

Diego Garcia Military Base and British Indian Ocean Territory Bill

SECOND MARSHALLED

LIST OF AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD CALLANAN

- 17** Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
- (2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has —
- (a) sought to undertake negotiations with the Government of Mauritius on whether Mauritius would agree an amendment to Article 10 of the Treaty to allow Chagossians as well as Mauritian nationals the right to be employed on the Base to the maximum extent practicable;
 - (b) laid before both Houses of Parliament a report on progress on establishing such negotiations with the Government of Mauritius and the outcome of any that have taken place.
- (2B) Within two months of the report being laid under paragraph (2A)(b), a Minister must table substantive motions in the House of Commons and the House of Lords on the contents of the report.
- (2C) In this section “Chagossians” are defined as those eligible for British citizenship under section 4 of the Act and their descendants.”

Member's explanatory statement

This amendment is intended to prevent the provisions from coming into force until the Government has sought to negotiate Chagossian employees the same right to work in support of the operation of the Base as Mauritians under Article 10 of the Treaty, with a report laid before Parliament on the outcome of the negotiations and subsequent motions in the Commons and Lords on the contents of the report.

LORD CALLANAN

18 Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has –
- (a) sought to undertake negotiations with the Government of Mauritius regarding a guarantee that paragraph 3(d) of Annex 1 will cover all non-UK and non-US civilian personnel stationed in the Chagos Archipelago, in addition to military and civilian security forces;
 - (b) laid before both Houses of Parliament a report on progress on establishing such negotiations with the Government of Mauritius and the outcome of any that have taken place.
- (2B) Within two months of the report being laid under paragraph (2A)(b), a Minister must table substantive motions in the House of Commons and the House of Lords on the contents of the report.”

Member's explanatory statement

This amendment is intended to prevent the provisions from coming into force until the Government has sought guarantees regarding the presence of non-UK and non-US civilian personnel in the Chagos Archipelago beyond Diego Garcia.

LORD CALLANAN

19 Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has –
- (a) sought to undertake negotiations with the Government of Mauritius to guarantee that the application of Annex 2 will oblige (where the UK Government so requests) the Mauritian Government to take responsibility for all asylum claimants and illegal entrants in the Chagos Archipelago including Diego Garcia and accept the transfer of all claimants to Mauritian custody, and
 - (b) laid before both Houses of Parliament a report on progress on establishing such negotiations with the Government of Mauritius and the outcome of any negotiations that have taken place.
- (2B) Within two months of the report being laid under paragraph (2A)(b), a Minister must table substantive motions in the House of Commons and the House of Lords on the contents of the report.”

Member's explanatory statement

This amendment is intended to prevent the UK being responsible for asylum claims resulting from illegal entrants into the Chagos Archipelago.

LORD CALLANAN

20 Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has –

- (a) sought guarantees from the Government of Mauritius that the Trust Fund under paragraph 1 of Article 11 of the Treaty will be open to all Chagossians, whether they are also Mauritian or not, and will include representation of all Chagossians in its administration;
 - (b) laid before both Houses of Parliament a report on the guarantees requested from Mauritius.
- (2B) Within two months of the report being laid under paragraph (2A)(b), a Minister must table substantive motions in the House of Commons and the House of Lords on the contents of the report.”

Member's explanatory statement

This amendment is intended to prevent the provisions from coming into force until the Government has sought guarantees from the Mauritian Government that all Chagossians will benefit from the Trust Fund.

BARONESS FOSTER OF AGHADRUMSEE

20A Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 may not come into force until the Secretary of State has sought to renegotiate the Treaty to ensure the right of Chagossians to access the Chagos Archipelago as part of Article 6 of the Treaty.”

LORD THURLOW

20B [Withdrawn]

LORD KEMPSSELL

20C Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 do not come into force until the Secretary of State has commissioned a panel of independent experts to review the provisions in Article 5 of the Treaty on the Marine Protected Area, and this panel has published a report.”

LORD KEMPSSELL

20D Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 do not come into force until the Secretary of State has —
- (a) sought to renegotiate paragraph 3(f) of Annex 1 of the Treaty to remove the requirement to consult Mauritius on the placement of structures around Diego Garcia if this is for the purposes of defence, and
 - (b) laid a report of any attempted or successful negotiation before both Houses of Parliament.”

LORD KEMPSELL

20E Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 do not come into force until the Secretary of State has —
- (a) sought to renegotiate paragraph 3(d) of Annex 1 of the Treaty to allow the presence of military and non-military forces or personnel of third countries on Diego Garcia without informing Mauritius if this is for the purposes of defence, and
 - (b) laid a report of any attempted or successful negotiation before both Houses of Parliament.”

LORD KEMPSELL

20F Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 do not come into force until the Secretary of State has —
- (a) sought to renegotiate Annex 1 of the Treaty to allow the United Kingdom to derogate from the provisions of this part in case of war or other emergency, and
 - (b) laid a report of any attempted or successful negotiation before both Houses of Parliament.”

LORD MORROW

20G Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report examining the consequences of the Treaty not being ratified.”

LORD MORROW

20H Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report setting out the impact of the Treaty on the legal basis for the operation of the US military base on Diego Garcia.”

LORD MORROW

20J Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

- (2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report setting out any reasons for rejecting any remedies otherwise than this Treaty for resolving challenges to the United Kingdom’s sovereignty of the Chagos Archipelago.”

LORD MORROW

- 20K** Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
(2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report assessing the ability of the Government of Mauritius to govern the Chagos Archipelago under the terms of the Treaty and the implications for international peace and stability of transferring sovereignty.”

LORD HANNAN OF KINGSCLERE

- 20L★** Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
(2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report assessing the potential implications for other British Overseas Territories that would arise from this Act and the Treaty.”

LORD HANNAN OF KINGSCLERE

- 20M★** Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
(2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report assessing the impact of Article 6 of the Treaty and the transfer of sovereignty under this Act on Chagossian civic identity.”

LORD HANNAN OF KINGSCLERE

- 20N★** Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
(2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report assessing the extent to which the ratification process for the Treaty complies with the provisions of the Constitutional Reform and Governance Act 2010.”

LORD HANNAN OF KINGSCLERE

- 20P★** Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
(2A) Sections 2 to 4 do not come into force until the Secretary of State has produced a report assessing the impact of the Treaty and the transfer of sovereignty under this Act on the economy of the Chagos Archipelago.”

LORD LILLEY

- 20Q★** Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
(2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has published a report into the governance of the Chagos Archipelago under the Treaty, including local administration and democracy.”

LORD LILLEY

20R★ Clause 1, page 1, line 7, at end insert “, subject to subsections (2A) to (2C).

(2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has sought to negotiate an amendment to Article 15 of the Treaty to allow the United Kingdom the right to terminate the Treaty with six months’ notice when the circumstances in subsection (2B) apply and motions to take note of a report of the results of this negotiation have been approved by both Houses of Parliament under subsection (2C).

(2B) The circumstances are that —

- (a) Mauritius ceases to be a democracy in the view of the Secretary of State;
- (b) Chagossians are denied a electoral franchise or suffer discrimination within the Chagos Archipelago;
- (c) Mauritius seeks or obtains a military or security alliance with a country considered a threat to the United Kingdom.

(2C) The approval required by subsection (2A) must be in the form of a resolution of the each House of Parliament.”

LORD LILLEY

20S★ Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).

(2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has produced a report on the economic partnership under Article 11 of the Treaty and a motion to take note of the report has been approved by resolution of both Houses of Parliament.”

LORD CALLANAN

21 Clause 1, page 1, line 9, at end insert —

“(5) When the Treaty comes into force the Secretary of State must make a statement to Parliament.”

Member’s explanatory statement

This amendment would require the Secretary of State to make a statement to Parliament when the treaty comes into effect.

LORD CALLANAN

22 Clause 1, page 1, line 9 at end insert —

“(5) When the Treaty comes into force the Secretary of State must undertake a review of the total financial cost of the UK/Mauritius: Agreement concerning the Chagos Archipelago including Diego Garcia and publish a report of the findings of the review within one month of the coming into force of the Treaty.”

Member's explanatory statement

This amendment would require the Secretary of State to review the total cost of the UK-Mauritius agreement and publish a report of the findings of that review within one month.

LORD CALLANAN

Lord Callanan gives notice of his intention to oppose the Question that Clause 1 stand part of the Bill.

After Clause 1

BARONESS HOEY

23 After Clause 1, insert the following new Clause—

“Assessment of financial and defence implications of the Treaty

The Secretary of State must publish a report assessing the financial implications of the Treaty for the United States of America and the United Kingdom, including the effect on NATO spending and the risk of global instability from uncontrolled leasing of islands.”

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

24 After Clause 1, insert the following new Clause—

“Prohibition on payments to Mauritius under Article 11

The United Kingdom must not make any financial payments to the Republic of Mauritius under Article 11 of the Mauritius Treaty.”

LORD LILLEY

25 After Clause 1, insert the following new Clause—

“Referendum

- (1) The Secretary of State must arrange a referendum on whether the British Indian Ocean Territory should—
 - (a) remain a British Overseas Territory, or
 - (b) be transferred to and become the sovereign territory of the Republic of Mauritius.
- (2) The franchise for the referendum must consist of persons entitled to citizenship under section 4 who are over 18 years of age.”

Member's explanatory statement

This amendment, connected to others in the name of Lord Lilley, seeks to make commencement of sections 2 and 4 dependent on certain conditions.

LORD LILLEY

26 After Clause 1, insert the following new Clause —

“Employment rights of Chagossians

- (1) The Secretary of State must seek to undertake negotiations with the Government of Mauritius to establish whether they will allow amendments to Article 10 of the Treaty to allow Chagossians to be employed on the Base.
- (2) The Secretary of State must lay a report on any such negotiations before both Houses of Parliament and a Minister must seek the approval of both Houses of the report.
- (3) The approval required by subsection (2) must be in the form of a resolution of each House of Parliament.
- (4) For the purposes of section 1(2), the duties under this section are only discharged if both Houses of Parliament agree the resolution in subsection (3) of this section.”

Member's explanatory statement

This amendment, connected to others in the name of Lord Lilley, seeks to make commencement of sections 2 to 4 dependent on certain conditions.

LORD LILLEY

27 After Clause 1, insert the following new Clause —

“Asylum claimants

- (1) The Secretary of State must seek to undertake negotiations with the Government of Mauritius to ensure that Mauritius is responsible for asylum claimants and illegal arrivals on Diego Garcia in relation to their responsibilities under paragraph 3 of Annex 2 of the Treaty.
- (2) The Secretary of State must lay a report on any such negotiations before both Houses of Parliament and a Minister must seek the approval of both Houses of the report.
- (3) The approval required by subsection (2) must be in the form of a resolution of each House of Parliament.
- (4) For the purposes of section 1(2), the duties under this section are only discharged if both Houses of Parliament agree the resolution in subsection (3) of this section.”

Member's explanatory statement

This amendment, connected to others in the name of Lord Lilley, seeks to make commencement of sections 2 and 4 dependent on certain conditions.

LORD LILLEY

28 After Clause 1, insert the following new Clause —

“Consultation

- (1) The Secretary of State must undertake a consultation of Chagossian people on the transfer of sovereignty under this Act.
- (2) The Secretary of State must lay a report on the outcome of the consultation before both Houses of Parliaments and seek the approval of both Houses of the report.
- (3) The approval required by subsection (2) must be in the form of a resolution of both Houses of Parliament.
- (4) For the purposes of section (2), the duties under this section are only discharged if both Houses of Parliament agree the resolution in subsection (3) of this section.”

Member's explanatory statement

This amendment, connected to others in the name of Lord Lilley, seeks to make commencement of sections 2 and 4 dependent on certain conditions.

LORD MORROW

29 After Clause 1, insert the following new Clause —

“Report on Article 4 of the Treaty

The Secretary of State must publish a report concerning the relationship between Article 4 of the Treaty and remaining Articles in the Treaty, in light of broader international law obligations including (or with special regard to) (a) Resolution 567 (VI), (b) Resolution 648 (VII), (c) Resolution 742 (VIII), (d) Resolution 1514 (XV).”

LORD MORROW

30 After Clause 1, insert the following new Clause —

“Implications of treaty on United Kingdom defence spending and United States of America

- (1) The Secretary of State must publish a report that assesses the financial impact of the treaty on —
 - (a) the United Kingdom, and
 - (b) the United States of America.
- (2) The report must include —
 - (a) the implications of the treaty on the United Kingdom defence budget and United Kingdom contributions to the NATO budget, and
 - (b) any impact on regional stability as a result of the treaty.”

LORD MORROW

31 After Clause 1, insert the following new Clause —

“Equality impact assessment

The Secretary of State must publish an equality impact assessment on the impact of the payment to Mauritius for the next ninety nine years for use of Diego Garcia, the proposed payment to citizens of the Chagos Island which would be administered for them by the Republic of Mauritius for the same 99 year period.”

LORD MORROW

32 After Clause 1, insert the following new Clause —

“Report on Article 4 of the Treaty

The Secretary of State must publish a report concerning the relationship between Article 4 of the Treaty and remaining Articles in the Treaty, in light of broader international law obligations including (or with special regard to) (a) Resolution 567 (VI), (b) Resolution 648 (VII), (c) Resolution 742 (VIII), (d) Resolution 1514 (XV).”

Clause 2

LORD CALLANAN

Lord Callanan gives notice of his intention to oppose the Question that Clause 2 stand part of the Bill.

Clause 3

LORD CALLANAN

33 Clause 3, page 1, leave out from beginning of line 21 to “His” in line 4 on page 2

Member's explanatory statement

This amendment removes the statement that the law of the British Indian Ocean Territory continues as the law of Diego Garcia on the grounds that this is redundant.

BARONESS GOLDIE

34 Clause 3, page 2, line 16, at end insert —

“(7) The Secretary of State must lay before Parliament a statement establishing that, in the event of any breach of the undertaking in Article 3(2)(b) of the Treaty, the United Kingdom reserves the right to respond by taking whatever action is deemed necessary to maintain the continued operation of the Diego Garcia Military Base.”

LORD CALLANAN

Lord Callanan gives notice of his intention to oppose the Question that Clause 3 stand part of the Bill.

After Clause 3

BARONESS GOLDIE

35 After Clause 3, insert the following new Clause –

“Secretary of State’s duties regarding Diego Garcia

- (1) The Secretary of State for Defence has the following general duties –
 - (a) to ensure the continued operation of the Diego Garcia Military Base (“the Base”);
 - (b) to safeguard the interests of the United Kingdom and the interests of the United Kingdom’s allies in relation to the Base;
 - (c) to ensure the maintenance and security of the electromagnetic spectrum relating to the Base.
- (2) The Secretary of State for Defence must carry out the duties in subsection (1) at all times and without exception.
- (3) In addition to the general duties under subsection (1), the Secretary of State for Defence must make a request to the Joint Commission to establish a framework for the timely settlement of disputes.”

BARONESS HOEY

36 After Clause 3, insert the following new Clause –

“Asylum and refugee processing

Any asylum seekers or refugees arriving in Diego Garcia or the wider Chagos Archipelago must be transferred directly to Mauritius only under an agreement that guarantees humane treatment, full rights of appeal, and compliance with international law.”

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

37 After Clause 3, insert the following new Clause –

“Chagossian representation in the United Kingdom

The Government must ensure that a Chagossian representative is elected or appointed to act as a liaison between the Chagossian community and Parliament.”

BARONESS HOEY

38 After Clause 3, insert the following new Clause —

“Recycling and waste management

- (1) The Secretary of State must ensure that a sustainable recycling system is established within the Chagos Islands.
- (2) The “sustainable recycling system” specified in subsection (1) must include plastic and all other forms of waste management.”

LORD HAY OF BALLYORE
LORD WEIR OF BALLYHOLME

38A After Clause 3, insert the following new Clause —

“Access to air transport for British Chagossians

The Government shall seek to permit limited commercial and chartered flights for British Chagossians to and from Diego Garcia, using the existing runway facilities.”

LORD HAY OF BALLYORE
LORD WEIR OF BALLYHOLME

38B After Clause 3, insert the following new Clause —

“Employment rights at the Diego Garcia military base

All employment on the Diego Garcia military base shall include fair and equal opportunities for Chagossians as British Indian Ocean Territory citizens, with remuneration and conditions consistent with UK labour standards.”

LORD WEIR OF BALLYHOLME

38C After Clause 3, insert the following new Clause —

“Implementation of resettlement feasibility plan

The Government must implement the resettlement recommendations of the 2015 Feasibility Study for the Resettlement of the British Indian Ocean Territory, subject to community consultation.”

Clause 4

LORD CALLANAN

39 Clause 4, page 2, leave out line 28

Member's explanatory statement

This amendment seeks to probe the Government's reasons for curtailing the rights of descendants of those who are or was a citizen of the United Kingdom and Colonies by virtue of their birth in the British Indian Ocean Territory.

LORD CALLANAN

- 40 Clause 4, page 2, line 34, leave out from “never” to end and insert “had their British citizenship revoked”

Member's explanatory statement

This amendment seeks to probe the Government's reasons for barring a descendant of a Chagossian from being registered as a British citizen because they have previously held, and no longer hold, British citizenship.

LORD CALLANAN

- 41 Clause 4, page 2, line 35, leave out lines 35 to 40

Member's explanatory statement

This amendment would permit the eligible descendants of Chagossians to apply for British citizenship indefinitely.

LORD CALLANAN

- 42 Clause 4, page 2, leave out lines 35 to 40 and insert—

- “(2) The Secretary of State may by regulations require persons eligible to be registered as a British citizen under subsection (1) to make an application by a specified date.
- (3) The Secretary of State may not make regulations under subsection (2) unless he has held a consultation of no fewer than six months duration to consider the views of persons eligible to be registered as a British citizen under subsection (1) on the proposed date by which they must apply and placed a report on the responses to that consultation before Parliament.”

Member's explanatory statement

This amendment would permit the Secretary of State to require the eligible descendants of Chagossians to apply for British citizenship by a specified date provided that the Secretary of State has first consulted the persons eligible on their views.

LORD CALLANAN

- 43 Clause 4, page 2, line 39 leave out “23” and insert “30”

Member's explanatory statement

This amendment would allow descendants of Chagossians to apply for British citizenship up to the age of 30, reflecting the fact that a person who is 23 years old may need more time to consider whether they want to be a British citizen.

LORD CALLANAN

- 44** Clause 4, page 3, line 4 leave out subsection (6)

Member's explanatory statement

This amendment removes the provision which limits the right of persons who are descendants of persons with British Overseas Territories Citizenship by virtue of their parent's connection with the British Indian Ocean Territory.

LORD CALLANAN

Lord Callanan gives notice of his intention to oppose the Question that Clause 4 stand part of the Bill.

After Clause 4

BARONESS HOEY

- 45** After Clause 4, insert the following new Clause —

“Chagos Archipelago passports and documentation

British Chagossians shall be entitled to hold passports and official documentation identifying them as citizens of the Chagos Archipelago and the British Indian Ocean Territory.”

BARONESS HOEY

- 46** After Clause 4, insert the following new Clause —

“Citizenship rights for children

Any child born to a British Chagossian parent in the United Kingdom shall automatically be entitled to British Indian Ocean Territory and British Overseas Territories citizenship.”

BARONESS HOEY

47 After Clause 4, insert the following new Clause —

“Demographic study of the Chagossian people

The Secretary of State must produce a report projecting the population growth of the Chagossian people over the next 30 years, including their global diaspora, and the impact of this Act upon that projected growth, and assess the implications for international recognition of their national identity.”

BARONESS HOEY

48 After Clause 4, insert the following new Clause —

“Retention of British Overseas Territories passports

British Chagossians shall retain the right to hold and renew British Overseas Territories passports irrespective of any future changes in sovereignty.”

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

49 After Clause 4, insert the following new Clause —

“Assessment of Chagossian civic identity and self-determination

- (1) The Secretary of State must publish an evaluation of the credibility of any claim that all Chagossians may be assumed to share civic identity with Mauritius without a self-determination vote.
- (2) The report must consider the historical involvement of the Republic of Mauritius in the forced removal of the Chagossian people.”

LORD HANNAN OF KINGSCLERE

50 After Clause 4, insert the following new Clause —

“Registration of vital records

- (1) Marriages, births and deaths of Chagossians shall be capable of being registered as British Indian Ocean Territories (BIOT) and British Overseas Territories (BOT) citizens.
- (2) The Government shall establish an official register for such records.”

BARONESS FOSTER OF AGHADRUUMSEE

50A★ After Clause 4, insert the following new Clause —

“Chagossian identity and birthplace protection

- (1) The Secretary of State must take all necessary steps, including through diplomatic representations and international engagement, to ensure that the birthplace of any Chagossian native, including Diego Garcia, Peros Banhos or Salomon, continues to be recognised in all official documents.
- (2) For the purposes of this section “official documents” includes, but is not limited to, birth certificates, passports, civil status records, national identity documents and any document issued by the authorities of any State that records the place of birth of a Chagossian native.
- (3) The Secretary of State must lay before Parliament an annual report setting out —
 - (a) any instances in which the birthplace of a Chagossian native has been altered, removed or replaced by another State,
 - (b) the steps taken to challenge or rectify such alterations, and
 - (c) any measures introduced to safeguard the accurate recording of the birthplace of Chagossian natives in the future.
- (4) In this section —

“Chagossian native” means a person born on any island of the Chagos Archipelago prior to the depopulation of those islands between 1968 and 1973.”

Clause 5

LORD CALLANAN

51 Clause 5, page 3, line 37 after “dominions” insert “in respect of the British Indian Ocean Territory or Diego Garcia”

Member's explanatory statement

This amendment clarifies that this section only confirms His Majesty's undoubted power to amend, repeal or revoke any legislation of any of His Majesty's dominions by Order in Council in respect of the British Indian Ocean Territory or Diego Garcia.

LORD LANSLEY

51A Clause 5, page 3, line 39, at end insert —

- “(2A) An Order under this section which amends, repeals or revokes an Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

LORD LANSLEY

51B Clause 5, page 3, line 40, leave out “An” and insert “Any other”

LORD LANSLEY

51C Clause 5, page 3, line 41, leave out from “Parliament” to end of line 3 on page 4

LORD CALLANAN

Lord Callanan gives notice of his intention to oppose the Question that Clause 5 stand part of the Bill.

After Clause 5

LORD ALTRINCHAM

52 After Clause 5, insert the following new Clause —

“Treaty implementation: payments

- (1) No payment may be made by the Government of the United Kingdom to the Government of Mauritius under Article 11 of the Treaty without the approval of the House of Commons.
- (2) The approval required by subsection (1) must be in the form of a resolution of the House of Commons.”

Member’s explanatory statement

This amendment seeks to probe the reasons for payments to the Government of Mauritius under the Treaty.

LORD CRAIG OF RADLEY
LORD HOUGHTON OF RICHMOND

53 After Clause 5, insert the following new Clause —

“Payments: base usability

- (1) No payment may be made by the Government of the United Kingdom to the Government of Mauritius under Article 11 of the Treaty if the Diego Garcia military base is not usable.
- (2) In this section, “not usable” means that the military base has been rendered inoperable for the purposes of military operations due to sea level rise or natural disaster.”

Member’s explanatory statement

This amendment seeks to probe the options for withdrawal from the Treaty if the Diego Garcia military base is no longer usable.

BARONESS HOEY

54 After Clause 5, insert the following new Clause —

“Parliamentary approval for new defence arrangements

- (1) The Secretary of State must, by regulations, ensure that the Houses of Parliament approve any future defence or security use of the Chagos Islands by any country other than —
 - (a) the United Kingdom, or
 - (b) the United States of America.
- (2) Regulations made by the Secretary of State under this section are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

LORD WEIR OF BALLYHOLME

55 After Clause 5, insert the following new Clause —

“Equality impact assessment: payments to Mauritius and Chagossians

The Secretary of State must undertake and publish an equality impact assessment of payments made the Republic of Mauritius under the Treaty.”

Member's explanatory statement

The amendment seeks to probe the equity of payments to the Republic of Mauritius and Chagossians respectively.

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

56 After Clause 5, insert the following new Clause —

“Chagossian self-determination and peace report

The Secretary of State must produce a report assessing whether the cause of peace and legal certainty for the military base on Diego Garcia is better served through the Treaty or through granting self-determination and resettlement to the Chagossian people as a self-governing British Overseas Territory.”

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

57 After Clause 5, insert the following new Clause —

“Prohibition on legal representation for Mauritius in Chagos matters

No British lawyer or law firm may act on behalf of, or represent, the Republic of Mauritius in any legal proceedings or negotiations relating to the sovereignty, governance or administration of the Chagos Archipelago.”

LORD WEIR OF BALLYHOLME

58 After Clause 5, insert the following new Clause —

“Defence report on leasing and security risks

- (1) The Secretary of State, in consultation with the United States of America, must produce a report assessing security scenarios arising if a state leases an island in the Chagos Archipelago for a declared non-defence purpose but subsequently uses it for defence or security activities.
- (2) The report shall assess the costs, likelihood of conflict and risks to global security and be laid before Parliament.”

LORD WEIR OF BALLYHOLME

59 After Clause 5, insert the following Clause —

“Impact on UK defence budget

The Secretary of State must publish a report assessing the effect of the Treaty on the United Kingdom defence budget, including the opportunity cost to national defence.”

BARONESS HOEY

60 After Clause 5, insert the following new Clause —

“Protection of bird populations

The Secretary of State must ensure the protection and preservation of native and migratory bird species within the Chagos Archipelago.”

LORD WEIR OF BALLYHOLME

61 After Clause 5, insert the following new Clause —

“Airspace boundaries: United States Airforce report

Sections 2 to 4 of this Act cannot come into force until the Secretary of State has made a statement confirming that they have consulted the United States Air Force

(“the USAF”) and that any changes to international airspace boundaries will not complicate or undermine the USAF’s activities and operations.”

LORD WEIR OF BALLYHOLME

62 After Clause 5, insert the following new Clause —

“Maritime boundaries : United States Navy report

Sections 2 to 4 of this Act cannot come into force until the Secretary of State has made a statement confirming that they have consulted the United States Navy and that any changes to the maritime boundaries will not complicate or undermine naval operations.”

LORD LILLEY

63 After Clause 5, insert the following new Clause —

“Review: impact on nuclear treaties

Within three months of the day on which this Act is passed, the Secretary of State must publish a review of the impact of this Act on the ability of the United Kingdom and Mauritius to comply with international treaties relating to nuclear weapons.”

LORD CALLANAN

64 After Clause 5, insert the following new Clause —

“Approval in a referendum of the Chagossian people

- (1) A referendum is to be held of all Chagossians over the age of 18 as to whether the British Indian Ocean Territory should remain a British Overseas Territory or be transferred to Mauritian sovereignty.
- (2) The Secretary of State must, by regulations made by statutory instrument, make provision for the referendum and appoint the day on which the referendum is to be held.
- (3) The question that is to appear on the ballot papers is “Should the British Indian Ocean Territory remain a British Overseas Territory?”.
- (4) The potential answers to that question that are to appear on the ballot papers are —
 - (a) “Remain a British Overseas Territory”, and
 - (b) “Be transferred to Mauritius”.
- (5) For the purposes of this section, “Chagossians” are persons connected with the British Indian Ocean Territory entitled to claim citizenship under section 4.

- (6) No transfer of sovereignty may take place unless the number of Chagossians voting to transfer the islands to Mauritius exceeds those of the Chagossians that wish to remain a British Overseas Territory.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

BARONESS HOEY

65 After Clause 5, insert the following new Clause –

“Protection from marine and waste pollution

- (1) The Secretary of State must introduce a waste management and coastal protection system to protect the Chagos Archipelago.
- (2) The "waste management and coastal protection system" specified in subsection (1) must include –
 - (a) the removal of waste from the Archipelago that has entered from neighbouring countries, and
 - (b) the prevention of debris entering into the Archipelago.
- (3) The Secretary of State must publish an annual report on the measures taken to maintain a clean marine environment in the Chagos Archipelago.”

LORD CALLANAN

66 After Clause 5, insert the following new Clause –

“Chagos marine protected area

The Secretary of State must publish a report on how they intend to preserve in perpetuity the Chagos Marine Protected Area, including steps to ensure –

- (a) the provision of Mauritian fishing protection vessels providing the same of better coverage than the BIOT patrol,
- (b) that Mauritius commits to retaining the Chagos Marine Protected Area as a no catch zone, and
- (c) the United Kingdom has legal recourse if either (a) or (b) are not upheld.”

LORD CALLANAN

67 After Clause 5, insert the following new Clause –

“Informing Mauritius under paragraph 2 of Annex 1

The Government shall not inform Mauritius of the use of the Base on Diego Garcia for an armed attack on a third state, as required under Annex 1, unless –

- (a) the armed attack emanating from the Base has already ended,
- (b) informing Mauritius will not endanger the security of the Base, and

- (c) the Government has already informed both Houses of Parliament that an attack has taken place.”

Member's explanatory statement

This amendment is to ensure that the Government is not able to endanger UK or USA security by notifying Mauritius of any planned use of the Base.

BARONESS HOEY

68 After Clause 5, insert the following new Clause —

“Protection against illegal fishing

The Secretary of State must establish a system of patrols and monitoring to prevent illegal fishing within Chagos territorial waters and the surrounding marine protected area.”

LORD CALLANAN

69 After Clause 5, insert the following new Clause —

“Notification of Mauritius under paragraph 3(b) of Annex 1

The Government shall not notify Mauritius of the location of equipment in the Chagos Archipelago beyond Diego Garcia before conducting maintenance and upgrades.”

Member's explanatory statement

This amendment is to ensure that the Government is not able to endanger UK or USA security by notifying Mauritius of the location of sensitive defence equipment.

LORD CALLANAN

70 After Clause 5, insert the following new Clause —

“Treaty implementation: annual payments to Mauritius

Each annual payment to Mauritius under Article 11 of the Treaty can only be made if —

- (a) it has been approved by a resolution of the House of Commons;
- (b) the Government has laid a report before both Houses of Parliament setting out whether the payment represents value for money.”

Member's explanatory statement

This amendment is to ensure that each annual payment to Mauritius is voted on by the House of Commons and represents value for money.

LORD CALLANAN

71 [Withdrawn]

LORD CALLANAN

72 After Clause 5, insert the following new Clause —

“Resettlement of Chagossians

Within one month of the day on which this Act is passed the Secretary of State must undertake a review of all discussions between the UK and Mauritius in respect of the resettlement of the Chagossians under Article 6 of the UK/Mauritius: Agreement concerning the Chagos Archipelago including Diego Garcia and publish a report of the findings of the review.”

Member's explanatory statement

This amendment would require the Secretary of State to review the records of all negotiations between the UK and Mauritius in respect of Article 6 of the agreement and publish the findings of the Report.

LORD CALLANAN

73 After Clause 5, insert the following new Clause —

“Article 5: support and assistance

Within one month of the day on which this Act is passed the Secretary of State must publish an estimate of ongoing financial cost of providing support and assistance to Mauritius under Article 5 of the UK/Mauritius: Agreement concerning the Chagos Archipelago including Diego Garcia.”

Member's explanatory statement

This amendment would require the Secretary of State to publish an estimate of ongoing financial cost of providing support and assistance to Mauritius under Article 5 of the agreement.

LORD CALLANAN

74 After Clause 5, insert the following new Clause —

“Article 10: employment of Mauritians

Within one month of the day on which this Act is passed the Secretary of State must publish an estimate of the impact of the terms of Article 10 of the UK/Mauritius: Agreement concerning the Chagos Archipelago including Diego Garcia on the financial cost of operating the Base.”

Member's explanatory statement

This amendment would require the Secretary of State to publish an estimate of the impact of Article 10 of the Agreement on the cost of running the Diego Garcia military base.

LORD CALLANAN

75 After Clause 5, insert the following new Clause—

“Article 11: schedule of payments to Mauritius

Within one month of the day on which this Act is passed the Secretary of State must publish a schedule of expected payments to Mauritius under Article 11 of the UK/Mauritius: Agreement concerning the Chagos Archipelago including Diego Garcia including the planned dates of each payment.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a schedule of expected payments to Mauritius under Article 11 of the Agreement.

LORD HANNAN OF KINGSCLERE

76 After Clause 5, insert the following new Clause—

“Right to fish within Chagos waters

Chagossians shall have the right to fish sustainably within the lagoons and coastal waters of the Chagos Archipelago.”

LORD CALLANAN

77 After Clause 5, insert the following new Clause—

“Article 12: process for the establishment of the Joint Commission

Within six months of the day on which this Act is passed the Secretary of State must make a statement setting out the process that the UK will follow in fulfilling its obligations under Article 11 of the UK/Mauritius: Agreement concerning the Chagos Archipelago including Diego Garcia.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a statement of the Government's planned approach to the establishment of the Joint Commission under Article 11 of the Agreement.

LORD HANNAN OF KINGSCLERE

78 After Clause 5, insert the following new Clause—

“Employment on Diego Garcia

The Government must ensure that Chagossians are prioritised for employment on the Diego Garcia military base as British Indian Ocean Territories citizens over and above possible recruits from other countries.”

LORD CALLANAN

79 After Clause 5, insert the following new Clause –

“Article 15: termination of the agreement

Within one month of this Act receiving Royal Assent the Secretary of State must publish a statement setting out his or her understanding of the status of the Chagos Archipelago should the Treaty be terminated.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a statement of the Government's understanding of the legal status of the Chagos Archipelago should the Agreement be terminated.

LORD PURVIS OF TWEED

80★ After Clause 5, insert the following new Clause –

“UK-Mauritius Inter-parliamentary Committee

- (1) Upon the passage of this Act, a Minister of the Crown must engage with the Government of the Republic of Mauritius with a view to establishing a UK-Mauritius Inter-parliamentary Committee to oversee the implementation and operation of the Treaty.
- (2) In undertaking the engagement required by subsection (1), the Minister of the Crown must make representations that the composition of the Inter-parliamentary Committee should reflect equal representation from the parliaments of the United Kingdom and the Republic of Mauritius, and that its purpose should be to promote mutual understanding of the provisions of the Treaty through dialogue and debate, including consideration of the operation of the Joint Commission established under Article 12 of the Treaty.
- (3) The Minister of the Crown must further propose that the Inter-parliamentary Committee's responsibilities include –
 - (a) monitoring and assessing the implementation and operation of the Treaty;
 - (b) evaluating the recognition and protection of Chagossian rights, including but not limited to –
 - (i) the right of return,
 - (ii) the right to self-determination, and
 - (iii) access to compensation, resettlement, or other forms of support;
 - (c) considering the welfare, integration, and general needs of Chagossians residing in the United Kingdom;
 - (d) assessing progress made in negotiations between the Governments of the United Kingdom and Mauritius relating to the rights of Chagossians; and
 - (e) reviewing any financial arrangements made under the Treaty, including those supporting resettlement, welfare, or the development of the Chagossian community.

- (4) If the Inter-parliamentary Committee described in subsection (1) is established, within five years of the commencement of the Treaty the Inter-parliamentary Committee must be invited to conduct a review of the operation and effectiveness of the Treaty arrangements.”

LORD MORROW

81 After Clause 5, insert the following new Clause —

“Impact of treaty on citizens of the Chagos Islands

The Secretary of State must publish a report on the forecasted impact of the treaty on the citizens of the Chagos Islands.”

BARONESS FOSTER OF AGHADRUHSEE

81A After Clause 5, insert the following new Clause —

“Review: Chagossian culture and heritage

Within three months of the day on which this Act is passed, the Secretary of State must undertake a review of the impact of the transfer of sovereignty under this Act and the Treaty on the preservation of and right to access sites of Chagossian heritage.”

LORD THURLOW

81B [*Withdrawn*]

LORD KEMPSELL

81C After Clause 5, insert the following new Clause —

“Chagossian contact group

Within one month of the day on which this Act is passed, the Secretary of State must —

- (a) establish a (or ensure that any) Chagossian contact group is active for the time that the Treaty is in force, and
- (b) ensure that the group meets quarterly.”

LORD KEMPSELL

81D After Clause 5, insert the following new Clause —

“Annual report: defence

Within 12 months of the day on which this Act is passed and annually thereafter, the Secretary of State must publish a report reviewing the risks and emerging threats to the operation of the Diego Garcia base, including from hostile states.”

LORD KEMPSELL

81E After Clause 5, insert the following new Clause —

“Prime Ministerial report: security risks

Within three months of the day on which this Act is passed, and annually thereafter, His Majesty’s Armed Forces and the intelligence services must produce a report for the Prime Minister on any threats and risks to the Diego Garcia Base which —

- (a) may arise because of the transfer of sovereignty under this Act, or
- (b) could trigger a security review under Annex 1 of the Treaty.”

LORD KEMPSELL

81F After Clause 5, insert the following new Clause —

“Reporting requirement: communications from Mauritius

The Secretary of State must lay before Parliament the details of any communications from the Government of Mauritius regarding the —

- (a) existence of,
 - (b) effect of, or
 - (c) proposals relating to
- any amendments to the Treaty.”

LORD KEMPSELL

81G After Clause 5, inserting the following new Clause —

“Report: resettlement

Within 12 months of the day on which this Act is passed and annually thereafter, the Secretary of State must publish a report on progress made in the relation to the resettlement of Chagossians under Article 6 of the Treaty.”

LORD KEMPSELL

81H After Clause 5, insert the following new Clause —

“Report: payments

- (1) Within 12 months of the day on which this Act is passed, and annually thereafter, the Secretary of State lay an annual report and accounting statement before Parliament.
- (2) The report and statement must —
 - (a) detail past and future payments to the Government of Mauritius,
 - (b) include an impact assessment analysing the cost of payments to taxpayers in the United Kingdom, and
 - (c) include information on any errors and under and overpayments.”

BARONESS FOSTER OF AGHADRUMSEE

81J★ After Clause 5, insert the following new Clause —

“Mandatory consultation with the government of the United States regarding security risks

- (1) Before taking any action that may affect the security environment of the Chagos Archipelago or the operation of the facilities on Diego Garcia, the Secretary of State must consult the government of the United States of America.
- (2) For the purposes of subsection (1), “action” includes —
 - (a) any proposal relating to sovereignty, administration or control of any island other than Diego Garcia,
 - (b) any agreement with the Republic of Mauritius or any other state concerning access, use or activities within the Archipelago,
 - (c) any decision that could affect the security guarantees, cooperation mechanisms or obligations set out in Annex 1 of the Treaty, and
 - (d) any measure that may influence, directly or indirectly, the security posture or operational capability of the United States facility on Diego Garcia.
- (3) The Secretary of State must lay before Parliament a statement confirming that consultation under subsection (1) has taken place before any such action is implemented.”

Clause 6

LORD PURVIS OF TWEED

82★ Clause 6, page 4, line 16, at end insert —

- “(A1) Except for this section, no section of this Act may come into force until a UK-Mauritius Inter-parliamentary Committee has been established in accordance with section (UK-Mauritius Inter-parliamentary Committee).”

BARONESS GOLDIE

83 Clause 6, page 4, line 17, at beginning insert “Subject to subsection (1A),”

LORD CALLANAN

84 Clause 6, page 4, line 17, at beginning insert “Subject to section (*Approval in a referendum of the Chagossian people*),”

BARONESS GOLDIE

85 Clause 6, page 4, line 18, at end insert —

“(1A) Sections 2 to 4 may not come into force until the Secretary of State has published a statement establishing that the notification in Annex 1 1(b)(viii) of the Treaty does not require the consent of Mauritius in response.”

BARONESS GOLDIE

86 Clause 6, page 4, line 18, at end insert —

“(1A) Sections 2 to 4 may not come into force until the Secretary of State has published a statement establishing that the obligation under Annex 1(2) of the Treaty does not extend to aircraft and vessels which have landed or docked at the Base for the purposes of maintenance or refuelling prior to the armed attack on a third state.”

BARONESS GOLDIE

87 Clause 6, page 4, line 18, at end insert —

“(1A) Sections 2 to 4 may not come into force until the Secretary of State has published a statement establishing that the obligation under Annex 1(2) of the Treaty does not apply to any action taken by the United Kingdom to disable hostile aircraft, drones, ships or other devices which present a threat to the Base.”

BARONESS GOLDIE

88 Clause 6, page 4, line 18, at end insert —

“(1A) Sections 2 to 4 may not come into force until the Secretary of State has published a statement establishing that Annex 1(1)(a) of the Treaty includes the right of the United Kingdom to allow nuclear propelled vessels and nuclear armed vessels and aircraft to enter the sea and airspace of Diego Garcia.”

BARONESS GOLDIE

89 Clause 6, page 4, line 18, at end insert —

“(1A) Sections 2 to 4 may not come into force until the Secretary of State has published a statement establishing that, without prejudice to the prerogative powers, His Majesty may withdraw the United Kingdom as a party to the Treaty and withhold any payment due to Mauritius by the United Kingdom if Mauritius violates any terms of the Treaty.”

LORD CALLANAN

90 Clause 6, page 4, line 18, at end insert —

“(1A) Section 4 shall not come into force unless the Secretary of State has undertaken a consultation of the Chagossian community and laid a report of that consultation before both Houses of Parliament.”

Member's explanatory statement

This amendment would prevent the provisions of this Bill relating to citizenship from coming into force unless the Secretary of State has undertaken a consultation of the Chagossian community.

Diego Garcia Military Base and British Indian Ocean Territory Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

21 November 2025

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