

BIOT Policies

United Kingdom of Great Britain and Northern Ireland, Availability of Certain Indian Ocean Islands for Defense Purposes. Agreement effected by exchange of notes, dated December 30, 1966

(8) Conservation: As far as possible the activities of the facility and its personnel shall not interfere with the flora and fauna of Diego Garcia. When their use is no longer required for the purposes of the facility, the two Governments shall consult about the condition of the three islets at the mouth of the lagoon with a view to restoring them to their original condition. However, neither Government shall be under any obligation to provide funds for such restoration.

(13) Fisheries, oil and mineral resources: The Government of the United Kingdom will not permit commercial fishing in the lagoon or oil or mineral exploration or exploitation on Diego Garcia for the duration of this Agreement.

The BIOT Penal Code

Prohibits several activities which might adversely affect the environment, including the corruption or fouling of any spring or reservoir (Section 174), vitiation or fouling of the air (Section 175), urination or defecation in public places (Section 177 (13) and littering, including that of the foreshore—the area between high and low water marks (section 176, 11). Restrictions on the lighting of unguarded fires, including on foreshore and beach (Section 176 (1) and (2) and 177 (12)), have implications for the disturbance of nesting and hatchling sea-turtles, which are sensitive to light.

Naval Communications Facility on Diego Garcia, Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland, Supplementing the Agreement of December 30, 1966.

Statutory Instrument No. 11 of 1968. The Green Turtles Protection Regulations 1968. (Amended by 8/81)

Statutory Instrument No. 12 of 1968. The Restriction of Exportation of Giant Land Tortoises Regulation 1968. (Amended 8/81 and 6/84)

This document restricts the exportation of giant land tortoises. It was amended in August 1981 and June 1984. When this document was drafted, BIOT included Aldabra Island where giant land tortoises are found. However, there is no record of these animals ever being present on Diego Garcia.

Ordinance No. 2 of 1971. The Fisheries Limits Ordinance 1971. (Repealed by 11/84).

Statutory Instrument No. 3 of 1971. The Fisheries Limits Ordinance 1971 Commencement Notice 1971.

Statutory Instrument No. 5 of 1976. The Dumping at Sea Act 1974 (Overseas Territories) Order 1975 and the U. K. Order in Council . . . The Dumping at Sea Act 1974 (Overseas Territories), (Amendment) Order 1984, Statutory Instrument No. 542 of 1984

United Kingdom of Great Britain and Northern Ireland, Naval Support Facility on Diego Garcia. Agreement effected by exchange of notes, dated February 25, 1976.

The British Indian Ocean Territory Ordinance No. 5 of 1981. Code of Criminal Law (Amended) 1981.

Supplemental Arrangements of 1982 Relating to the Diego Garcia Facility.

This document is intended to be read as one with the supplementary arrangements of 1976. Items addressed include: prohibition against dumping vehicles, machinery or other non-natural waste; and limitations on dredging and reef blasting with the intent to assure maintenance of live reef surrounding the island to a width of at least 80 yards (73 m).

Ordinance No. 8 of 1984. The Explosives Ordinance.

Ordinance No. 11 of 1984. The Fisheries Limits Ordinance 1984 (Repealed by 1/91).

Ordinance No. 12 of 1984. The Protection and Preservation of Wild Life (Amendment) 1984.

Dealing with the protection and preservation of wildlife, this ordinance amends Statutory Instrument No. 6 of 1984 "The Wild Life Protection Regulations of 1984." Forbids the taking, possession, killing, or injury of any animal, including

live seashells, corals, and turtle eggs. Exceptions are made for any fish or marine product lawfully taken in accordance with the Fisheries Ordinance, 1991.

Statutory Instrument No. 2 of 1984. The Oil Pollution (Compulsory Insurance) (Amendment) Regulations 1984.

Statutory Instrument No. 6 of 1984. The Wild Life Protection Regulations 1984.

Statutory Instrument No. 8 of 1984. Proclamation No. 8 of 1984 (Fisheries Zone).

Proclamation No. 1 of 1991. Establishment of a 200 mile Fisheries Conservation and Management Zone.

This proclamation establishes a Fisheries Conservation and Management Zone contiguous to the territorial sea of the BIOT. The zone extends 200 nautical miles (371 km) offshore from the low water line surrounding each island.

Ordinance No. 1 of 1991. The Fisheries (Conservation and Management) Ordinance 1991.

Fish, as defined in this ordinance include fin fish, shellfish, or any parts thereof, including fresh and cured specimens. Marine mammals, birds, and reptiles (sea turtles) are excluded. Although this ordinance is primarily aimed at commercial activities offshore, internal waters (lagoon), the territorial sea, and the entire Fisheries Conservation and Management Zone are included. Violation of this ordinance can result in penalties of £100,000.

The Fishing Regulations 1993

These regulations provide more complete implementation of the objectives set forth in The Fisheries (Conservation and Management) Ordinance 1991. These regulations focus on commercial fishing activities.

Ordinance No. 1 of 1993. Fisheries (Conservation and Management) (Amendment) Ordinance 1993.

This ordinance amends the Fisheries (Conservation and Management) Ordinance of 1991.

Ordinance No. 5 of 1993. Fisheries (Conservation and Management) (Amendment) (No. 2) Ordinance 1993.

This ordinance provides further amendments to the Fisheries (Conservation and Management) Ordinance of 1991. It provides for penalties of up to £200,000 for certain violations.

Statutory Instrument No. 1 of 1993. Wildlife Protection (Amendment) Regulations 1993.

Statutory Instrument No. 3 of 1993. Fisheries Regulations 1993.

British Representative, Diego Garcia British Indian Ocean Territory, Commanding Officer's Temporary Memorandum 1/93 (dated) 28 July 1993.

This memorandum outlines the rules “. . . appertaining to the use of the restricted area.”

British Representative, Diego Garcia British Indian Ocean Territory Commander's Memorandum 22 November 1994.

This memorandum deals with the issue of feral cats.

The British Indian Ocean Territory Ordinance No. 6 of 1994. Conservation of natural resources and historical heritage; restriction of access to certain areas.

This ordinance may also be cited as the Diego Garcia Conservation (Restricted Area) Ordinance of 1994. Its stated purpose is “. . . to promote the conservation of the natural resources and historical heritage of the Territory by authorizing the restriction of access to certain areas in and adjacent to Diego Garcia and the regulation of activities within those areas, and for purposes incidental to the foregoing.”

The British Indian Ocean Territory Ordinance No. 7 of 1994. Oil Discharge Ordinance 1994.

The objective of this ordinance is “. . . to prevent the pollution of the waters of the Territory by the discharge or escape of oil and to provide for matters connected with or incidental to the foregoing.” The U.S. Navy's FGS will incorporate the provisions of the ordinance when the FGS is updated (due the first quarter FY 96).

The British Indian Ocean Territory Ordinance No. 8 of 1994. Fisheries (Conservation and Management) (Amendment) 1994.

This ordinance further amends the Fisheries (Conservation and Management) Ordinance of 1991; it revises the definition of a fishing boat.

The Wildlife Protection Regulations, 1984

The following activities are prohibited under these regulations:

(a) intentionally to kill, injure or attempt to kill or injure, or to take or be in possession of, any animal: Provided that this paragraph shall not apply in respect to any fish or marine product lawfully taken in accordance with the Fishery Limits Ordinance, 1984, or to any act done with respect to any vermin or other pest or insect in the interests of public health or the amenity of human life, or to any act done to a disabled animal (not being an animal disabled by his unlawful act) for humanitarian purposes;

(b) to take or be in possession of any live seashell, live coral, specified seashell or specified coral, or any seashell or coral which has been taken alive;

(c) intentionally to destroy, damage or take any bird's nest while the nest is in use or being built, or any bird's egg or turtle's egg;

(d) intentionally to disturb any bird while it is building a nest, or is in, on or near a nest containing eggs or young;

(e) intentionally to disturb dependent young of a bird;

(f) to take or be in possession of any animal or any specified flora.

(1) The exportation out of the Territory of the following goods is prohibited, except with the prior written permission of the Commissioner's Representative:

Wild animals, whether alive or dead.

Live seashells or seashells which have been taken alive.

Live coral or coral which has been taken alive.

Wild birds' nests.

Birds' eggs.

Turtles' eggs.