental organisations coming together under the auspices of the "Chagos Environment Network" to help enhance environmental protection in BIOT.
- › Pollutant levels in Chagos waters and marine life are exceptionally low, mostly below detection levels at 1 part per trillion using the most sensitive instrumentation available, making it an appropriate global reference baseline.
- › BIOT offers great scope for research in all fields of oceanography, biodiversity and many aspects of climate change. These are core research issues for UK science. Scientists also advise us that BIOT is likely to be key, both in research and geographical terms, to the repopulation of coral systems along the East Coast of Africa and hence to the recovery in marine food supply in sub-saharan Africa. BIOT waters would continue to be patrolled by the territory's patrol vessel, which would enforce the MPA conditions.

### Draft Antarctic Bill

- › The draft Bill will i) implement a new Annex to the Protocol on Environmental Protection to the Antarctic Treaty on Liability Arising from Environmental Emergencies; ii) ensure that all British activities in Antarctica have in place insurance and contingency-planning in respect of health and safety, search and rescue and medical evacuation; and iii) update provisions in the Antarctic Act 1994, including to enhance the protection of the Antarctic marine environment.
- › The draft Bill will ensure that all UK Antarctic operators (governmental and non-governmental) take preventative measures to reduce the risk of environmental emergencies and take prompt and effective response action should any such emergency arise. Where an operator fails to take such response action, the draft Bill will enable the recovery of costs.
- › The Government's intention is that the provisions of the draft Bill which implement the new Annex to the Protocol on Environmental Protection to the Antarctic Treaty on Liability Arising from Environmental Emergencies would not come into force until the Annex is in force internationally. As this requires the ratification by all 28 Antarctic Treaty Consultative Parties which agreed it in 2005, it is not expected to be in force for a number of years. The UK is keen, however, to be among the first to ratify the Annex, as a demonstration of our leading role in the Antarctic Treaty System.

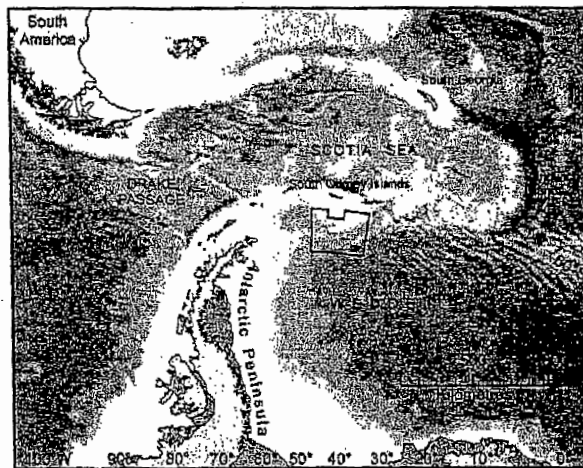
Read more about visiting Antarctica

### South Orkneys MPA

- › The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) entered into force in 1982. There are currently twenty-five State Members of the Commission, which have fisheries or research interests in the Southern Ocean. The Commission operates as a fisheries management framework for the Southern Ocean, but unlike a conventional Regional Fisheries Management Organisation, CCAMLR is an intrinsic part of the Antarctic Treaty System. It therefore has wider conservation responsibilities for the Southern Ocean and the wider Antarctic ecosystem (i.e. it looks at the impact of fishing on the whole food-chain).
- › The marine protected area for the South Orkneys includes important sections of an oceanographic feature known as the Weddell Front, which marks the northern limit of waters characteristic of the Weddell Sea and the southern limit of the Weddell Scotia Confluence. The Weddell Scotia Confluence is a key habitat for Antarctic krill, one of the

main species harvested in the Antarctic and a key focus for CCAMLR. The MPA also includes important foraging areas for Adélie penguins that breed at the South Orkney Islands, and important submarine shelf areas and seamounts, including areas that have recently been shown to have high biodiversity.

- › For more information on the scientific work relating to the South Orkneys MPA contact: British Antarctic Survey Press Office: Linda Capper – tel: (01223) 221448, mob: 07714 233744, email: l.capper@bas.ac.uk.
- › Map showing location of the new marine protected area, south of the South Orkney Islands in the British Antarctic Territory. The new status of the area will be enforced by CCAMLR members states.



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## **ANNEX 109**

Press Release of the UK High Commissioner to Port Louis, John Murton, 'British Indian Ocean Territory/Chagos Archipelago: Consultation on possible establishment of marine protected area', 12 November 2009



British  
High Commission  
Mauritius

British High Commission  
Les Cascades Building  
Edith Cavell Street  
Port Louis, Mauritius

Tel: (230) 202 9400  
Fax: (230) 202 9408  
[www.ukinmauritius.fco.gov.uk](http://www.ukinmauritius.fco.gov.uk)



#### BRITISH INDIAN OCEAN TERRITORY/CHAGOS ARCHIPELAGO: CONSULTATION ON POSSIBLE ESTABLISHMENT OF MARINE PROTECTED AREA

Degradation of the world's oceans is a huge environmental concern. Be it through bleached coral reefs or declining fish stocks, damage to our oceanic environment indirectly affects us all: especially in an island nation like Mauritius with an important seafood industry. Measures such as fish farming and other oceanic industries can help make up some of the economic impact of over-exploitation of our marine environment, but they are of only limited help in aiding the oceans to recover from over-use.

In this context, a growing number of nations are establishing marine parks around the world. The idea is that creating a marine park where fishing is tightly controlled or prohibited enables the ocean environment and fish stocks to recover. Recovering fish-stocks then help replenish fisheries even in areas outside the protected zone – to the benefit of the wider economy and environment. The US has led the way on this, with President Bush declaring two large marine parks before he left office last year.

The conservation world therefore sat up and noticed when, earlier this year, an environmental NGO - the Chagos Environment Network – set forward a proposal to create a massive Marine Park or 'Marine Protected Area' (MPA) in British Indian Ocean Territory (BIOT), known to many as the Chagos Islands. The NGO's proposal argued that there was a remarkable opportunity to create the world's largest MPA in Chagos: at one stroke doubling the area of the world's oceans benefiting from protection of this kind! The waters of the Chagos Archipelago have been found to be amongst the world's least polluted and its fish stocks and coral reefs amongst the least damaged in the world. A marine park in Chagos, it was argued, could be the Serengeti or Amazon of the ocean.

This idea has caught the imagination of UK Foreign Secretary, David Miliband. And so, on 10 November, the British Government launched a public consultation into the possibility of creating a Marine Protected Area (MPA) in the waters of the Chagos Archipelago. It's an exciting idea, but one that will inspire a wide range of views. The purpose of the consultation is to understand these views as well as possible: only then can a decision be taken about whether or not to establish a marine park.

The UK has long committed to cede BIOT/Chagos Islands to Mauritius when no longer needed for defence purposes. The Government of Mauritius is therefore a key stakeholder and we are very keen to hear more of their views on the idea of establishing an MPA. We've already discussed the idea during bilateral talks on BIOT, most recently in July earlier this year. And we hope to have a further discussion at the next round of talks, which are expected to take place early in 2010. Preserving the global marine environment is a goal that I believe is – in principle - shared by both countries and so there is plenty of scope for working together.

There is no hidden agenda: our consultation document restates our commitment to cede the Territory to Mauritius when it is no longer needed for defence purposes. Indeed, given this commitment, any environmental protection measures put in place in BIOT will serve to safeguard the value of the archipelago for when we cede it to Mauritius.

As with any public consultation, we don't just speak to Governments, but to as wide a range of stakeholders and interested parties as we can. We hope that as many people as possible participate in the consultation and offer their views. With this in mind, a consultation facilitator will visit Mauritius in January to gather the views of local interlocutors, including the Chagossian community. We hope to hold a 'town-hall' meeting where everyone can put their opinions forward – as well as receiving written submissions.

The NGO's proposal of a huge marine park in BIOT/Chagos holds out the prospect of preserving an environmental jewel that will compare with Australia's Great Barrier Reef: a truly exciting prize. It's something that is important and so it is important we get it right. And we can't do that without hearing as many views as possible. The consultation will run until 12 February – please make yourself heard.

**The full consultation document is available on the BHC website:  
[www.ukinmauritius.fco.uk](http://www.ukinmauritius.fco.uk)**

John Murton  
British High Commissioner  
12 November 2009



**ANNEX 110**

Note of meeting between British High Commissioner and Mauritian Foreign Minister, 20  
November 2009

07/26/05/09 (J)

(PW) MR4

**Joanne Yeadon (Conf)**

**From:** Andrew Allen (Conf)  
**Sent:** 20 November 2009 09:03  
**To:** John Murton (UKBA International Group) (Conf); Joanne Yeadon (Conf)  
**Cc:** Rebecca Davies (Restricted); Sarah Riley (Restricted); Colin Roberts (Conf); Matthew Forbes (Conf); Ewan Ormiston (UKBA International Group) (Conf)  
**Subject:** RE: RESTRICTED: BIOT - MPA - Mauritian views

**Registered:** Yes  
**Security Label:** RESTRICTED

\*\* REGISTERED \*\* - on ~~its~~ Relations with Mauritius

[Redacted]

Andrew Allen  
Head of Southern Oceans Team, Overseas Territories Directorate  
Tel: + 44 20 7008 8279; Fax + 44 20 7008 2108; E-mail: HYPERLINK  
"mailto:andrew.allen@fco.gov.uk"andrew.allen@fco.gov.uk

**From:** John Murton (UKBA International Group) (Conf)  
**Sent:** 20 November 2009 06:56  
**To:** Joanne Yeadon (Conf)  
**Cc:** Rebecca Davies (Restricted); Andrew Allen (Conf); Sarah Riley (Restricted); Colin Roberts (Conf); Matthew Forbes (Conf); Ewan Ormiston \* (Protect)  
**Subject:** RESTRICTED: BIOT - MPA - Mauritian views

Dear Joanne,

I met today with Arvin Boollell to discuss CHOGM, although our discussion actually began by focusing on BIOT issues.

[Redacted] He asked for a readout of the PM's call with Millband [Redacted]. I gave him a brief on this and noted how we had met the PM's request to change the language Mauritius didn't like [Redacted]. I confirmed [Redacted] we'd be happy to discuss the MPA consultation in our bilateral forum if that was what the GoM preferred. But of course, a wider consultation was necessary to hear civil society views, something that was common practice in our system. Boollell nodded [Redacted].

Boollell observed that he was pleased to have seen (a) the multiple references to maintaining our commitment to cede the islands to Mauritius when no longer needed for defence purposes and (b) the 'no-prejudice' to the ECHR case vs the Chagossians. I agreed. As I'd said in the press, the whole purpose of the MPA consultation was to consider environmental protection. [Redacted] These two re-assurances in the consultation document made clear of this. Boollell [Redacted] concluded that this was indeed the case: [Redacted]. We agreed that press reaction had been largely positive to date.

I noted that the Mauritian budget on Wednesday had included money for the creation of Marine Protected Areas [Redacted]. We were both interested in Marine Conservation. We had plenty of scope to work together. Boollell agreed.

We then moved on to discuss other issues.

[Redacted]

## **ANNEX 111**

Consultation on whether to establish a Marine Protected Area in the British Indian Ocean  
Territory



Foreign &  
Commonwealth  
Office

PW  
BIOT

**FCO CONSULTATION DOCUMENT**

**CONSULTATION ON WHETHER TO ESTABLISH A MARINE PROTECTED  
AREA IN THE BRITISH INDIAN OCEAN TERRITORY**

A consultation produced by the Foreign and Commonwealth Office.

This information is also available on the FCO website: [www.fco.gov.uk](http://www.fco.gov.uk), British High  
Commission Port Louis website: [www.ukinmauritius.fco.gov.uk](http://www.ukinmauritius.fco.gov.uk) and British High  
Commission Victoria website: [www.ukinseychelles.fco.gov.uk](http://www.ukinseychelles.fco.gov.uk)



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In March 2009, the Chagos Environment Network\* presented their vision of “The Chagos Archipelago: its Nature and the Future” which advocates the creation of one of the world’s greatest natural conservation areas. This is a remarkable opportunity for the UK to create one of the world’s largest marine protected areas and double the global coverage of the world’s oceans benefiting from full protection.

We want to use this consultation to help us assess whether a marine protected area is the right option for the future environmental protection of the British Indian Ocean Territory. This document explains the issue on which we would like your views, and the ways in which you can send them to us. I strongly encourage you to participate in this consultation.

David Miliband  
Foreign Secretary

(\*includes: Chagos Conservation Trust, The Linnean Society of London, Pew Environment Group, The Royal Society, The Royal Society for the Protection of Birds (RSPB), The Zoological Society of London (ZSL) and the Marine Conservation Society (MCS), Royal Botanic Gardens Kew, Professor Charles Sheppard and many visiting scientists.)

*Lead Responsible for consultation:* Overseas Territories Directorate, FCO

*Who should read this document?* Anyone with an interest in the British Indian Ocean Territory or the Overseas Territories in general. Anyone with an interest in protection of the environment.

*Making your views heard:* we are keen to gather all views on environmental protection in the British Indian Ocean Territory and any supporting evidence. You should not feel constrained by the specific question(s) or feel obliged to offer responses to all of them. Concentrate on those in which you have most interest. It would be helpful if you could describe your views, suggestions and experiences when responding, rather than giving “yes” or “no” answers.

## **How to respond**

1. This section outlines the ways in which you can make your views heard.
2. The consultation period will begin on 10 November 2009. It will run until 12 February 2010. There will be meetings in Port Louis, Mauritius and Victoria, Seychelles between 21 January and 9 February (exact dates to be advised later). There will also be a meeting in the UK. These meetings will be organised by an independent facilitator who will record all the views expressed.
3. Alternatively, you are welcome to respond by post or e-mail. Please ensure that your response reaches us by 12 February. If you live overseas and intend to respond by post, please ensure that your response reaches us no later than 12 February. You may respond to this consultation in the following ways:
  - (i) Write to:

BIOT marine protected area consultation  
Overseas Territories Directorate  
Foreign and Commonwealth Office  
King Charles Street  
London  
SW1A 2AH
  - (ii) E-mail your response to: [biotmpaconsultation@fco.gov.uk](mailto:biotmpaconsultation@fco.gov.uk)
4. Copies of this consultation document can be found at [www.fco.gov.uk](http://www.fco.gov.uk), the British High Commission Port Louis website: [www.ukinmauritius.fco.gov.uk](http://www.ukinmauritius.fco.gov.uk) and the British High Commission Victoria website: [www.ukinseychelles.fco.gov.uk](http://www.ukinseychelles.fco.gov.uk). This consultation document and the impact assessment will also be available in Creole on the Port Louis website.
5. If you have any general queries about this consultation, please contact: [biotmpaconsultation@fco.gov.uk](mailto:biotmpaconsultation@fco.gov.uk).
6. We have made every effort to bring this consultation to the attention of those with an interest in the British Indian Ocean Territory. The document has been disseminated to a wider audience through website, representative groups, directly to representatives of interested parties/governments/organisations with a known interest. However, if you

think there are other ways that we can increase awareness of the consultation, please do let us know.

### **Consultation Questions**

It would be helpful if you could structure your response to address the question(s) below, but you should not be restricted to these questions. Please send us any information that you feel is relevant to your response.

1. *Do you believe we should create a marine protected area in the British Indian Ocean Territory?*

*If yes, from consultations with scientific/environmental and fishery experts, there appear to us to be 3 broad options for a possible framework:*

- (i) *Declare a full no-take marine reserve for the whole of the territorial waters and Environmental Preservation and Protection Zone (EPPZ)/Fisheries Conservation and Management Zone (FCMZ); or*
- (ii) *Declare a no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ with exceptions for certain forms of pelagic fishery (e.g., tuna) in certain zones at certain times of the year.*

*(iii) Declare a no-take marine reserve for the vulnerable reef systems only.*

2. *Which do you consider the best way ahead? Can you identify other options?*
3. *Do you have any views on the benefits listed at page 11? What importance do you attach to them?*
4. *Finally, beyond marine protection, should other measures be taken to protect the environment in BIOT?*

When you are responding, please state whether you are an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please state the name of the organisation, your role within it and how the views of members were assembled.

### **What will happen next?**

We will not be able to consider any responses received after 12 February. We will then assess the evidence and opinions received, and we will publish a summary report soon after that. We expect to announce a decision on whether to establish a Marine Protected Area in early April 2010.

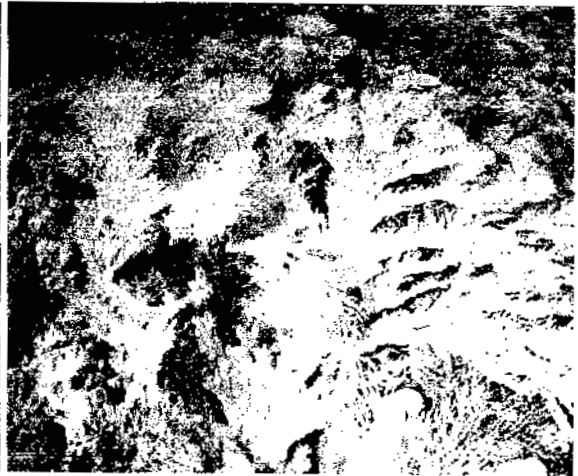
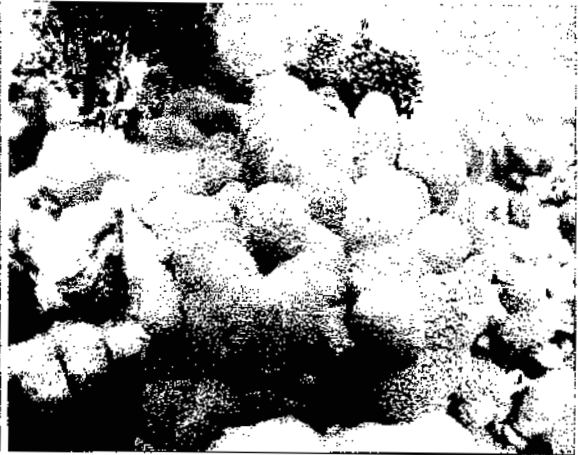
### **Confidentiality**

The information you send us may be passed to colleagues within the Foreign and Commonwealth Office or the facilitator appointed by FCO to analyse responses to this consultation, and published in a summary of responses received in response to this consultation. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by



our organisation's IT system, unless you specifically include a reference to the contrary in the main text of your submission to us.

If you want your name and address to be kept confidential, please mark this clearly at the top of your response. (*Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.*)



## HOPE

Any declaration of a Marine Protected Area in the British Indian Ocean Territory would be made by the BIOT Commissioner and not by the UK Government. Although the BIOT Commissioner is not bound by UK Government guidelines on public consultation, the Foreign Secretary has decided that there is sufficient international and public interest related to this proposal to merit such a consultation.

This consultation is in response to the proposal of the Chagos Environment Network: "The Chagos Archipelago: its Nature and Future" ([www.chagos-trust.org](http://www.chagos-trust.org)) which recommends the establishment of a conservation area in the British Indian Ocean Territory. The purpose of this consultation is to seek views from stakeholders and interested parties on this proposal.

Any decision to establish a marine protected area would be taken in the context of the Government's current policy on the Territory, following the decision of the House of Lords in *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs* [2008] UKHL 61 that the British Indian Ocean Territory (Constitution) Order 2004 and the British Indian Ocean Territory (Immigration) Order 2004 are lawful; i.e., there is no right of abode in the Territory and all visitors need a permit before entering the Territory. Access to a part of the Territory is also restricted under our Treaty obligations with the US. It is the Government's provisional view, therefore, that we would not establish a permanent research facility in any part of the Territory. Any decision to establish a marine protected area would not affect the UK Government's commitment to cede the Territory to Mauritius when it is no longer needed for defence purposes.

This consultation and any decision that may follow for the establishment of a marine protected area are, of course, without prejudice to the outcome of the current, pending proceedings before the European Court of Human Rights (ECtHR). This means that should circumstances change, all the options for a marine protected area may need to be reconsidered.

An Impact Assessment has been written for this proposal and can be found at Annex A.

## **SUMMARY OF QUESTIONS**

- 1. Do you believe we should create a marine protected area in the British Indian Ocean Territory?**

*If yes, from consultations with scientific/environmental and fishery experts, there appear to be 3 broad options for a possible framework:*

- (iv) Declare a full no-take marine reserve for the whole of the territorial waters and Environmental Preservation and Protection Zone (EPPZ)/Fisheries Conservation and Management Zone (FCMZ); or*
  - (v) Declare a no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ with exceptions for certain forms of pelagic fishery (e.g., tuna) in certain zones at certain times of the year.*
  - (vi) Declare a no-take marine reserve for the vulnerable reef systems only.*
- 2. Which do you consider the best way ahead? Can you identify other options?**
  - 3. Do you have any views on the benefits listed at page 11? What importance do you attach to them?**
  - 4. Finally, beyond marine protection, should other measures be taken to protect the environment in BIOT?**

## **BACKGROUND**

*“One of the most precious, unpolluted, tropical ocean environments left on Earth”* – Chagos Conservation Trust.

The British Indian Ocean Territory (BIOT - also known as the Chagos Archipelago) is situated in the middle of the Indian Ocean and is made up of about 55 tiny islands in over half a million square kilometres of ocean. The Great Chagos Bank is the world’s largest atoll. The islands, reef systems and waters of BIOT in terms of preservation and biodiversity are among the richest on the planet and it contains about half of all the reefs of this ocean which remain in good condition. There are about 10 Important Bird Areas (IBAs). It has the Indian Ocean’s most dense populations of several seabird species. It also has remnants of Indian Ocean island hardwoods. It also contains exceptional numbers of coconut crabs and undisturbed and recovering populations of Hawksbill and Green Turtles.

This massive area has already been declared an Environmental (Preservation and Protection) Zone with legislation in place to protect these natural resources which include strict controls over fishing, pollution (air, land and water), damage to the environment, and the killing, harming or collecting of animals. Some of the most important land and sea areas have already been set aside for additional protection. Most of the lagoon areas and a large part of the land area of Diego Garcia are protected as Restricted Areas, four Special Conservation Areas and a Nature Reserve. Strict Nature Reserves cover the land and surrounding reefs and waters of the islands of the Great Chagos Bank and a large part of Peros Banhos Atoll.

The Territory is also subject to further levels of internationally binding legal protection. This includes the designation of part of Diego Garcia as a Wetland of International Importance under the Ramsar Convention; the Whaling Convention (including an Indian Ocean Whale Sanctuary); the Law of the Sea Convention (with provisions to protect fish stocks); the Indian Ocean Tuna Commission; CITES (regulating trade in wildlife, including corals); and the Bonn Convention (with provisions to protect marine turtles and cetaceans).

So with all this protection already in place, what would be the added value of creating a marine protected area? Taking into account the findings of the workshop “Marine conservation in the British Indian Ocean Territory (BIOT): science issues and opportunities” held 5-6 August 2009 at the National Oceanography Centre Southampton and supported by the NERC Strategic Ocean Funding Initiative (SOFI) [www.oceans2025.org](http://www.oceans2025.org) the FCO’s view is that:

- There is sufficient scientific information to make a convincing case for designating most of the Territory as a marine protected area (MPA), to include not only protection for fish-stocks but also to strengthen conservation of the reefs and land areas.
- The justification for MPA designation is based primarily on the size, location, biodiversity, near-pristine nature and health of the coral reefs, likely to make a significant contribution to the wider biological productivity of the Indian Ocean. It would have a wide diversity of unstudied deepwater habitats.
- There is high value to scientific/environmental experts in having a minimally perturbed scientific reference site, both for Earth system science studies and for regional conservation management.

- MPA designation would be consistent with existing BIOT conservation policies, providing a very cost-effective demonstration of the UK Government's commitment to environmental stewardship and halting biodiversity loss.
- There is growing scientific support for establishing large scale marine reserves to protect fish stocks (which has already led the United States of America to create two Marine National Monuments) and there is growing scientific evidence of the global significance of BIOT as a pelagic/archipelagic eco system.
- MPA designation for BIOT would safeguard around half the high quality coral reefs in the Indian Ocean whilst substantially increasing the total global coverage of MPAs. If all the BIOT area were a no-take MPA, it would be the world's largest site with that status, more than doubling global coverage with full protection.
- In addition, the fisheries in the BIOT are currently a loss-making business for the British Indian Ocean Territory Administration. The average yearly income from the purse-sein/long line fishery is usually between £700,000 to £1 million. Only one company presently fishes on the reefs (inshore fishery) and this brings in only a very small income to BIOT Administration. The profits from fishing are ploughed back into the running costs of the BIOT Patrol Vessel, the Pacific Marlin. But the income does not meet the entire costs of running the vessel. Consequently the Administration's costs have to be subsidised from the FCO's Overseas Territories Project Fund.

We have the opportunity here to preserve BIOT's unique environment. While the main focus of this consultation is whether to create a marine protected area in the first instance, we would also like your views on a possible framework for the fisheries. We have identified 3 options:

1. Declare a full no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ; or
2. Declare a no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ with exceptions for certain forms of pelagic fishery (e.g., tuna) in certain zones at certain times of the year.
3. Declare a no-take marine reserve for the highest value waters (i.e., the reef systems) only.

You may have other ideas and we would be interested to hear them.

We are aware that some marine parks are established and some end up being "paper parks" that is the area is declared as a marine protected area but nothing more happens. If the decision is taken to go ahead with the marine protected area in BIOT, we would need to develop an administrative framework from within the British Indian Ocean Territory Administration to oversee the Management of the MPA.

## **ANNEX 112**

Biodiversity Strategy for the Overseas Territories, December 2009

[www.defra.gov.uk](http://www.defra.gov.uk)

# United Kingdom Overseas Territories Biodiversity Strategy



Foreign &  
Commonwealth  
Office

**DFID** Department for  
International  
Development

JOINT  
NATURE  
CONSERVATION  
COMMITTEE



**defra**  
Department for Environment,  
Food and Rural Affairs



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Department for Environment, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London SW1P 3JR  
Telephone 020 7238 6000  
Website: [www.defra.gov.uk](http://www.defra.gov.uk)

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Information about this publication and further copies are available from:

Defra  
Area 3B  
Nobel House  
17 Smith Square  
London SW1P 3JR

Email: [UKOTenquiries@defra.gsi.gov.uk](mailto:UKOTenquiries@defra.gsi.gov.uk)

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Biodiversity is crucial in underpinning sustainable development across the Overseas Territories, as it is across the world. Biodiversity is also of fundamental importance to the provision of social and economic benefits across our local communities. Increasing our efforts to combat biodiversity loss is essential, and I am proud of the work the Government is doing in collaboration with the administrations of the Territories as well as with many Non-Government Organisations, which have provided so much assistance in the past, and continue to do so now.

So that is why I am so pleased that my colleagues in the Foreign and Commonwealth Office and the Department for International Development have worked with my Department to establish this Strategy for the Conservation and Sustainable Use of Biodiversity in the UK Overseas Territories. This Strategy demonstrates the continuing hard work across these Departments as well as the Joint Nature Conservation Committee, the Government's scientific advisers on international biodiversity issues. It has built on the assessment of priorities for biodiversity conservation in our Overseas Territories, as well as ongoing work between Government departments and other Government agencies, both in metropolitan UK and in the Territories.

The Strategy will be an essential vehicle for continuing and enhancing the constructive cooperation among the various interested administrations, agencies and individuals. For our part we in Defra, in leading on the co-ordination of the work of the Strategy, guarantee to continue to deliver our very best efforts towards engaging all parties more effectively in reducing biodiversity loss for our generation, and for generations to come, in the UK's Overseas Territories which contain so much of our most valuable wildlife.

**Huw Irranca-Davies**  
**Minister for Marine and Natural Environment**

## Background

This paper sets out a new UK Government strategy for the conservation and sustainable use of biodiversity in the Overseas Territories. It has been prepared by the Joint Nature Conservation Committee (JNCC), with input from officials from Defra, the Foreign & Commonwealth Office (FCO) and the Department for International Development (DFID), at the request of the Inter-Departmental Ministerial Group on Biodiversity (IDMGB). The IDMGB has endorsed the strategy.

## The need for a UK Government strategy

The UK has international obligations to protect biodiversity. Under the Convention on Biological Diversity the UK has made a commitment to reduce significantly the rate of biodiversity loss by 2010 (and likely successor targets), and this target is a component of the Millennium Development Goal of ensuring environmental sustainability. There are additional commitments to protect biodiversity under other Multilateral Environmental Agreements (e.g. the Convention on Migratory Species, the Convention on International Trade in Endangered Species and the Ramsar Convention), all of which contribute to the wider 2010 target. For some of these agreements, the UK's interests are predominantly or exclusively related to the Overseas Territories (e.g. the Agreement on the Conservation of Albatrosses and Petrels). A list of Overseas Territories and the agreements to which they are signatories is provided at Annex 1.

Biodiversity in the UK Overseas Territories is globally significant. The Territories support unique ecosystems and a large number of rare and threatened species, many of which are found nowhere else in the world. Further details are provided in Annex 2.

Biodiversity in the Overseas Territories underpins many of the ecosystem goods and services which provide economic and social benefits to local populations. For example, the economies in Tristan da Cunha and the Falkland Islands are largely dependent on fisheries; in Montserrat, the Centre Hills supply the majority of the island's fresh water; and in several Territories, tourism is dependent on the natural environment. Biodiversity therefore plays a critical role in helping to achieve sustainable development.

The main threats to biodiversity in the Overseas Territories are invasive non-native species, climate change and habitat loss (e.g. through development for tourism).

## The need for a UK Government strategy

As set out in the 1999 White Paper *Partnership for Progress and Prosperity: Britain and the Overseas Territories*, primary responsibility for biodiversity conservation and wider environmental management in the Overseas Territories has been devolved to the Territory governments; who, with the support of the UK Government, are responsible for developing appropriate, applicable and affordable environmental policies, legislation and standards.

However, the ability of many of the Territories to fully meet international obligations for biodiversity conservation is restricted by various factors, which may include some or all of the following:

- i. small and sometimes fragile economies;
- ii. small human populations and consequently limited capacity to undertake environmental projects;
- iii. limited access to technical expertise;
- iv. remoteness, which adds to the costs of environmental projects.

The UK Government therefore supports Territory governments in meeting international obligations. Most of the Overseas Territories have Environment Charters, signed by both UK and Territory governments in 2001, which contain guiding principles and commitments. The UK Government's commitments are set out in Annex 3.

Additional support from the UK Government is needed to help reduce the rate of biodiversity loss in the Overseas Territories, which will contribute to meeting obligations under the Convention on Biological Diversity and other Multilateral Environmental Agreements. Reducing the rate of biodiversity loss will also, directly and indirectly, provide support for livelihoods and economic and social development in the Territories.

## The need for a UK Government strategy

Several reports from parliamentary select committees, the National Audit Office and non-governmental organisations have stressed the importance of the UK Government's role in conserving biodiversity in the Overseas Territories. These reports have recommended that if the UK Government is to discharge its responsibilities effectively a more joined-up approach across Whitehall is needed, in which all relevant departments play distinct but complementary roles. The reports also stress the requirement for enhanced financial support for biodiversity conservation in the Territories.

The UK Government has begun to address the points raised in these reports (e.g. through increased Defra funding to support biodiversity conservation in the Overseas Territories).

**The overarching objective of the UK Government's strategy for conserving biodiversity in the Overseas Territories is:**

***'to enable the UK and Overseas Territory Governments to meet their international obligations for the conservation and sustainable use of biodiversity in the Overseas Territories'.***

## Government roles and responsibilities

Effective conservation and sustainable use of biodiversity in the Overseas Territories will only be achieved through a partnership approach involving government, NGOs, scientific institutes, the private sector and others. It will require collaboration between bodies based in the Territories themselves and those based in the UK and elsewhere.

Within the UK Government, Defra, FCO and DFID each have responsibilities in relation to the Overseas Territories, as set out in Annex 4. Officials from each of these departments meet as a group to support the Inter-Departmental Ministerial Group on Biodiversity, but the remit of this group is too wide to achieve an effective focus on Overseas Territories.

**In line with the responsibilities set out in Annex 4, Defra, FCO and DFID, with support from JNCC, will work in partnership to enable the UK and Overseas Territory Governments to meet their international obligations for the conservation and sustainable use of biodiversity in the Overseas Territories.**

**Collectively, the three departments will:**

- i. ensure that UK Government strategies and policies for the conservation and sustainable use of biodiversity in the Overseas Territories are sufficient to meet the UK's international commitments, taking account of Territories' individual legislative systems, capacity and other factors;**
- ii. provide effective, co-ordinated UK Government support for the conservation and sustainable use of biodiversity in the Territories;**
- iii. help Territory governments to understand and meet international commitments and support their engagement in relevant international processes;**

## Government roles and responsibilities

- iv. champion, within Whitehall and more widely, the conservation and sustainable use of biodiversity in the Territories;

Defra will take the lead in co-ordinating the work of this partnership. All three departments will contribute funding.

JNCC will provide specialist support and expertise on the conservation and sustainable use of biodiversity to the UK Government and the Territories.

Defra will chair a cross-departmental official-level group with responsibility for overseeing delivery of the UK Government's objectives for the conservation and sustainable use of biodiversity in the Overseas Territories:

- i. core membership of this group will comprise Defra, FCO, DFID and JNCC. Other departments and statutory bodies with an interest in biodiversity conservation in the Overseas Territories, e.g. DCMS (World Heritage sites), MoD (management of the Defence Estate) and Royal Botanic Gardens Kew (advice on plant conservation), will be invited to participate as appropriate;
- ii. JNCC will provide the secretariat for the group;
- iii. to secure the engagement of Overseas Territory governments, a representative of the UK Overseas Territories Association<sup>1</sup> will sit on the group;
- iv. where necessary, issues requiring ministerial involvement will be directed to the Inter-Departmental Ministerial Group on Biodiversity.

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<sup>1</sup> UKOTA comprises UK-based representatives of Overseas Territory governments

## Strategic priorities for UK Government action

UK Government support for biodiversity conservation in the Overseas Territories should be focused on addressing those factors that are preventing achievement of commitments under the Convention on Biological Diversity and other relevant Multilateral Environmental Agreements.

**Strategic priorities for the UK Government's support for biodiversity conservation in the Overseas Territories will comprise the following<sup>2</sup>:**

- i. obtaining data on the location and status of biodiversity interests and the human activities affecting biodiversity to inform the preparation of policies and management plans (including baseline survey and subsequent monitoring);
- ii. preventing the establishment of invasive alien species, and eradicating or controlling species that have already become established;
- iii. developing cross-sectoral approaches to climate change adaptation that are consistent with the principles of sustainable development;
- iv. developing tools to value ecosystem services to inform sustainable development policies and practices;
- v. developing ecosystem-based initiatives for the conservation and sustainable use of the marine environment.

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<sup>2</sup> These priorities have been identified following consultation with Overseas Territory governments, UK Government and selected NGOs.



## Strategic priorities for UK Government action

To address these priorities, action by the UK Government will be focused on:

- i. providing financial support (within the resource limits of each department) to address the priorities listed above, facilitating access to other sources of funding, and helping to build capacity within the Territories;
- ii. improving the flow of information and advice with and between the Overseas Territories, and supporting engagement with regional and international initiatives.

## Financial support for the conservation and sustainable use of biodiversity in the Overseas Territories

The UK Government's approach is to encourage the Overseas Territories to focus on their responsibilities for biodiversity and to provide financial assistance to those Territories that need it. Territories vary in their financial and technical resources and thus the level of support required from the UK will vary.

Current UK Government funding for the conservation and sustainable use of biodiversity in the Overseas Territories is summarised in Annex 4. The amount of funding provided by the UK Government has increased in recent years, primarily because of additional support from Defra, and exceeded £1.5 million in 2008/09.

At present, Overseas Territories are ineligible for many international funds, including the Global Environment Facility (GEF) – the key funding mechanism for the Convention on Biological Diversity. Many of the European Funds available to metropolitan UK (e.g. rural development funds) are not available to the Overseas Territories.

While current funding arrangements have led to some notable successes, they are insufficient to fully meet the UK's international commitments for biodiversity conservation, and are not necessarily focused on the strategic priorities identified above. In 2007, the Royal Society for the Protection of Birds conducted an exercise to cost biodiversity priorities in the Overseas Territories, and estimated that funding of £16 million pa was required. Following consultation with Overseas Territory governments in 2008, JNCC advised that the total cost of meeting high priority biodiversity conservation projects was in excess of £48 million over a 5-year period.

## Financial support for the conservation and sustainable use of biodiversity in the Overseas Territories

While the UK Government has a responsibility for ensuring that international obligations in relation to biodiversity conservation are met, and should make a contribution towards meeting the funding shortfall described above, it cannot be expected to meet the full costs, and so other funding sources will need to be accessed.

Increasing the budgets available for biodiversity conservation in the Overseas Territories will not immediately solve all the problems. Many Territory governments do not currently have the institutional capacity to spend increased funding effectively or to prepare high-quality bids for funding.

There is no 'one size fits all' solution. Funding requirements range from small projects with a cost of a few thousand pounds to major programmes of work with a cost of several million pounds because of the scale of the work required and the remoteness of some of the locations (e.g. eradication of non-native species from islands). Some work is best targeted on a small geographical area; other work is best undertaken at a regional scale.

Supported by funding from DFID, JNCC is currently undertaking an exercise to collate information on potential funding sources for biodiversity conservation in the Overseas Territories and make this available through a web-based search tool. This work will be completed at the end of 2009. To date, several hundred potential funding sources have been identified, including Government streams, international funds, multilateral institutions, EU regional frameworks, non-governmental organisations, private trusts and foundations.

## Financial support for the conservation and sustainable use of biodiversity in the Overseas Territories

Future UK Government funding arrangements for the conservation and sustainable use of biodiversity in the Overseas Territories will:

- i. be sufficiently flexible to reflect the different social, economic and environmental characteristics of each Territory;
- ii. be focused on the strategic priorities listed above;
- iii. encourage regional or cross-Territory initiatives, e.g. where these offer an effective means of addressing the impacts of climate change and invasive species;
- iv. support long-term capacity-building (e.g. through funding of training, secondments and cross-Territory skill exchange), as well as on-the-ground conservation work;
- v. not be a substitute for reasonable recurrent expenditure from Territory governments.

The UK Government will:

- i. provide project funds for biodiversity conservation and wider environmental management, within the resource limits of each department, aiming to increase the amount of money available to at least £2 million pa. This will be achieved by:
  - a) maintaining OTEP (which funds some biodiversity projects and some wider environmental projects) with a budget of at least £1 million pa;
  - b) ear-marking up to £1.5 million for biodiversity projects in the Overseas Territories in the current Round of the Darwin Initiative, including the creation of a new Overseas Territories Challenge Fund within the Darwin Initiative to prepare for main projects.

Financial support for the conservation and sustainable use of biodiversity in the Overseas Territories

- ii. in the longer term, consider establishing a new UK Government funding stream that would support a wide range of environmental activities (including biodiversity projects) within the Overseas Territories, and would subsume OTEP and the Overseas Territory elements of the Darwin Initiative;
- iii. in addition, explore possibilities for helping the Overseas Territories access the large international funds on biodiversity, climate change and natural heritage. This would require significant political expenditure, but could potentially secure significant additional funds for work in the Overseas Territories;
- iv. continue to help Overseas Territories to participate in the full range of available funding sources, especially those that have the potential to support major biodiversity projects (such as EU funds and certain charitable trusts) by maintaining an up-to-date database of funding mechanisms, providing guidance/training, and supporting the preparation of funding applications by bodies in the Overseas Territories.

## Improving communication and engagement

There are substantial benefits to be gained from improving the flow of information between Territories, and enabling Territories to access information and expertise within the UK and elsewhere.

The participation of Overseas Territories in regional initiatives will often provide access to a wider pool of expertise, achieve greater nature conservation benefits, and enhance cost-effectiveness. Several initiatives of this nature are currently underway, e.g. in relation to climate change in the Caribbean, and invasive alien species in the south Atlantic. Active engagement of the Territories in global mechanisms, such as the Global Island Partnership (GLISPA), is also beneficial.

Some European initiatives are intended to support biodiversity conservation in the EU's Overseas Territories and Outermost Regions. Notably, the European Commission has recently proposed the BEST scheme to promote the conservation and sustainable use of biodiversity and ecosystem services in European overseas entities.

### **The UK Government will build on its current efforts by:**

- i. promoting the sharing of information and experience between the Overseas Territories and with other relevant bodies, and facilitating access to expertise that is not available in the Territories themselves, e.g. through building links with academic institutions and nature conservation agencies in the UK and elsewhere;**
- ii. encouraging Overseas Territory governments to develop and participate in cross-territory and regional initiatives;**
- iii. enabling Overseas Territory governments to input effectively to Multilateral Environmental Agreements and other global initiatives by establishing a network of contact points, providing early warning of key issues, and giving timely feedback. In particular, Overseas Territories will be consulted on the development of UK/EU positions and efforts will be made to minimise reporting requirements;**

## Improving communication and engagement

- iv. helping the Overseas Territories to take full advantage of EU initiatives and funding opportunities, such as BEST, through liaison with the European Commission and other EU institutions.

## Annex 1

### Overseas Territory signatories to Multilateral Environmental Agreements relating to the conservation and sustainable use of biodiversity

	Convention on Biological Diversity	Convention on International Trade in Endangered Species	Ramsar Convention on Wetlands	Convention on Migratory Species (CMS)	CMS Indian Ocean – South-East Asian Marine Turtle MOU	CMS EUROBATs Agreement	CMS Agreement on the Conservation of Albatrosses and Petrels
Anguilla			✓				
Bermuda		✓	✓	✓			
British Antarctic Territory							✓
British Indian Ocean Territory		✓	✓	✓	✓		
British Virgin Islands	✓	✓	✓	✓			
Cayman Islands	✓	✓	✓	✓			
Cyprus Sovereign Base Areas				✓			
Falkland Islands		✓	✓	✓			✓
Gibraltar	✓	✓	✓	✓		✓	
Montserrat		✓	✓	✓			
Pitcairn		✓	✓	✓			
Saint Helena (including dependencies)	✓	✓	✓	✓			✓
South Georgia and South Sandwich Islands			✓	✓			✓
Turks and Caicos			✓	✓			



## Biodiversity in the UK Overseas Territories

Because many of the UK Overseas Territories are small, isolated islands, they hold relatively large numbers of endemic species that are found nowhere else in the world. To date, over 340 endemic species have been recorded from the Overseas Territories, compared to about 60 in metropolitan UK.

The 2004 IUCN Red List of Threatened Species lists globally threatened species. Figures for the UK Overseas Territories include:

- 80 critically endangered species (compared to 10 in metropolitan UK);
- 73 endangered species (12 in metropolitan UK); and
- 158 vulnerable species (37 in the metropolitan UK).

It is likely that these figures are under-estimates, as new studies invariably report the occurrence of additional species or populations especially amongst the less well-known taxa, such as invertebrates.

As an indication of the threats to island biodiversity, there are 39 recorded extinctions in the UK Overseas Territories and two species are extinct in the wild, compared with only a single extinction from the metropolitan UK. The most recent extinction in the Overseas Territories was the St Helena olive *Nesiota elliptica*, which occurred in 2003 when the last tree in cultivation died (the last wild individual had died in 1994).

In addition to numbers of globally threatened species, the Overseas Territories also hold regionally or globally important concentrations or assemblages of species. For example:

- Ascension Island supports the second largest green turtle rookery in the Atlantic;
- Gough Island (Tristan da Cunha) has been described as, arguably, the most important seabird island in the world; and

## Annex 2

- the reefs of the Chagos Archipelago (British Indian Ocean Territory) are described as some of the most pristine and best protected in the Indian Ocean (and account for some 1.3% of the world resource).

The importance to nature conservation of parts of the Territories is recognised through the designation as World Heritage Sites of Gough Island and Inaccessible Islands (Tristan) and Henderson Island (Pitcairn) for their insular natural heritage interests.

## UK Government's commitments under the Environment Charters

- Help build capacity to support and implement integrated environmental management which is consistent with the Overseas Territories' plans for sustainable development
- Assist in reviewing and updating environmental legislation
- Facilitate the extension of the UK's ratification of Multilateral Environmental Agreements of benefit to the Overseas Territories and which the Territories have the capacity to implement
- Keep Overseas Territories informed regarding new developments in relevant Multilateral Environmental Agreements and invite them, where appropriate, to participate in the UK's delegation to international environmental negotiations and conferences
- Help to ensure that the Overseas Territories have the legislation, institutional capacity and mechanisms needed to meet international obligations
- Use UK, regional and local expertise, to give advice and improve knowledge of technical and scientific issues
- Promote better co-operation and the sharing of experience and expertise between Overseas Territories and with small island states and communities which face similar environmental problems
- Use the Overseas Territories Environment Programme and promote access to other sources of public funding for projects of lasting benefit to the Overseas Territories' environment
- Help Overseas Territories to identify further funding partners for environmental projects, such as donors, the private sector or non-governmental organisations
- Recognise the diversity of the challenges facing Overseas Territories in very different socio-economic and geographical situations

## Annex 4

### Summary of UK Government roles and resourcing in relation to environment/biodiversity in the Overseas Territories

	FCO	DFID	Defra
Responsibility	Co-ordination of overall UK Government policy on Overseas Territories issues.	DFID provides budgetary aid to Montserrat, St Helena and Pitcairn to help meet their essential needs. It also provides development aid and humanitarian assistance as required, and technical and financial support on cross-cutting issues like human rights, environment and HIV, to all Overseas Territories.	Responsible for nature conservation and biodiversity across UK Government, including multilateral environmental agreements to which the UK is signatory.
Staff	0.5 staff deal with environmental/biodiversity protection.	1.5 full-time equivalents.	No dedicated staff for Overseas Territory issues. Several staff deal on an ad hoc basis with Darwin, ACAP etc.
Programme funding	The Overseas Territories Environment Programme (OTEP) has an annual budget of £1 million and is jointly funded by DFID and FCO. It is a project-based fund that supports the implementation of Environment Charters and environmental management more generally in the UK Overseas Territories (i.e. its aims are wider than just biodiversity conservation).	The Overseas Territories Environment Programme (OTEP) has an annual budget of £1 million and is jointly funded by DFID and FCO. It is a project-based fund that supports the implementation of Environment Charters and environmental management more generally in the UK Overseas Territories (i.e. its aims are wider than just biodiversity conservation).  DFID also provides funding for biodiversity and environmental management through its budgetary aid programmes to Montserrat, St Helena and Pitcairn, and other development programmes. The proportion dedicated to environmental management varies between Territories and between programmes depending on nature and need.	The Darwin Initiative is funded by Defra, and assists countries that are rich in biodiversity but poor in financial resources to implement their obligations under the Convention on Biological Diversity, the Convention on Trade in Endangered Species and the Convention on Migratory Species, through the funding of collaborative projects which draw on UK biodiversity expertise. Applications for Overseas Territory projects are particularly welcomed, and in the latest round of funding over £400k was assigned to projects in the Overseas Territories.  The 17th round earmarked £1.5 million for the projects in the Overseas Territories, and established a Challenge Fund dedicated to work in the Territories.  Defra also provides financial support for biodiversity conservation in the Overseas Territories in various other ways, notably through core funding for JNCC and Kew, the Flagship Species Fund and support for Multilateral Environmental Agreements. In 2008/09 the total value of this funding was over £500k.



Little Cayman Green Anole, Little Cayman (Copyright Fred Burton)

Published in December 2009

Nobel House

15 Smith Square

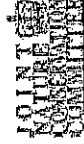
London SW1P 3BT

[www.dfid.gov.uk](http://www.dfid.gov.uk)



Foreign &  
Commonwealth  
Office

**DFID**

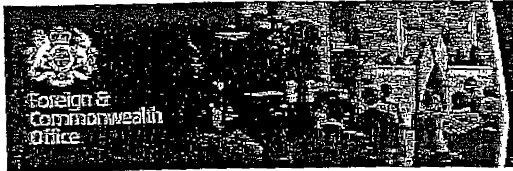


**defra**

Department for Environment  
Food and Rural Affairs

## **ANNEX 113**

FCO Press Release, 'Consultation on Marine Protected Area extended', 11 February 2010



(PW) MPA

*Jay*

17.02.2010

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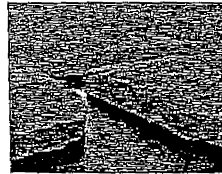
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## Consultation on Marine Protected Area extended

11 Feb 2010

Due to significant interest in the public consultation on the proposal for a Marine Protected Area in the British Indian Ocean Territory the deadline has been extended until 5 March.

The consultation, based on a proposal from the Chagos Environment Network and launched on 10 November, was due to close on 12 February but under the new plans announced on 11 February will be extended to 5 March.



The Foreign Secretary has written to the chairmen of the Foreign Affairs Committee and the All Party Parliamentary Group on Chagos Islands (BIOT) informing them of the change which is aimed at allowing everyone with an interest in the issue to contribute.

On launching the consultation in November the Foreign Secretary said:

'This is a remarkable opportunity for Britain to create one of the world's largest marine protected areas, and to double the global coverage of the world's oceans that benefit from full protection. It also demonstrates this Government's commitment to protecting the global environment and halting biodiversity loss.'

### Further information

[More about the Consultation](#)

[UK enhancing protection for world's oceans and Antarctica \(10 Nov 2009\)](#)

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**ANNEX 114**

Notes of telephone call from Foreign Secretary to Mauritius' Prime Minister of 1 April 2010  
in email of 1 April 2010 from Global Response Centre

From: Global Response Centre [REDACTED]  
nt: 01 April 2010 22:20.  
To: [REDACTED]  
Cc: DL PO - PS [REDACTED] DL PO - SPADS [REDACTED] No 10 Duty Clerks (No 10) (Conf); [REDACTED] GCO Office [REDACTED] Colin Roberts [REDACTED] John Murton [REDACTED]; Newsdesk [REDACTED]; Global Response Centre [REDACTED]; PUS Action/Info [REDACTED]; PS Kinnock - Info [REDACTED]; PS Lewis - Info [REDACTED]; PS Bryant - Info [REDACTED]; DL PO - Press [REDACTED] Ewan Ormiston [REDACTED] (No 10) (Conf); [REDACTED]  
Subject: [REDACTED] RECORD OF FOREIGN SECRETARY TELECON WITH NAVIN RAMGOOLAM, MAURITIUS PRIME MINISTER: THURSDAY 1 APRIL 2010, 15:00

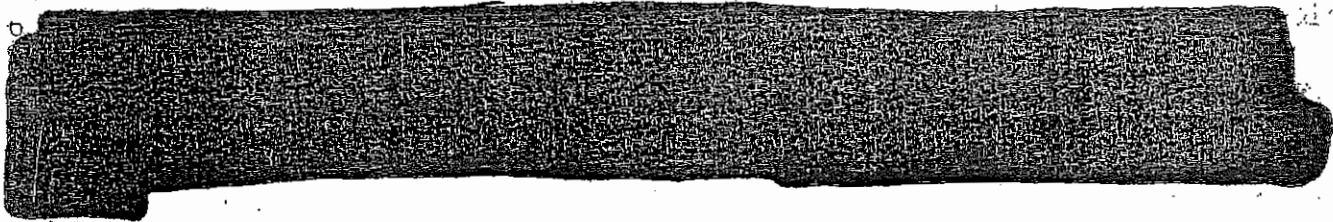
**\*\* REGISTERED \*\***

From Global Response Centre. Please distribute further as necessary

[REDACTED] RECORD OF FOREIGN SECRETARY TELECON WITH NAVIN RAMGOOLAM, MAURITIUS PRIME MINISTER: FRIDAY 1 APRIL 2010, 15:00

1. The Foreign Secretary said that he wanted to inform the Mauritius Prime Minister that he would today instruct the BIOT Commissioner to establish a Marine Protected Area (MPA) in the British Indian Ocean Territory. We were telling the Prime Minister this in advance as we did not want there to be any surprises.
2. The Foreign Secretary said that both the UK and Mauritius were committed to the environmental agenda and the establishment of the MPA had no impact on the UK commitment to cede BIOT to Mauritius when the territory was no longer needed for defence purposes. Nor would it prejudice the legal position of Mauritius or the Chagos Islanders. The UK valued the relationship with Mauritius and the Foreign Secretary hoped that we could cooperate together to ensure that the MPA was a success.
3. The Foreign Secretary said there had been a very large response to the consultation exercise with out a quarter of a million responses. This was a remarkable number. The majority of the responses were straightforward but there had also been responses from the environmental, political, governmental and scientific communities and some from the business community. The consultation showed that those arguing for commercial exploitation of the area were clearly in the minority. There had been some debate around the no-take approach and there was overwhelming support for that.
4. Ramgoolam said that he was disappointed that there had not been bilateral discussions. He asked if it might be possible to delay the announcement until after the Mauritius elections. It was a controversial issue in Mauritius. The Foreign Secretary said that the consultation had been thorough and there had already been an extension to the consultation period. It would not be possible to delay the announcement. The UK would stress that the decision was without prejudice to the legal position of the Chagos Islanders or to the discussions with Mauritius on the Territory.
5. The Foreign Secretary said he would say very clearly that we would work with all interested parties, in Britain and internationally, on the implementation of the no-take approach. He would also make clear that our commitment to the government and people of Mauritius in respect of ceding

sovereignty at the appropriate time was strong and clear. While recognising the disagreement with the Mauritius Government on the process leading up to the establishment of the MPA, he hoped that this could bring the two governments together to work in the best interests of the environment.



7. Ramgoolam said that when the Mauritians tried to talk to the United States about BIOT the Americans took the line that Mauritius needed to settle the sovereignty issue with the UK first. The Foreign Secretary said that our position was clear. We would cede the Territory to Mauritius when we no longer required the base.



Global Response Centre

## **ANNEX 115**

United Kingdom record of meeting on 26 May 2010

[REDACTED]

---

**Subject:**

FW: Andrew Pocock meeting with Mauritian High Commissioner, 26 May

**From:** [REDACTED]

**Sent:** 27 May 2010 15:24

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** [REDACTED] Andrew Pocock meeting with Mauritian High Commissioner, 26 May

Dear All,

1. Andrew Pocock met the Mauritian High Commissioner, Mahen Kundasamy, on 26 May 2010. The HC was accompanied by Rakesh Bhuckory, First Secretary. [REDACTED]

2. The HC stressed the importance Mauritius attached to the bilateral relationship, particularly given our political and historical ties. Andrew said the bilateral relationship was also important to the UK, with Mauritius being a fellow member of the Commonwealth and having a strong democracy and progressive economy. To develop this relationship with the new UK Government, the HC requested ministerial meetings for the Mauritian Prime Minister and Foreign Minister during their planned visit the UK from 2-4 June (my separate email refers).

3. [REDACTED]

4. The British Indian Ocean Territory (BIOT) was only mentioned in passing as an issue on which we needed to work together, but that it "wasn't the be all and end all" of the relationship. The HC said the Minister for Africa had indicated to him at the AU reception that BIOT was an issue that the new Government would consider. But the HC reiterated that BIOT was only one part of the wider bilateral relationship.

Comment

5. [REDACTED]

[REDACTED] | Desk Officer for Botswana, Comoros Islands, Madagascar, Mauritius, Seychelles & Zambia | Africa Directorate - Southern | Foreign and Commonwealth Office ☒ | email: [REDACTED] ☎ telephone: [REDACTED] ☎ fax: [REDACTED]

**ANNEX 116**

United Kingdom record of meeting of 3 June 2010

[REDACTED]

**Subject:**

FW: Foreign Secretary's meeting with the Prime Minister of Mauritius, 3 June

**From:** [REDACTED]

**Sent:** 07 June 2010 09:25

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** [REDACTED] Foreign Secretary's meeting with the Prime Minister of Mauritius, 3 June

**\*\* REGISTERED \*\***

- [REDACTED]
1. The Foreign Secretary met Dr Ramgoolam, Prime Minister of Mauritius, on 3 June. Dr Ramgoolam was accompanied by Seeblauck Suresh (Secretary to the Cabinet), High Commissioner Abhimanu Kundasamy, and Rakesh Buckhory (First Secretary, Mauritian High Commission). Henry Bellingham, Andrew Pocock, Colin Roberts and I accompanied the Foreign Secretary.
  2. The Foreign Secretary welcomed Dr Ramgoolam as his first visitor to 1 Carlton Gardens. He was also the first African leader that the Foreign Secretary had met since his appointment. Ramgoolam congratulated the Foreign Secretary on the elections and forming a coalition government. The Foreign Secretary described the benefit of a fixed term government and the majority that the coalition enjoyed.

3. [REDACTED]

4. [REDACTED]

5.

6. Ramgoolam raised the Marine Protected Area (MPA) commenting that it had not been good for the bilateral relationship. He had not wanted to embarrass Gordon Brown but Brown had promised to 'freeze' the consultation on the MPA. There had been no record of this and the Mauritian account of the meeting had been ignored, along with requests for bilateral talks. Ramgoolam thought the Chagossian community would contest the decision through judicial review. He commented that he thought there might be other motivating factors for this, sharing his suspicion that some of the Chagossian groups had funding from groups in the Middle East. He was concerned that the recent elections had resulted in Mauritius' first elected member of Hizbollah.

7. The Foreign Secretary told Ramgoolam that he would familiarise himself with the issues surrounding the MPA but would not raise Ramgoolam's hopes. The UK position on sovereignty of BIOT was clear: sovereignty would be ceded to Mauritius once the US no longer needed it for defence purposes. Ramgoolam insisted that he would be pragmatic: the territory could be handed over now and Mauritius would not object to the US using it as a military base. The Foreign Secretary stressed that he could not give Ramgoolam any reason to hope for a change in policy but that he and Mr Bellingham did want to work closely with Ramgoolam and his government.

8.

| Private Secretary to the Foreign Secretary | Foreign and Commonwealth Office | London  
| FTN: | www.fco.gov.uk



**ANNEX 117**

United Kingdom record of meeting on 15 June 2010

[REDACTED]

---

**Subject:** FW: Andrew Pocock's meeting with Mauritian High Commissioner, 15 June 2010

[REDACTED] [REDACTED]

**From:** [REDACTED]

**Sent:** 15 June 2010 16:51

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** [REDACTED] Andrew Pocock's meeting with Mauritian High Commissioner, 15 June 2010

**\*\* REGISTERED \*\***

Dear All

1. Andrew Pocock met the Mauritian High Commissioner, Mahen Kundasamy, on 15 June 2010. The HC was accompanied by Rakesh Bhuckory, First Secretary. I also sat in.

2. [REDACTED]

3. The HC pointed out that the Chagos Islands were only one part of the bilateral relationship with the UK. But it was important to continue to have dialogue on this issue and to discuss how it could be taken forward. Andrew highlighted that while the Foreign Secretary had said he would look at this issue, he had made clear we would not change our position on sovereignty. The HC said that Mauritius was not against the principle of establishing a Marine Protected Area, but disagreed with what it saw as the unilateral nature of the process.

4. As a follow up to the Mauritian PM's visit, the HC raised the possibility of the Foreign Minister having a substantive meeting with the Minister for Africa in the UK, possibly in July. Andrew mentioned it was likely the Minister would be in the region at the end of July for the African Union Summit in Kampala. The HC said he would check whether the FM would be attending but agreed this might be a good opportunity for them to meet. I will take this forward with the Minister's office, and ASU (who are collating AU summit bilateral bids).

5. The Chagos Islands would clearly be an item on the agenda, but the HC said discussion would be much wider than this

[REDACTED]

Comment

6. [REDACTED]

7.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] | Desk Officer for Botswana, Comoros Islands, Madagascar, Mauritius, Seychelles & Zambia | Africa  
Directorate - Southern | Foreign and Commonwealth Office [REDACTED] | email: [REDACTED] [REDACTED] telephone: [REDACTED]  
[REDACTED] [REDACTED] fax: [REDACTED]

## **ANNEX 118**

United Kingdom record of meeting on 22 July 2010

[Redacted]

**Subject:** FW: Records of [Redacted] and Mauritian Foreign Minister meetings with Mr Bellingham at AU Summit

[Redacted] [Redacted]

**From:** [Redacted]

**Sent:** 09 August 2010 12:47

**To:** [Redacted]

**Subject:** [Redacted] Records of [Redacted] and Mauritian Foreign Minister meetings with Mr Bellingham at AU Summit

Dear all

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Meeting with Mauritian Foreign Minister, 22 July**

1. On BIOT, the Minister set out the position as explained by the Foreign Secretary to the Mauritian Prime Minister in London some weeks earlier, noting that the Government was keen to work with Mauritius and consult them on the implementation.

2. The Foreign Minister was robust on BIOT, that it was essential that these issues were discussed properly. As Mauritius was not against environmental protection or the principle of an MPA, but wanted to be involved in the policy discussion. Mauritius was happy to continue the lease - to both US and UK - but, again, wanted to be involved in discussions in 2014. He was firm that Mauritius could not and would not be sidelined. Henry Bellingham noted clearly that there would be a dialogue with Mauritius that the Government would maintain from now and through the years as the BIOT lease discussions with the US commenced, but gave no promises of Mauritian involvement or consultation. (comment: [REDACTED])

3. As for resettlement, it could not be decoupled from the sovereignty issue, which was clear that sovereignty would be ceded to Mauritius when the island(s) were no longer needed for defence purposes. Mauritius saw the islands (presumably including the Mauritius archipelago) as one country.

4. [REDACTED]

5. [REDACTED]

Thanks

[REDACTED]

[REDACTED] **Private Secretary to Henry Bellingham MP**  
Ministerial portfolio: Africa, UN, Conflict, Piracy, Global Economic Issues and Business, Climate Change, Overseas Territories, Protocol & FCO Services.  
Tel: [REDACTED] Fax: [REDACTED] Mob: [REDACTED] K126, King Charles St

[REDACTED]

## **ANNEX 119**

United Kingdom record of meeting between British High Commission in Port Louis and  
Mauritian Minister of Foreign Affairs on 9 September 2010

[REDACTED]

# eGram



# 11532/10

**Classification** [REDACTED]  
**eGram Number** 11532/10  
**From** PORT LOUIS  
**Date Created** 14/09/2010 05:14:00  
**Date Registered** 14/09/2010 05:21:03  
**Action Immediate** eP FCO  
**Action Routine**  
**Info Immediate**  
**Info Routine**

**FCO Distribution**

**Lead**

**Military Action Imm**  
**Military Action Rtn**  
**Military Info Imm**  
**Military Info Rtn**  
**Subject**  
**Summary**

[REDACTED]

L [REDACTED] MAURITIUS: BRITISH INDIAN OCEAN TERRITORY (BIOT)  
I present my credentials to the Mauritian President and meet the Prime Minister and Foreign Minister. All take the opportunity to raise BIOT. Some signs that the Mauritians want to move on from recent strong rhetoric.

**SIC**

**DETAIL**

1. I met President Jugnauth on 9 September to present my credentials (my second day in Post) and was able to meet Foreign Minister Boolell and Prime Minister Ramgoolam on the same day. The talks were wide-ranging, and other bilateral points will be reported separately to Africa Directorate. However, they all took the opportunity to raise Chagos/BIOT, which remains an irritant following the decision to establish a Marine Protection Area (MPA) in BIOT.
2. Jugnauth said that he understood that the UK position was that sovereignty would be ceded to Mauritius once Diego Garcia was no longer needed for military purposes. But Mauritius had always understood that this meant the Cold War. The Cold War was now over, so was Diego Garcia still needed for military purposes? And if so, would there not always be a reason why the island was still needed? Jugnauth later added that the UK should just hand back the Territory; Mauritius had no problem with the US continuing to use the base, but they should pay rent to Mauritius.
3. Prime Minister Ramgoolam said that he appreciated you seeing him at Carlton Gardens on his recent visit to London. He rehearsed his disappointment following his CHOGM meeting with Gordon Brown, where he felt he had been promised that the MPA would be put on hold. But he was in "more sorrow than anger" mode. I said that we did not want to raise any hopes of a change of policy. The UK recognised the Mauritian position on sovereignty, and we trusted that the Mauritians understood ours. But, aside from sovereignty, there were a number of issues which could be discussed, and we hoped for a resumption of bilateral talks. The excellent and important relationship between the two countries should allow constructive discussions. You would be writing to set out the position. Ramgoolam said he would wait for the letter before considering his next move, but if there was no progress he would "have to do something".
4. Foreign Minister Boolell was grateful that Mr Bellingham had met him in Kampala at the recent

21/12/2012 12:31

[REDACTED]  
eGram No: 11532/10

Page 1 of 2



[REDACTED]

EU summit. On BIOT, he said that the MPA consultation had marred the relationship, but if there was a will we could make progress. Mauritius was keen to restart bilateral talks, but 2014 was just around the corner and this was an important date under the UK/US agreement. They would like more clarity on this - the Government was under increasing pressure "from African Union friends" to take action ahead of that date. Boolell also mentioned Mauritius' responsibilities under the Pelindaba Treaty (which says that there should be no nuclear weapons on the territory of AU members).

5. Boolell recognised that the US base was here to stay, but Mauritius wanted to exercise its "legitimate rights" over the territory. They wanted to be part of any discussions, and were unhappy that the US refused to engage with them and kept telling them to discuss all BIOT issues with us. Boolell drew attention to the Chagossian case in the ECHR, and said that this was a rare case where the Mauritian government and opposition were united. He also hinted at "mobilising world opinion", an ICJ case, and seeking "compensation for lost revenue" since independence.

**COMMENT**

6. [REDACTED]

<b>Sign Off</b>	Leake
<b>Contact Name</b>	Nick Leake
<b>Contact Telno.</b>	FTN [REDACTED]
<b>Attachments</b>	



Original eGram

## **ANNEX 120**

United Kingdom record of meeting on 10 September 2010

**Sent:**  
**Subject:**

13 September 2010 15:23  
Tim Hitchens' Meeting with the Mauritian High Commissioner, 10 September 2010

Dear All,

1. Tim Hitchens met the Mauritian High Commissioner, Mahen Kundasamy on 10 September 2010. The HC was accompanied by Haymangoyal Dillum, DHM, and Rakesh Bhuckory, First Secretary. I also sat in.

2. The HC began by congratulating Tim on his appointment as Africa Director, and stressed the importance that Mauritius attaches to the bilateral relationship. He said Tim should feel free to call on him at any time. He extended this invitation to Nick Leake, our new HC to Mauritius, who he had met before Nick went out to Post. It was important that there was a good relationship between the two HCs.

3. [REDACTED]

4. On the British Indian Ocean Territory, the HC said he was aware of Lord Howell's recent statement that the UK Government stood ready to restart bilateral talks on this issue. However, Mauritius had not yet received a copy of a proposed agenda from the UK Government. The HC stressed that Mauritius was keen to take things forward, and said we should go back to the agenda that included the right of return and sovereignty. He said that the FS had told PM Ramgoolam during their meeting in June 2010 that he would be reviewing the policy. This issue was also raised at the AU summit in Kampala in July 2010 (he provided us with a copy of a statement that had been issued from the summit). He highlighted that there had recently been progress with the French on the issue of Tromelin, although he noted that BIOT was more complex. He recognised the issues around Diego Garcia, but said we needed to look at the outer islands. Tim said that BIOT was an Overseas Territories Directorate lead. However, we had an interest from a bilateral perspective and recognised that it was an important issue. Tim mentioned that as the FS had said in his meeting with PM Ramgoolam in June he would be looking in to the issues. The FS had held a recent meeting, and Ministers would soon be in touch directly.

6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

Comment

12. [REDACTED]

[REDACTED]

[REDACTED] | Desk Officer for Botswana, Comoros Islands, Madagascar, Mauritius, Seychelles & Zambia |  
Africa Directorate - Southern, Central and Western | Foreign and Commonwealth Office ☒ |  
email: [REDACTED] ☎ telephone: [REDACTED] ☎ fax: [REDACTED]

## **ANNEX 121**

‘Whether to establish a marine protected area in the British Indian Ocean Territory:  
Consultation Report’, Rosemary Stevenson, Consultation Facilitator

**WHETHER TO ESTABLISH A MARINE PROTECTED AREA IN THE  
BRITISH INDIAN OCEAN TERRITORY**

**CONSULTATION REPORT**

*Rosemary Stevenson, Consultation Facilitator*

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## **List of Abbreviations**

The following abbreviations are used in this report.

**BIOT:** *British Indian Ocean Territory (also referred to as the Chagos Archipelago or Chagos)*

**CEN:** *Chagos Environment Network*

**EEZ:** *Exclusive Economic Zone*

**EPPZ:** *Environmental Preservation and Protection Zone*

**FCMZ:** *Fisheries Conservation and Management Zone*

**FCO:** *Foreign and Commonwealth Office*

**IOTC:** *Indian Ocean Tuna Commission*

**IUCN:** *International Union for Conservation of Nature*

**MPA:** *Marine Protected Area*

**MRAG:** *Marine Resources Assessment Group*

**NGO:** *Non-governmental Organisation*



## EXECUTIVE SUMMARY

1. The Consultation, which ran from 10 November 2009 to 5 March 2010, sought to explore whether creation of a marine protected area (MPA) in the British Indian Ocean Territory (BIOT - also known as the Chagos Archipelago) would add value to the protection already in place in the area. It was carried out in accordance with the criteria of the Government's Code of Practice on Consultation.
2. Views were sought on whether respondents thought an MPA should be created in the BIOT. They were asked which of three options – *option 1, a full no-take marine reserve for the whole of the territorial waters and Environmental Preservation and Protection Zone (EPPZ)/Fisheries Conservation and Management Zone (FCMZ); option 2, a no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ with exceptions for certain forms of pelagic fishery (e.g., tuna) in certain zones at certain times of the year; or option 3, a no-take marine reserve for the vulnerable reef systems only* - they considered best, or whether they could identify other options. They were asked what views they had on a number of potential conservation, climate change, scientific and development benefits, and what importance they attached to them.
3. The consultation also invited views on any other measures, beyond marine protection, which should be taken to protect the environment in BIOT.
4. The FCO's view is that this is a remarkable opportunity for the UK to create one of the world's largest marine protected areas and double the global coverage of the world's oceans benefiting from full protection.
5. The response to the consultation was high, with over a quarter of a million people registering a view. The great majority of these responses came in the form of petitions, which offer limited opportunity for substantive comment from individual respondents. However, different means of contribution, both oral and written, did provide opportunity for fuller expression of substantive views, and these attracted several hundred responses providing greater detail.
6. The response was wide ranging, with a global reach. It included inputs from private individuals, academic and scientific institutions, environmental organisations and networks, fishing and yachting interests, members of the Chagossian community, British MPs and peers and representatives of other governments.
7. The great majority of respondents – well over 90% - made clear that they supported greater marine protection of some sort in the Chagos Archipelago in principle. However, views on this proposal were more mixed, covering a wide spectrum of views. Responses did not confine themselves to the options listed in the Consultation Document.
8. The main difference between the responses was their view on potential resettlement of members of the Chagossian community, and whether this question should be tackled before designation of any MPA, or whether changes could be made later if circumstances changed, in an MPA agreed, as the Consultation

Document suggests, in the context of the Government's policy on the Territory, without prejudice to ongoing legal proceedings.

9. Of those who supported one of the three listed options the great majority supported Option 1, a *full no-take marine reserve for the whole of the territorial waters and Environmental Preservation and Protection Zone (EPPZ)/Fisheries Conservation and Management Zone (FCMZ)*. The reasons given were generally very much in line with the conservation, climate change and scientific benefits set out in the Consultation Document. A number also highlighted a legacy element, as well as the opportunity to show leadership and provide an example for others, while contributing to meeting a number of global environmental commitments.

10. In terms of numbers, support for options 2 and 3 was limited. However, they were universally the choice of the Indian Ocean commercial tuna fishing community, as well as a number of regional interests. While agreeing that there was a strong case for protecting the fragile reef environment, this group considered that the scientific case for the extra benefits of option 1 was not strongly demonstrated and the group did not want to see a negative economic impact on the tuna industry. In addition, a limited number of private individuals thought that controlled, licensed fishing at around the current level was sufficient protection and was not causing significant decline or degradation.

11. A significant body of response did not support proceeding with any of the three listed options at the current time. Of this group, some, including most but not all of the Chagossian community, argued simply for abandoning or postponing the current proposal until further consultation and agreement could take place, while others proposed one or another different option (a 'fourth option'), which sought to take account of Chagossian (and in some cases other regional) requirements.

12. As well as their headline comments on preferred options, respondents raised a number of issues of interest or concern to them. These included: the consultation process itself; the rights and interests of the Chagossian community; regional interests and concerns; enforcement of an MPA; costs associated with an MPA; yachting interests; piracy; Diego Garcia and the US base; bycatch from commercial fishing, including sharks and fragile species; fish stocks; reputational issues; and other proposed environmental measures. These are described in more detail in a final section which summarises the issues covered in responses received to each of the Consultation questions.

## **A. INTRODUCTION**

### **Scope of the consultation**

1. This Consultation sought to explore whether creation of a marine protected area (MPA) in the British Indian Ocean Territory (BIOT - also known as the Chagos Archipelago) would add value to the protection already in place in the area. The consultation is in response to the proposal of the Chagos Environment Network, 'The Chagos Archipelago: its nature and future' which recommends the establishment of a conservation area in the British Indian Ocean Territory. The purpose of the consultation was to seek views from stakeholders and interested parties.

### **Background**

2. The BIOT is situated in the middle of the Indian Ocean and is made up of about 55 tiny islands in over half a million square kilometres of ocean. The Great Chagos Bank is the world's largest atoll. The islands, reef systems and waters of BIOT in terms of preservation and biodiversity are among the richest on the planet and it contains about half of all the reefs of this ocean which remain in good condition. There are about 10 Important Bird Areas. It has the Indian Ocean's most dense populations of several seabird species. It also has remnants of Indian Ocean island hardwoods and contains exceptional numbers of coconut crabs and undisturbed and recovering populations of Hawksbill and Green Turtles.

3. The area has already been declared an Environmental (Preservation and Protection) Zone with legislation in place to protect these natural resources. These include strict controls over fishing, pollution (air, land and water), damage to the environment, and the killing, harming or collecting of animals. Some of the most important land and sea areas have already been set aside for additional protection. Most of the lagoon areas and a large part of the land area of Diego Garcia are protected as Restricted Areas, four Special Conservation Areas and a Nature Reserve. Strict Nature Reserves cover the land and surrounding reefs and waters of the islands of the Great Chagos Bank and a large part of Peros Banhos Atoll.

4. The Territory is also subject to further levels of internationally binding legal protection. This includes the designation of part of Diego Garcia as a Wetland of International Importance under the Ramsar Convention; the Whaling Convention (including an Indian Ocean Whale Sanctuary); the Law of the Sea Convention (with provisions to protect fish stocks); the Indian Ocean Tuna Commission (IOTC); CITES (regulating trade in wildlife, including corals); and the Bonn Convention (with provisions to protect marine turtles and cetaceans).

5. The Consultation Document points out that any decision to establish a marine protected area would be taken in the context of the Government's current policy on the Territory. It would not affect the UK Government's commitment to cede the Territory to Mauritius when it is no longer needed for defence purposes. Any decision that may follow for the establishment of a marine protected area is without prejudice to the outcome of the current, pending proceedings before the European Court of

Human Rights. This means that should circumstances change, all the options for a marine protected area may need to be reconsidered.

6. An Impact Assessment for the proposal has been written and is included as Annex A in the Consultation Document.

#### **Questions on which view were sought**

7. The consultation invited respondents to give their views on four questions, set out below:

*1. Do you believe we should create a marine protected area in the British Indian Ocean Territory?*

*If yes, from consultations with scientific/environmental and fishery experts, there appear to be 3 broad options for a possible framework:*

*(i) Declare a full no-take marine reserve for the whole of the territorial waters and Environmental Preservation and Protection Zone (EPPZ)/Fisheries Conservation and Management Zone (FCMZ); or*

*(ii) Declare a no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ with exceptions for certain forms of pelagic fishery (e.g., tuna) in certain zones at certain times of the year.*

*(iii) Declare a no-take marine reserve for the vulnerable reef systems only.*

*2. Which do you consider the best way ahead? Can you identify other options?*

*3. Do you have any views on the benefits listed at page 11? What importance do you attach to them?*

*4. Finally, beyond marine protection, should other measures be taken to protect the environment in BIOT?*

8. The FCO's view is that there is sufficient scientific information to make a convincing case for designating most of the Territory as an MPA, to include not only protection for fish-stocks but also to strengthen conservation of the reefs and land areas. The justification is based primarily on the size, location, biodiversity, near-pristine nature and health of the coral reefs, likely to make a significant contribution to the wider biological productivity of the Indian Ocean. It would have a wide diversity of unstudied deepwater habitats. There is high value to scientific/environmental experts in having a minimally perturbed scientific reference site, both for Earth system science studies and for regional conservation management. MPA designation for BIOT would safeguard around half the high quality coral reefs in the Indian Ocean whilst substantially increasing the total global coverage of MPA's. MPA designation would be consistent with existing BIOT conservation policies, providing a cost-effective demonstration of the UK Government's commitment to environmental

stewardship and halting biodiversity loss. If all the BIOT area were a no-take MPA, it would be the world's largest site with that status, more than doubling global coverage with full protection.

9. The Consultation Document also notes that the fisheries in the BIOT are currently a loss-making business for the BIOT Administration. The average yearly income from the purse-seine/long line fishery is usually between £700,000 and £1 million. Only one company presently fishes on the reefs (inshore fishery) and this brings in a very small income to BIOT Administration. The profits from fishing are ploughed back into the running costs of the BIOT Patrol Vessel, the Pacific Marlin. The income does not meet the entire costs of running the vessel. Consequently the Administration's costs have to be subsidised from the FCO's Overseas Territories Project Fund.

10. The Consultation was intended for anyone with an interest in the British Indian Ocean Territory or the Overseas Territories in general, and anyone with an interest in the protection of the environment.

## **B. CONDUCTING THE CONSULTATION EXERCISE**

### **How the consultation was carried out**

11. The Consultation was carried out in accordance with the criteria of the Government's Code of Practice on Consultation ('the Code of Practice'), which are printed as Annex B of the Consultation Document.

12. The consultation period began on 10 November 2009, with the publication of a Consultation Document, and ran until 5 March 2010, following extension from its original 12 February deadline to allow everyone with an interest in the issue to contribute. Efforts were made to bring the consultation to the attention of all those for whom it was intended, by dissemination of the consultation document through website, representative groups and directly to representatives of parties with a known interest. Recipients were encouraged to let the FCO know if they thought there were other ways to increase awareness of the consultation.

13. The Consultation Document described the scope of the consultation and the questions on which it sought views, and provided relevant background information in a number of annexes, in order to make the document self-contained.

14. It also explained how to become involved in the consultation. Addresses were provided for responses by post or e-mail. In addition, and in line with the Code of Practice's emphasis on accessibility, a series of meetings were planned, in the UK and with stakeholders in the Seychelles and Mauritius, in particular to reach members of the Chagossian community. (Meetings in the Seychelles also covered a number of other stakeholders based there.) An independent facilitator was appointed to manage these meetings, and to record views expressed. Meetings were held with individuals or with representative groups, with emphasis on encouraging participants to describe their views as fully and openly as possible.

15. Meetings in the Seychelles and in the UK took place in late January and early February. In the event it was not possible to visit Mauritius for discussions in person, and consultation with representatives of the Chagossian community there was held by video-conference in early March instead.

16. The option of responding on a confidential basis was offered, to ensure no-one was dissuaded from responding because they did not want their personal details known, and this option was taken up by a very small number of respondents.

## Summary of the response

### Numbers

17. The total number of responses to the consultation was very large, with over a quarter of a million people worldwide contributing to it. The vast majority of these numbers came through petitions, which offer only limited opportunity for any substantive comment from individual respondents. However, different means of contribution, both oral and written, did provide opportunity for fuller expression of substantive views, and these attracted several hundred more detailed responses. Overall the responses fell into five different categories:

- About 450 **written responses**, representing a wide range of opinion (including all options listed and a number of different ideas) which provided comment on and explanation of the views they expressed. Some responses represented the views of institutions as well as of individuals, and in the case of individuals in some cases represented the views of more than one person.
- Over 250 responses to an alternative **questionnaire** which included different options from those listed in the consultation document, and provided space for views as well as choices, submitted by the Diego Garcian Society (a group representing some members of the Chagossian community in the UK, but also including a number of responses from Chagossians in Mauritius).
- Outcomes of **oral discussions** and meetings, which reached directly about 100-150 people, mostly through representative groups who spoke for significantly greater numbers; for example, a video-conference with the Chagossian Community in Mauritius spoke to elected representatives of the Chagos Refugees Group, which covers a majority of the community, a number of whom (estimated at least 80 and up to about 140) gathered outside the conference venue. The focus of the oral part of the consultation was on the views of members of the Chagossian community in the UK, Seychelles and Mauritius; a number of Seychelles based environmental and fishing bodies also participated in this way.
- About 225 written **statements of support** (mostly for Option 1 or an MPA without specifying which option) without comment or explanation;
- **Petitions**, by far the largest category in terms of numbers. These included over 221,000 responses co-ordinated by Avaaz, a global online advocacy network; over 27,000 signatures collected electronically from the Chagos Environment Network (CEN) through its 'protect Chagos' website; over 1500

signatures from the Marine Education Trust; and a number of smaller petitions from groups such as visitors to aquaria.

18. The response covers a wide range of participants and a global reach. There is some duplication with, for example, some individuals both signing a petition and responding individually, or some submitting more than one written response as their views developed or they wished to respond to views expressed by another party. As a consultation is not a vote, but a qualitative exercise to collect views and evidence, this is not a cause for concern.

### **Composition of respondents**

19. The Consultation attracted responses from round the world. Given its global advocacy nature it is not surprising that Avaaz' petition covers responses (in many cases in single figures) from 223 countries. But there is also a wide reach within categories such as the written responses with comments, including respondents from within the Indian Ocean region, from across Europe, the US and Canada, Australasia, Japan and other British Overseas Territories. Within the UK there is broad regional reach.

20. Most responses come from **private individuals**. Just over 70% of those who provided written responses with comments fall into this category, as do the vast majority (over 90%) of those who submitted statements of support without providing any comment beyond recording their preferred option. A number of these individuals are people who have had the opportunity to visit the area, in some cases through diving interests; some ex-military (especially naval) personnel; individuals with a previous connection with the administration of the BIOT; and those with wider marine conservation or broad environmental interests. A group of schoolchildren responded, some with nicely illustrated comments.

21. The **Chagossian community** responded in high numbers both orally and in writing, reaching several hundred people. Members of the Diego Garcian Society and the Chagos Island Community Association, both organisations representing some members of the Chagossian community in the UK, responded in writing and in the case of the Diego Garcian Society also orally, through a meeting held in Crawley in early February. That group had developed a questionnaire, based on the consultation document, which was completed by over 250 Chagossians, while the Chagos Island Community Association submitted a detailed covering letter with over 70 supporting signatures. The Chair and Vice Chair of the UK Chagos Support Association also wrote. The Chagos Community Association in the Seychelles both wrote and discussed the consultation at a meeting in Victoria, Seychelles. Chagossians in Mauritius represented by the leader and elected representatives of the Chagos Refugees Group, whose membership covers the majority of Chagossians in Mauritius, took part in a video conference in early March, supported by a large group of Chagossians gathered outside, as well as those who joined the discussion. Their legal representative also contributed (orally and in writing), as did the President of the Chagossian Social Committee in Mauritius. In addition a number of Chagossians in Mauritius included their response in the Diego Garcian Society

questionnaire, and a number of Chagossian individuals and Chagossian support groups from the UK, Mauritius and elsewhere signed the petition submitted by the Marine Education Trust.

22. A large number of representatives of the **academic and scientific community** responded on an institutional basis as well as through individual responses from both staff and research students. These have ranged from detailed analytical work to more general remarks, in addition to some individual academics who have written to express a preference but have not made any comment, or have signed a petition, whether or not they have also responded separately. A number of these respondents referenced the work of two conferences, one at the National Oceanography Centre, Southampton, on 5-6 August 2009, which considered the science issues and opportunities of marine conservation in the BIOT, and involved academics, NGOs, UK government, and marine industry stakeholders; and one held at Royal Holloway, University of London, on 7 January 2010, which included NERC supported marine research centres, Universities, NGOs and Chagossians, UK government and marine industry stakeholders, and discussed socio-economic considerations of the establishment and management of an MPA in BIOT.

23. More than 50 **environmental organisations and networks**, including private environmental foundations, consultancies and civil society organisations, including the Chagos Environment Network whose proposal underlies the consultation, have submitted responses, mostly highlighting conservation and biodiversity aspects. A number of **zoos and aquaria** have contributed, many of them taking similar approaches, mainly highlighting marine exploitation. As well as the London Zoological Society they represent zoos and aquaria across Europe and in the USA. A number of **International organisations** mostly with a focus on conservation or on bird or animal protection are also included amongst respondents. A number, such as the IUCN Shark Specialist Group, are specifically concerned with protection of sharks and rays.

24. A number of **fishing companies or their representative bodies** from Europe and Japan, and orally from the Seychelles Fishing Authority and the Indian Ocean Tuna Commission in the Seychelles, set out the perspective from the tuna fishery point of view, particularly the commercial purse seine fishery. Although long line fishing also takes place in the area there was no contribution which focused specifically on that practice, and no input from the small group of fishermen who are licensed to fish on the reef.

25. Subsistence fishing is one of the issues highlighted by one particular sub-group, **yachtsmen/women** sailing the Indian Ocean and using the Chagos islands as a temporary stopping point, in some cases against adverse weather, or as a break in a long voyage.

26. A number of **British Peers and Members of Parliament**, including the All Party Parliamentary Group on the Chagos Islands as well as individual members (some of whom signed the Marine Environment Trust petition) responded, as did a number of **representatives of other governments** and their agencies, including the Foreign Ministry of the Republic of the Maldives and a member of the US navy.



27. While numbers and this broad breakdown of types of respondent are helpful for demonstrating the degree of interest in and commitment to an issue by different groups, and the types of concerns they may have, there are also limitations on their usefulness. The detailed response provided through written comment (in any format) or participation in meetings is helpful in analysing what people's main underlying concerns are, and what sort of policy choices would best address them. The key points highlighted by those who did provide reasons and evidence for their views are described in section C below.

### **C. KEY FINDINGS**

28. Section C will cover the degree of support or opposition, and the main reasons for that, for creating an MPA and for each of the options outlined, as well as for proposed variants or different options which nonetheless aim to provide some conservation/protection element to the area. More detailed discussion of the specific points raised will follow in section D, Summary of Responses (p.17 below).

#### **Support for marine protection in principle**

29. Whatever views people took on this particular MPA proposal and the specific options put forward, the great majority of respondents – well over 90% - made clear that they supported greater marine protection of some sort in the Chagos Archipelago in principle.

#### **The Consultation Proposal**

30. Despite this broad support in principle, views on this proposal were more mixed, covering a wide spectrum of views. Responses did not confine themselves to the options offered.

31. While it does not feature in all responses, the main underlying issue which divides the responses is the question of Chagossian rights and potential resettlement; for some this is a reason for opposing outright or postponing consideration of the MPA; for some it is a question of further discussion and some potential variation to the terms of the MPA, to reach agreement with the Chagossian community (and other regional stakeholders, especially Mauritius) before any MPA is designated; and for some it is a matter of agreeing the MPA 'without prejudice' (as proposed in the Consultation Document) keeping the question in mind and being ready to change the detail of the MPA as and when necessary.

#### **Support for Option 1**

32. While a small number of those who support an MPA (about 30 responses) were not specific about which of the listed options they preferred, most of those who did support one of those options prefer option 1:

*(i) Declare a full no-take marine reserve for the whole of the territorial waters and Environmental Preservation and Protection Zone (EPPZ)/Fisheries Conservation and Management Zone (FCMZ).*

33. This is the preference of about 75% of letters and e-mails from private individuals who provided reasons for their views, of over 70% of the academic, scientific and environmental respondents and of over 95% of the letters of support without any comment, as well as of the signatories of the CEN petition.

34. Where reasons were given these were generally very much in line with the benefits set out in the consultation document, with some expansion and addition in specific areas and greater emphasis on a legacy and reputational element:

- Conservation benefits, including protection of an ecosystem and its biodiversity largely unaffected by direct human impact;
- Climate change benefits, as a control against which to measure changes in the marine environment elsewhere;
- Scientific benefits in a number of areas of oceanography;
- Use as a scientific reference site in a number of areas;
- As a 'refuge' for species heavily exploited in other parts of the Indian Ocean;
- As a source of increased biomass for other parts of the Indian Ocean;
- In response to concerns about the effects of fishing, particularly in relation to bycatch, which could be significant, and risks to endangered and vulnerable species;
- Legacy and reputational benefits – less than full protection shows lack of commitment;
- The ability to encourage others through demonstrating commitment; and
- A contribution to global environmental commitments including halting the decline of biodiversity by 2010, establishing global marine protection networks by 2012 and restoring depleted fish stocks by 2015.

35. A number of respondents pointed out that the sum of these benefits is even greater than any one of them individually.

36. There is amongst this group a tendency to use campaign type letters, sometimes with slight addition to reflect personal circumstances: there are for example around thirty cases of a letter which begins with marine over-exploitation, continues with long term benefits to coastal communities around the Indian Ocean, and the sustainability of the ocean, talks about the MPA as a reference site for global science, notes that the larger the area involved the more habitat types are covered and the smaller effect from external factors, says tuna fishing should be banned as tuna stocks are declining, and massive bycatch contributes to decline in other stocks, and adds that although costs seem large it is necessary to look at the long-term, legacy element.

37. A small number of individual supporters of Option 1 explicitly added the proviso that it should include fishing rights for resettled islanders, and some noted that its creation should be agreed with involvement of all stakeholders. The CEN petition

does not mention the Chagossian position or that of other regional stakeholders. However, the CEN view, expressed in their separate submission, is that that they are aware of the views of Mauritius and of some Chagossian groups, but consider that it is not disadvantageous to have the islands and their marine areas protected in their entirety now, since arrangements could be modified if circumstances changed.

### **Support for Options 2 and 3**

38. In terms of numbers, there is limited support for either Option 2 or Option 3:

*(ii) Declare a no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ with exceptions for certain forms of pelagic fishery (e.g., tuna) in certain zones at certain times of the year.*

*(iii) Declare a no-take marine reserve for the vulnerable reef systems only.*

39. However, they were universally the choice of the Indian Ocean commercial tuna fishing community in the region: as well as fleets from Europe and Japan who fish in the area, the Indian Ocean Tuna Commission, and officials and representative bodies in the Seychelles shared this view. They noted that the scientific case for the extra benefits of option 1 was not strongly demonstrated and they did not want to see a negative economic impact on the tuna industry, which contributed to their economy. In addition, a limited number of private individuals thought that controlled, licensed fishing at around the current level was sufficient protection and was not causing significant decline or degradation. Although some of this group selected option 2 while others preferred option 3 the main underlying concern was similar: that there was a strong case for protecting the fragile reef environment, but that purse seine tuna fishery (to which, rather than long-line fishing, most comments referred) did not have a negative effect on that. The main arguments were that:

- There is no doubt that it is important to preserve the reef, and to have healthy fish stocks, but options 2 or 3 will do so.
- Purse seine nets did not affect the fragile environment: they did not touch the sea bottom, or cause great disturbance.
- By-catch was estimated at 3%, and not much from fragile species (4 or 5 turtles a year; no dolphins).
- Illegal and unregulated fishing would continue, and that was the main cause of concern. Legitimate fleets could play a role in identifying that; without them costs of policing would increase; satellite monitoring would be needed.
- Valuable information collected and recorded by vessels in the region (for example for helping assess stock) would no longer be available
- Scientific evidence does not demonstrate the case for MPA's as a means of preserving tuna stocks.
- The idea that the MPA would provide a refuge did not work because tuna were migratory and spent only two to three months there, not for breeding.
- Closing off the area would displace efforts and fleets would look for tuna routes outside which may not be as well controlled and monitored.
- It should be for the regional body – the IOTC - to decide appropriate

management measures for the protection and conservation of the Indian Ocean tuna fishery.

- The fishing fleets would feel the removal of Chagos. It would reduce flexibility; at the end of the year there was not much else, especially in the current fluid situation with regard to piracy.

40. A small number of those who generally supported option 1 took the view that openness to fishing could be reviewed after a time if there was appropriate evidence about fish stocks.

41. Some members of the scientific and environment community countered that no-take MPA's did have benefits for stocks of migratory species, even if they were part of the solution, along with other management measures, rather than all of it.

### **Support for none of the listed options**

42. There was a significant body of response, including most members of the Chagossian community, about 13% of other written contributions, a number of participants in meetings in the Seychelles, and the signatories of the Marine Education Trust petition<sup>1</sup>, who did not support proceeding with any of the three listed options at the current time.

43. One key characteristic of this group is a reluctance to see change to an MPA at a later date if circumstances change, and a wish to settle details now (whether for or against any type of MPA) through agreement with relevant stakeholders, before any MPA is designated.

44. This body of opinion fell into two distinct groups. One group was opposed to proceeding in any form at this time, thought that further discussion, and ultimately agreement, with all stakeholders was needed and did not offer any view on what the outcome of such discussion might be in relation to an MPA. A second group agreed on the need for further discussion and agreement but put forward an alternative approach (a 'fourth option', of which there are different variants), which they considered to take account of the rights of the Chagossians, and in one version also of Mauritius (which has historic fishing rights as well as future interests).

### **Opposition without alternative proposal**

45. Opposition to this proposal at this time came primarily from members of the Chagossian community in Mauritius, Seychelles and the UK (views expressed orally and in writing)<sup>2</sup>, the Republic of Maldives, and a number of written responses from non-Chagossian private individuals, many (but not all) of whom highlighted the Chagossian position. While not opposing an MPA, a number of scientific and environmental organisations and some private individuals emphasised the

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<sup>1</sup> And possibly also the Avaaz petition, which supports an MPA and ban on commercial fishing (i.e. option 1), but refers to working with Chagossians to protect the reefs.

<sup>2</sup> It is not the view of all Chagossians, some of whom prefer a variant 'option 4', described below.

importance of achieving an outcome agreed by all stakeholders without which the MPA process would be undermined and its long term effectiveness threatened.

46. Within this group there were different strands of thought, expressed through six main reasons for opposition:

- It is premature, and inappropriate, to move ahead with this proposal in advance of the European Court of Human Rights ruling or decisions on Chagos resettlement – it is ‘putting the cart before the horse’ - and with inadequate consultation of the Chagossian community and without agreement with the Government of Mauritius; it put the concerns of nature conservation before the rights of people;
- The proposal fails to allow for Chagossian resettlement and Mauritian and other regional interests from the beginning, and needs to be agreed by all these groups before any designation is made;
- There are outstanding queries about the impact of the proposal on other Indian Ocean states’ interests (particularly on fishing);
- There are queries about the legal basis for unilateral UK actions;
- There are doubts about whether such protection is necessary and adds anything to the protections already in place, rather than unnecessary restrictions (a point made particularly by some members of the yachting community);
- There are concerns about whether there might be a risk of future liabilities (for example because of the effects of climate change) arising from such designation.

47. The possibility that an MPA in any of its proposed forms could be created now with the potential for later change to handle any change in circumstances (as noted by the Consultation Document) was not supported by this group.

#### ‘Option 4’

48. The other strand of opposition to any of the three listed options made suggestions about how Chagossian interests could be handled by including proposals which could in their view avoid having to change the MPA once it is established. One proposal, put forward by the Diego Garcian Society (representing about three quarters of the Chagossian response in the UK, with a relatively small input from Chagossians in Mauritius) proposed a no-take marine reserve for the whole of the territorial waters and EPPZ/FCMZ with exceptions for certain types of pelagic fishery (eg tuna) and artisanal fishing by Diego Garcians and other Chagossians fishing projects only. A broadly similar, if possibly narrower, approach to the livelihood requirements of resettled Chagossians was taken by a number of those (both private individuals and some institutional responses) who said they supported option 1 but favoured provision for sustainable fishing by resettled Chagossians. In some cases they envisaged resettled Chagossians as stewards of conservation in Chagos. This view about potential Chagossian stewardship was shared by the Marine Education Trust, which supported provision for well managed and sustainable utilisation of natural resources alongside conservation and suggested that zoned use that permits the sustainable use of marine resources in

specific reef, lagoon and open ocean areas might be a possibility.

49. Zoned use or a networked approach – not necessarily confined to the needs of Chagossians – received support from a number of quarters. MRAG noted this would still allow declaration of the whole BIOT FCMZ as an MPA, and could provide a framework which would permit military use of the lagoon of Diego Garcia, and any other uses that may be considered in future, whether tourism, visiting yachts, vessels transiting the zone, scientific surveys or other. This general approach was shared by the Environment Ministry in the Seychelles, which took the view that a zoned approach, Indian Ocean wide, was more likely to reach the most important biodiversity 'hotspots'. The Joint Nature Conservation Committee recommended adopting a zoning approach as the best way to manage a multiple use marine area, with identification of zones based on current best available science. Options based only on no-take policies were not consistent with UK marine conservation practice or global best practice.

50. For others these variants could be incorporated later if needed, as and when circumstances changed, but should not be built in to the original proposal; until circumstances did change, full protection in the form of Option 1 was the right proposal, and did most to conserve the Chagossians' inheritance until they did return. The Consultation Document notes that the MPA could change if circumstances changed.

51. The section above has covered only the headline findings. A number of topics which respondents have highlighted in their contributions have been mentioned but not elaborated in any detail. These include:

- The consultation process itself;
- The Chagossian community;
- Regional interests and concerns;
- Enforcement of an MPA;
- Costs associated with an MPA;
- Yachting interests;
- Piracy;
- Diego Garcia and the US base;
- Bycatch from commercial fishing, including sharks and fragile species;
- Fish stocks;
- Reputational issues; and
- Other proposed environmental measures.

52. These will be described in more detail below, in the Summary of Responses.

#### **D. SUMMARY OF RESPONSES**

53. The following sections highlight some of the key issues which were raised by a

number of respondents.

### **The Consultation Process**

54. The Consultation Document notes that any declaration of an MPA would be made by the BIOT Commissioner, who is not bound by UK Government guidelines on public consultation. However, the Foreign Secretary decided that there is sufficient public interest in the proposal to merit such a consultation. The Consultation process has been conducted in accordance with the government's code of practice on consultation, whose key points are described in Annex B of the Consultation Document. How it has been carried out is described in section B (p8) above.

55. Some respondents have described the process as flawed, for two reasons.

56. The first concerns the information included in the Consultation Document. While the document seeks to be self contained and include necessary information on all matters relevant to the consultation, a small number of respondents have argued that insufficient detail on some matters (for example in relation to resettlement of the Chagossian community) has been supplied to enable stakeholders to reach fully informed views.

57. The second concerns the degree of consultation undertaken with the Chagossian community. While it is acknowledged that efforts have been made to hear the views of the Chagossian community (and that that was the main purpose of the oral consultation) it is considered by some respondents that this is not sufficient. These respondents take the view that it is not sufficient to seek the Chagossian view in the same way as that of the wider public, but that they should have been involved from the outset and should perhaps have been involved in drawing up the options on which a consultation was conducted.

58. Similar concerns were raised about consultation with other Indian Ocean states, particularly Mauritius, and with other regional bodies who have interests.

### **The Chagossian Community**

59. The islands of the Chagos archipelago became British in 1814 and were administered from Mauritius until 1965, when they were detached to form part of the British Indian Ocean Territory. That territory was created to provide for the defence needs of the United Kingdom and the United States. The UK government subsequently gave Mauritius an undertaking to cede the islands to Mauritius when they were no longer required for defence. Following the decision that the islands should be set aside for defence needs, existing copra plantations were run down and closed and arrangements made for the islanders (employees of the copra plantations and their dependants) to be relocated to Mauritius and the Seychelles. (A number now also live in the UK.) Since the mid 1970s there have been a series of legal actions around the questions of right of abode and compensation. The Chagos Community has most recently made an application to the European Court of Human Rights on both these issues.

60. The Consultation Document says that any decision to establish an MPA would be taken in the context of the Government's current policy on the Territory and that under current circumstances the creation of a marine protected area would have no direct immediate impact on the Chagossian community. It says that any decision about an MPA would be without prejudice to the outcome of current, pending proceedings and recognises that, should circumstances change, all the options for an MPA may need to be reconsidered.

61. A number of respondents, including many members of the Chagossian community and their legal representative, expressed a concern that the MPA is an indirect means of preventing Chagossians from resettling, because if fishing were prohibited they would have no means to support themselves after return. It is a non-legal barrier that would be in place even if legal barriers were removed. This is one factor behind the thinking of those, including a large section of the Chagossian population in the UK, who supported an alternative option 4, which allowed for fishing in the area by Chagossian groups.

62. Others, including the Chagossian population in Mauritius, thought it wrong that decisions should be made by anyone other than Chagossians, or forced upon them unilaterally. They felt the Chagossian community had not been adequately consulted at an early stage, and their views were being ignored. They thought that the whole question of an MPA could not be separated from questions around resettlement and right of abode. They felt that this proposal put the rights of marine life before the rights of humans while they should go hand in hand (a point made by a number of the written responses).

### **Regional Interests**

63. A number of other Indian Ocean States and their institutions have interests in the impact of an MPA in the BIOT. Most have to do with fishing and with Indian Ocean-wide protection of ocean resources. One respondent noted that the Maldives' EEZ overlapped that of the BIOT, but most comments came from oral discussions in the Seychelles.

64. Speaking from an environmental point of view, one Seychelles official noted that it would be more effective for littoral states to agree together on large ecosystem protection, possibly for the whole Indian Ocean, with some areas protected by a 'no take' policy but others open to tuna (and other) fishing. The key would be identifying and protecting the biodiversity 'hotspots'. Representatives of the Seychelles Fishing Authority confirmed that a larger area, which would not necessarily be the Chagos Archipelago, could give more protection - Chagos itself was not a major tuna area, with a short season - and that there were projects underway in the Indian Ocean to consider the best location and size of protected areas.

65. Nonetheless, the Seychelles would feel any impact on the tuna industry and would find it hard to support anything that had adverse economic implications. A representative of the Indian Ocean Tuna Commission agreed that fishermen in the region would feel the removal of Chagos. It would reduce flexibility; around the year end and in January there were not many other areas to fish tuna. Although Chagos did not give a good catch every year it provided an option; this was particularly



important in the current fluid situation with regard to piracy, which he thought was not likely to disappear quickly. There would likely be an economic impact, as fisheries operated with small financial margins. And it would not stop illegal fishing, which was the biggest problem.

### **Enforcement**

66. A significant number of respondents in all groups highlighted the need for effective enforcement, to prevent illegal fishing in the zone, and ensure the MPA was not just a 'paper park' without practical impact. Views were mixed about how much illegal fishing goes on in the area at present, but several examples were provided to confirm that there is a problem, including in relation to fishing for sharks and sea cucumber.

67. The tuna fishing community noted that at the moment they were able to help detect and report such activity, and a number of other groups, especially yachts and private individuals, also supported the idea that having some legitimate vessels in the area (whether or not for fishing) helped as a visible deterrent, citing evidence from the Galapagos. However, these respondents did not necessarily support continuation of commercial fishing, but the presence of yachts, or vessels for liveaboard diving holidays. Most respondents took the view that if no fishing were allowed at any time it would be easier to identify illegal vessels, although many also acknowledged that illegal fishing was likely to increase (and at least continue, regardless of whether a no-take MPA was announced).

68. The BIOT Administration currently has one patrol vessel, the Pacific Marlin, whose running costs are partially offset by income from fishery licensing. While some observed that without fisheries some of her current responsibilities would be reduced, it was widely thought that this would not be sufficient for the ongoing enforcement task. Proposals to strengthen this included having two or three smaller, more nimble vessels, and light aircraft or satellite monitoring to support. A number of respondents considered that Chagossians could play a role in future enforcement. Another suggested that US military monitoring could play a role in focusing on location of fisheries. Additional costs were acknowledged (and detail discussed below). High penalties for breach (including confiscation of catch, or of vessel) to act as a deterrent, were encouraged.

### **Costs**

69. Only one respondent reflected that funding may not be currently available in the BIOT administration for increased spending on enforcement (an activity supported by a large number of respondents), one person referred to potential financial difficulties, and one observed that even declaring an MPA was not a cost-free activity. A number acknowledged that costs would rise while income from fishing licences would fall, and a small section of those people thought that for tuna fishing the relative costs needed to be balanced with limited benefits. For most respondents, however, the costs of creating a no-take MPA were thought to be small, and far outweighed by benefits. One of the option 1 campaign type letters specifically makes the point that one should look at the long term benefits rather than the short term costs.

70. For some this cost was simply something that government should take on; the sums were considered to be insignificant in comparison to other areas of social spending (child benefit, and bailing out banks were mentioned) while the benefits should be looked at for the long term.

71. There were a number of suggestions about other potential sources of funding if the BIOT administration were not able to take it on. One person suggested that allowing eco-tourism, such as licensed diving tours, could be a possible source of contribution. Another thought there may be some scope to use carbon trading schemes, or that the MPA might have a carbon sequestration value. One person suggested that the US should contribute, perhaps as part of the leasing of Diego Garcia. A number of people thought private or charitable foundations might be a plausible source of funds, while a few suggested the UN or international agencies, while acknowledging that they may not want to take this on, and observing that progress on the MPA should not depend on success in this.

72. For the great majority of respondents of all types cost was not an issue to stand in the way of taking action forward.

### **Yachts**

73. Yachting interests were represented by a number of yachtsmen/women and organisations who work with them. The Chagos archipelago is used by long distance transiting yachts in the Indian Ocean as a stopping point in a long voyage or as a safe haven from adverse weather. The yachts anchor in designated areas in Salomon and Peros Banhos, and tend to fish by hand line, for personal consumption.

74. The Consultation Document does not comment on the implications of any of the options for yachts. All of the yachting interests who commented argued for continuation of current arrangements for them (in some cases with minor changes not directly related to designation of an MPA). They argued that, if they were not able to stop in Chagos, the next potential stopping point for them would be Reunion, which would significantly increase their continuous time on the open sea and so increase risks. (One observed that the Seychelles had been an alternative destination, but the risk of piracy has made that less attractive). They pointed out that their numbers were few; their anchoring points were agreed with an environment adviser (in 2007); and that their limited fishing for personal use did not cause material damage. In addition, they noted that they contribute through fees for anchoring (£100 per yacht per month) and could be a helpful 'eyes and ears' against illegal fishing.

75. One individual (with no obvious yachting connection) thought yachts should also be excluded from the area under an MPA, on the grounds of potential anchor damage to corals, and pollution caused by their waste. Independently, one of the yacht respondents said they could envisage restrictions on anchoring in shallower waters (up to 25m) with fewer restrictions in deeper waters, while another yachting interest queried whether the current anchoring areas were best placed, and suggested that some time restrictions on how long yachts might stay there might be introduced, to avoid any semi-permanent population developing. On waste, yachts

noted that they disposed of any waste responsibly.

### **Piracy**

76. The danger of pirates in the Somali basin was raised by both yachting and fisheries interests. For both groups, with small or low vessels, or with a landing platform, the dangers associated with piracy affected the routes that they considered open to them. For yachts, one consequence was that more of them were taking a more southerly route across the Indian Ocean, avoiding known danger areas. For fisheries, one group said that they were being pushed further east in search of safer fishing. In some previous years licences for fishing in BIOT had not been taken up (because of cost and availability of other options) but this was likely to be less so now, because of the risk of piracy. In December/January, when purse seine tuna fisheries most often used the Chagos archipelago, there are few other areas where tuna could be fished in the Indian Ocean, and those areas brought greater risks.

77. Outside fishing and yachting interests relatively few respondents mentioned this issue. No-one questioned this account of increased risks, but one (environmental) organisation observed that piracy was a wider issue affecting more than just fishing interests, and had to be dealt with in any case; it should not influence decisions on the MPA.

### **Diego Garcia and the US base**

78. The US maintains a military base on Diego Garcia. The Consultation Document suggests that it may be necessary to exclude Diego Garcia and its 3 mile territorial waters from an MPA, to ensure that it does not have any impact on the operational capability of the base.

79. Most supporters of an MPA as proposed (under any of the three options) did not comment on Diego Garcia, and the views of those who did comment were mixed. Wider comments about Diego Garcia were voiced by most members of the Chagossian community as well as a small number of other respondents.

80. Members of the Chagossian community said that it is unjust that the US base and those who work on it can inhabit Diego Garcia when they cannot. They observed, as do some others, that the presence of the base has caused pollution and environmental damage and that its exclusion undermines an MPA. Two issues raised particular concerns. First, fears about use of mid or low frequency sonar communication, which would be a danger to cetaceans; and second, concerns about nuclear submarines and possible contamination; they were concerned about the prospect of the USS Emory S. Land coming to the base as mother ship for nuclear powered submarines. They also referred to the Pelindaba Treaty, making Africa a nuclear free zone.

81. Other comments, as noted, were mixed. A representative of the US Navy commented that should any impacts be envisaged, they understood these would be fully presented and discussed utilizing historically established Exchange of Notes process between US and UK. A number of respondents took the view that Diego

Garcia should be excluded for operational reasons, provided that, at a minimum, current environmental standards are maintained. Others suggested that the base has had a positive effect on maintaining the environment, largely because it has kept other human impact (such as through tourism) low. One respondent suggested that Salomon and Peros Banhos should be excluded too, as that is where yachts anchor and their owners fish for personal consumption.

82. The opposing view tended to be based on wider views of the appropriateness of a US base on the island, regardless of its effect on the marine environment. However, a small number of respondents said insufficient information was available or provided about the environmental impact of the base, and suggested environmental impact assessments should be carried out. Amongst issues of concern were ocean noise pollution, dumping of waste and use of military sonar. Some doubted how far an MPA would in reality affect operational capability.

83. A number of respondents, whether for or against exclusion, highlighted some areas where they thought the US could play a useful part. They proposed a contribution to costs from the base, or in-kind support. This could involve assistance with policing the area, or providing other facilities for short term use.

#### **Fishing – bycatch**

84. By catch of non-targeted species by the tuna fisheries (both purse seine and long line), especially of vulnerable or endangered species such as sharks and rays which have a low capacity to replace numbers removed by fishing, was a major concern for the majority of supporters of option 1. Most respondents simply noted the issue as a concern without providing detail: where more detail was provided there are differences of view, especially between the fishing community and specialist marine protection organisations. In part this may reflect differences between long line and purse seine fishing, or between figures from the reef or the open ocean. However, whatever the level or circumstances, bycatch was one of the most frequently raised issues among respondents.

85. A number of bodies referred to high levels of bycatch in the BIOT waters. In one case it is reported that of 4084 fish caught on hooks, 48% were bycatch; more generally it is suggested that levels can be 25% or more of total catch. One ecological body observed that long line and purse seine bycatch of sharks in the BIOT EEZ is significant, with on average 1200 tonnes of sharks landed every year since 2002, and a figure of 100,000 non-targeted fish per year is quoted. They add that an underwater visual census of 4 island groups has shown a 90% decline in number of sharks present on coral reefs in the last 30 years; this has been caused by legal fishing by Mauritian fishers as well as by poaching by illegal fishers.

86. Fishing interests pointed to a different picture, noting (independently of each other) that their catch is dominated by large, mature tuna in free schools, and levels of by-catch are nearly non-existent; one estimated around 3% of total catch, including very few vulnerable species. They noted that catches are recorded in ships' logs. They also pointed to new legislation in BIOT from 2006 bringing further restrictions, and further noted that much of the taking of species other than tuna comes from illegal fishing, which will continue to be a problem in a no-take zone.

87. In response other groups noted that under-reporting in logbooks remains likely and may be substantial, and that catches reported in logbooks are considerably less than might be expected based on the catch rate of sharks and rays in preliminary survey of bycatch in BIOT waters. They observed that the low level of observer coverage means independent verification of catches, including bycatch, is patchy and poor, especially for the long line fishery.

88. It is acknowledged that shark species are migratory and are widely distributed, beyond BIOT waters, so an MPA would not offer full protection for any individual species. However, conservation groups and shark specialists pointed out that a no-take MPA is more likely than the current situation to lead to recovery.

### **Fish Stocks**

89. Some similar arguments related to fish stocks. Over-fishing and depletion of the oceans' stocks, and the need to help them recover, was one of the main recurring themes raised by a large number of supporters of Option 1. Specific reference was made to decline in tuna stocks. There was a widely expressed view that no-take zones were needed to provide a refuge for fish stocks, to help them recover and thrive. A number of respondents argued that this would lead to increased stocks in areas outside the MPA, which would be of benefit to fishing interests elsewhere in the Indian Ocean, outside the no-take zone. Some preliminary findings were put forward by one respondent that an incidental effect of piracy off the Somali coast had been increased quality and quantity of migratory and resident species off the Kenya coast, which suggested a potential beneficial effect on neighbouring sea areas from a no-take zone.

90. One representative of fishing interests pointed out that the IOC's scientific committee had done work on how an MPA would benefit highly migratory species like tuna and had concluded that it would not, unless a very large area was under consideration, not necessarily in Chagos. While there had been some bumper years (such as 2007) Chagos was not a major tuna area, with a short season, although it was becoming more important because of piracy. It was also the case that, while there had been some problems with yellowfin stocks this year, it was not generally the case that tuna was overfished. There were projects underway in the Indian Ocean to consider best location and size of protected areas. They therefore considered it important that an MPA not be described as being to contribute to tuna protection, as it was not yet clear what the benefits and disbenefits were for tuna. In fact, closing off this area might have a displacement effect for fisheries – vessels may go to places where they were not able to catch the adults but more juvenile, smaller fish. It was in fishermen's interests to have healthy stocks.

91. This group thought that more could be done for tuna stocks by a series of management measures, such as quota allocations. It was pointed out that if the BIOT administration wished to reduce total tuna capture in the Indian Ocean, a possibility would be to take part in quota discussions, take a quota, and then not use it. This would reduce total take, rather than displacing it to another region outside the MPA.

## **Reputational Issues**

92. Reputation and legacy questions were very frequently raised, by a high percentage of private individuals. Respondents wrote of the magnificent legacy an MPA would involve, the opportunity it provides to do something of great importance and value and the opportunity it offers for the UK to show leadership, act as a role model, and encourage others to follow. One person noted that this would keep the UK in the scientific frontline and that anything less would be disappointing, and would risk undermining the UK's commitment to the environment and protecting biodiversity. It was regularly said that it would be a great achievement to establish this MPA in 2010, the international year of biodiversity, and that it would be a worldwide precedent for others to follow. It would be a legacy to be proud of.

93. Reputational considerations were raised by opponents of the MPA too, though in much smaller numbers. One respondent, for example, urged consideration of the diplomatic implications of going ahead before the European Court of Human Rights has concluded, and without agreement of neighbouring states.

94. As one respondent observed, the listed benefits in the Consultation Document do not include political or reputational issues.

## **Other Conservation measures**

95. The consultation sought views on what other measures for further protection of the environment respondents would suggest. There was a strong response to this question, with more than 10% of written respondents offering input. There is a high degree of consistency amongst the topics suggested, although they are not always considered in great detail.

96. The most frequently mentioned approach is that additional terrestrial measures should be taken to complement marine protection, on the grounds that these are interrelated. One respondent suggested creation of a long term plan for further conservation management of the atolls, another that a comprehensive Chagos archipelago reserve should be considered. This might include steps to increase the population of seabird species and assist the recovery of rare turtles (for example through removal of beach litter); eradication of rats (a frequently mentioned suggestion); steps to restore native vegetation and remove foreign organisms, reversing the damage done by plantations; and conserving the built environment. A number of respondents suggested that a local population could be employed as stewards and guardians to monitor this work. The possibility of international support (building on Ramsar and world heritage initiatives already in place) was raised.

97. A number of individual proposals were made by smaller numbers of people. One suggested that a small permanent research facility should be set up (contrary to the suggestion of the Consultation Document). Another highlighted the importance of providing future reports to the public, to enable them to see what benefits protection measures were having, and one suggested this might include a possible TV

documentary. One suggested that improved monitoring and research on pelagic species in deeper water should be explored, and another suggested restricting anchoring areas for yachts in shallower water.

98. Proposals were not confined to the BIOT, with a few respondents suggesting more should be done to create large scale marine reserves in UK and adjacent EU waters.

## Annex 1: List of Contributors who commented on the Consultation Proposal

In addition to those listed below, who made comments on their choices, 227 people contributed a preferred option without comment, and 256,000 responded through one of a number of petitions.

<b>Private Individuals, expressing a personal view</b>	Jack Brodie	Kerry-Ann Duffy
	Henry Brown	Hugh Dunkerley
	Roger Brown	Anne Edward
Martin Abrams	Rosemary Brown	Clive Efford MP
Suzanne Adamson	Victoria Brownlee	Wendy Eifflaender
Kevin Akin	Fran Buckel	Anthony and Christine Elliot
Sophie Allebone-Webb	Paul Buckley	Geoffrey Emmett
Charles Allen	Alison Bunn	Jeff Ennis MP
Dr Gary Allport	Robert Burstow	David Evans
Aycha al-Sheikh	Adeline Cantais	TG Evans
Atholl Anderson	Matthew Cassidy	Trevor Evans
Dr Charles Anderson	Chris Cathrine	Adam Fetherstonhaugh
Anonymous	Vanessa Cheney	RH Finzel
Matt Argyle	Leo Chesterton	Linda Foley
Kenneth Armitage	Bob Clarke	Baroness Fookes of
Phil Arnold	Toby Clarke	Plymouth DBE DL
Dinah Atkinson	Dr Ted Hinton Clifton	Don Foster
Phil and Kay Atkinson	Dr RL Coe	Sarah Foster
David Bailin	Dr Nik Cole	Jeremy Fraser
Sheri Bankes	Debbie Coleman	Mike Freeman
Joe Barnes	Kate Cooper	Tom Fremantle
Sally Barnes	Jeremy Corbin MP	DT Frost
Graham Batin	Adam Corlett	Sarah Gall
Daniel Bayley	Richard and Kathryn Cottier	Alistair Gammell OBE
Richard Beales	Juliette Coudert	Barry Gardiner, MP
Mikel Becerro	Peter Cox	Carol Garner
Richard L Bennett	Mike Crew	Dr Andrew Gill
Jennifer Bixby	Javier Cuetos-Bueno	Commander L L Grey DSCRN
Giles Blunden	Andy Daer	Eleanor Gloster
J Boardman	Alison Dark	Simon Goddard
Lucy Boddam-Whetham	Chris Davies	Margaret Godwin
Councillor Philip Booth	Carolyn Davis	Chris Goodenough
Charles Borman	Bryan Dawkins	Hester Gordon
Peter Bottomley MP	Dr Dave Dawson	Ian Gordon
Rafe Boulon	Simon DeSmet	Hugh Govan
Peter Bouquet	Dr Fergus Dignan	Taffeta Gray
Samuel Bouquet	Richard E Dodge	Martin Grimshaw
Dr WPP Bourne	J L Dodworth	Jamie Guerrero
Heidi Bradner	Derek Donaldson	Jon Gulson
Heath Bradshaw	Kenneth Donaldson and	Jenny Habib
Mary Branscombe	Cathy Dean	Jonathan Hall
Ursula Braybrooke	Paul Douch	Matthew Hanson
Natalia Bremner	John Doune	Douglas Hadler
EA Bridgstock	Mike Downey	Dr Annelise Hagan
Capt. GP Brocklebank RN	Peter Drummond	Harmony A Hancock



Peter Harris  
Sir Thomas Harris  
Dr Julie Hawkins  
Nathalie Haymann  
J Heasman  
GJ and MV Heath  
Paul Heaton  
Pete Heine  
Tracey Hemmerle  
Iain Henderson  
Richard Heron  
Michael Hewitt  
Dr Peter Higgs  
FPG Hill Natasha Hill  
Nick Hill  
Edward Hind  
Hugh Hobbs  
Sidney J Holt  
Nick Hook  
Durand Hotham  
Simon E Hughes  
CR Hunneyball OBE  
Clive Hurley  
Alice Hutchings  
Illegible  
Richard (Ted) Ingram  
Jon Irwin  
Peter Jackson  
Simon Jackson  
Suzanna Jackson  
Mike Jennings  
Dr P Jollands  
Claire Jones  
Glynis Jones  
Humphrey Jones  
Jill Jones  
Philip Jones  
Rachel Jones  
Stephanie Jones  
Robert Jutsum  
Michael Kavanagh  
Thomas Kelly  
Dr Jeremy Kemp  
Emma Kennedy  
Bridie Keyse  
Judy Keyse  
Ridlon Kiphart  
Heinz Kluge and Patricia  
Byland  
Alan Knight  
Mandy Jane Knott

Kevin Kohler  
Lisa Labinjoh  
Jeff Laitila  
Evan Landy  
Jeremy Lattin  
JM Lawrence  
Keith Lawrie  
Clency Lebrasse  
Professor Paul Leonard  
Grace Leung  
James Lewis  
Marjorie J Lewis  
Mary Lidgate  
Wendy Lidgate  
Louise Lieberknecht  
Gary Littlejohn  
Kate Lloyd  
Gareth Long  
Jose Lopez  
Patrick Loughran  
Jay Luciani  
Eric Machinist  
David Marsland  
Howard Martin  
Richard JR Martin  
Samantha Jayne Mason  
Dr Tony Matthews  
Eemelda Mawamure  
Jenny Maxwell  
Jeremy Mead  
Helen Marie Meatcher  
Kerry Merchant  
S. Mfsud  
David Millard  
Ben Moody  
Christopher Morgan  
Julian and Veronica Morse  
Alison Mosson  
Aimee Middlemiss  
MJ Milligan CBE  
JH Milner  
David Moss  
Joyce Murray  
Carol Murtha  
Caitlin McCormack  
Vaierie MacFarlane  
John McGeehin  
Ethan Machermer  
Lord Mackay of Clashfern  
Ross Maclean  
David MacLennan

The Rt. Hon. Lord  
MacLennan of Rogart  
Carol Newing  
Baroness Nicholson of  
Winterbourne, MEP  
Mike Ogden  
Sarah Outen  
Graeme Pagan  
Richard Page  
Jose Truda Palazzo  
V Palombo  
Alan J Partfitt  
Gary Parker  
Marit Parker  
Douglas Parkes  
Sally Peltier  
Gabriele Peniche  
Gerald Penny  
Bob Perry  
Marjorie Peters  
Robert Philpott  
Franz Pichler  
Bernard Picton  
Dr MW and AE Pienkowski  
Steve Pocock  
Edward Pollard  
Jill Portsmouth  
Richard Potez  
Andrew Jonathan Price  
Stephen Price  
Daniel Pullan  
Pupils of Sir Thomas Abney  
School  
Christine Randall  
Dominic Rannle  
Chris Redston  
SA Renvoiza  
Joseph Reynolds  
Bernhard Riegl  
John Rimington  
Janet Robertson  
Paul Rowen, MP  
Gwilym Rowlands  
Jayne Russell  
Stephen Rutherford  
Ahmed Saheed  
Harald Sammer  
Peter H Sand  
Louise Savill  
Ann Scott  
Alec Dawson Shepherd

J Shergold  
Jill Sherry  
Mahmood S Shivji  
Raphael Sibille  
Chris Simm  
Barry Shoemsmith  
Rebecca Short  
Karin Sinniger  
Claudia Siva  
Jon Slayer  
Peter Smith  
Stephen F Snell  
Jen Spence  
Hannah Spencer  
Mark Stephens  
Paul Stephens  
Cherry Stevens  
Clara Perez Stevens  
Ian Stewart, MP  
Wendy Strahm  
Tim Sutton  
Dr Fredrik Svennelid  
Steve Swayne  
Kate Tanner  
Jennifer Tankard  
Dr John Tarbit  
Lord Tebbit CH  
Dr Darren Tebbutt  
Sarah Teversham  
Hywel Thomas  
Dr Anthony D Tindale  
Barbara Tindall  
David Todd  
John Topp  
Josephine Tucker  
Sara Vernon  
Richard Vann  
Alex Vierod  
Joana Mira Veiga  
Carl Villanueva  
S. Wainwright  
Michael Ward  
John Warren  
Matthew Waterkeyn  
Catherine Watts  
Claudia Watts  
David Watts  
Philip Clarkson Webb  
Sue Wells  
Tony Wells  
Nigel Wenban-Smith

D White  
Celia and Vic Whittaker  
Timothy Whitton  
Colin Wilkinson  
C.W Williams OBE  
Gordon A Williams, BA  
FRAeS, FIOD  
Heather Williams  
Jennifer Williams  
Jackie Wilson  
Sandy Wlto  
P Robert Wood  
Rosemary Woods  
Ben Wray

**Contributions from  
Institutions or their senior  
members**

Dept. of Natural History,  
University of Aberdeen  
ANABAC  
Association of zoos and  
aquariums  
Australian Institute of  
Marine Science  
AZTI Marine and Food  
Technology Research  
Institute  
Birdlife International  
Blue Marine Foundation  
Blue Ocean Institute  
Blue Reef Aquarium,  
Newquay  
Blue Ventures Conservation  
Environmental Biology,  
University of Bradford  
Bombay Natural History  
Society  
Fisheries Centre, University  
of British Columbia  
British Ecological Society  
British and Irish Association  
of Zoos and Aquariums  
Buglife  
Dept. of Geography,  
University of Cambridge  
Department of Zoology,  
University of Cambridge  
Chagos Conservation Trust

Chagos Environment  
Network (CEN)  
Chagos Island Community  
Association  
Chagos Refugees Group  
Chagossian Social  
Committee (Mauritius)  
Chagos Social Committee  
(Seychelles)  
Conservation International  
Coral Cay Conservation  
CORDIO East Africa  
Diego Garcian Society  
European association of  
zoos and aquaria  
European Union of  
Aquarium Curators  
Falklands Conservation  
Fauna and Flora  
International  
Five Oceans Environmental  
Services, Muscat  
Dept of Zoology, University  
of Florida  
Frankfurt Zoo  
Global Ocean  
Greenpeace UK  
University of Guelph,  
Canada  
Harapan Rainforest  
Hummingbird Scientific  
Interatun Ltd (Seychelles)  
International Fund for  
Animal Welfare (IFAW)  
International Society for  
Reef Studies  
International Union for  
Conservation of Nature  
(IUCN)  
IUCN Shark Specialist Group  
Japan Far Seas Purse Seine  
Fishing Association  
Joint Nature Conservation  
Committee  
Leipzig Zoo  
Linnaean Society of London  
Living Oceans Foundation  
Division of Biology, Imperial  
College, London  
King's College London

Dept. of Geography, Royal Holloway, University of London  
Marine Biological Association Plymouth  
Rosenstiel School of Marine and Atmospheric Science, University of Miami  
National Environment Research Council  
Natural Resources Defense Council  
Nova Southeastern University, Florida  
Biology Dept., Dalhousie University, Halifax, Nova Scotia  
OCEANA  
Ocean Cruising Club  
Oceanic Research Institute, Durban  
OPAGAC  
Coastal Zone and Marine Environment Studies, Pembrokeshire College  
Pew Environment Group  
Plymouth Marine Laboratory  
Project AWARE Foundation (International)  
RCC Pilotage Foundation

Marine Conservation Society  
Marine Culture of Mascarene Ltd, Mauritius  
MRAG  
Reef Check Malaysia Bhd  
RSPB  
RYA  
South African Association for Marine Biological Research  
The Natural History Museum  
The Shark Trust  
UK Chagos Support Association  
Ulster Wildlife Trust  
School of Ocean Sciences, University of Wales, Bangor  
Biological Sciences, University of Warwick  
Whale and Dolphin Conservation Society  
Wildlife and Countryside Link  
University of the Witwatersrand, South Africa  
World Society for the Protection of Animals, UK  
WWF-UK

Marine Education Trust  
Marwell Wildlife  
Orthongel

WWT Arundel Wetland Centre  
Environment Department, University of York  
Marine Conservation, University of York  
ZooAquarium of Madrid  
Zoological Society of London

#### **Meeting Participants**

Chagos Community Association (Seychelles)  
Chagos Refugees Group (Mauritius)  
Diego Garcian Society (UK)  
Indian Ocean Tuna Commission (Seychelles)  
Nature Seychelles  
Principal Secretary for Environment, Government of Seychelles  
Seychelles Fishing Authority