House of Commons
Environmental Audit Committee

Sustainability in the UK Overseas Territories

Tenth Report of Session 2013–14

Volume II

Written evidence

Ordered by the House of Commons
to be published 8 January 2014
Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty's Ministers; and to report thereon to the House.

Current membership
Joan Walley MP (Labour, Stoke-on-Trent North) (Chair)
Peter Aldous MP (Conservative, Waveney)
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Katy Clark MP (Labour, North Ayrshire and Arran)
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Mark Lazarowicz MP (Labour/Co-operative, Edinburgh North and Leith)
Caroline Lucas MP (Green, Brighton Pavilion)
Caroline Nokes MP (Conservative, Romsey and Southampton North)
Dr Matthew Offord MP (Conservative, Hendon)
Dan Rogerson MP (Liberal Democrat, North Cornwall) [ex-officio]
Rt Hon Caroline Spelman MP (Conservative, Meridien)
Mr Mark Spencer MP (Conservative, Sherwood)
Dr Alan Whitehead MP (Labour, Southampton, Test)
Simon Wright MP (Liberal Democrat, Norwich South)

The following members were also members of the committee during the parliament:
Richard Benyon MP (Conservative, Newbury) [ex-officio]
Ian Murray MP (Labour, Edinburgh South)
Sheryll Murray MP (Conservative, South East Cornwall)
Paul Uppal MP (Conservative, Wolverhampton South West)

Powers
The constitution and powers are set out in House of Commons Standing Orders, principally in SO No 152A. These are available on the internet via www.parliament.uk.

Publications
The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/eacom. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Committee staff
The current staff of the Committee are Simon Fiander (Clerk), Nicholas Beech (Second Clerk), Richard Clarke (Committee Specialist), Andrew Wallace (Senior Committee Assistant), Anna Browning (Committee Assistant), Sayeda Begum (Committee Support Assistant) and Nicholas Davies (Media Officer).

Contacts
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## List of additional written evidence

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Written evidence

Written evidence submitted by the UK Overseas Territories Association

1. Introduction

1.1 The United Kingdom Overseas Territories Association (UKOTA) welcomes the Environmental Audit Committee’s Inquiry on this important issue. We will respond to several of the specific questions posed by the Committee.

1.2 The Territories are home to approximately 90% of the UK’s biodiversity, including many species which are endemic to the territories. All the territories depend on these assets in some way—for example, tourism or fisheries.

1.3 UKOTA offer membership to all inhabited territories; the current members are Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and Tristan da Cunha.

2. The extent to which UK Government strategy on the UKOTs embodies the principles of sustainable development and appropriately trades-off environmental protection, social development and economic growth

2.1 The UK Government White Paper (June 2012) embodies the principles of sustainable development with an explicit focus on economy, society and the environment—the three pillars of sustainable development.

2.2 Funding has been provided, in particular to the Official Development Assistance (ODA) eligible territories through DFID to stimulate economic development. All projects are subject to “Climate and Environment Assessment” (CEA) process. This is mandatory for all projects over £400.

3. How the UK Government is fulfilling its responsibilities to protect biodiversity in the UKOTs

3.1 Following the publication of the United Kingdom Overseas Territories Biodiversity Strategy in December 2009, the Overseas Territories Biodiversity Strategy Group (OTBG) was set up to monitor the progress. The FCO, DFID, JNCC, RBG Kew, DEFRA, DECC and UKOTA are all represented on this group. There is evidence of a significant improvement with cross HMG department input into biodiversity in the OTs and engagement with the territories. The Strategy is being implemented by a wide range of UK Government actions, which have grown in scope and significance since publication of the document.

3.2 The OTBG organised a workshop in September 2011 for the London based Representatives of the territories on Multilateral Environment Agreements (MEAs). This was a useful session but links into MEA processes need to be specifically tailored to the OT situation and capacity—this will reduce the burden of the OTs signing up to MEAs.

3.3 A workshop organised by JNCC on behalf DEFRA “Review of Progress on Implementation of the UK OT Biodiversity Strategy” will be held on 14 March 2013. DEFRA will provide funding to enable participation from the OTs. It is important that the views of the people in the territories who are involved on a day-to-day basis are taken into account in respect of progress on the strategy rather than the perceived views of outside organisations. UKOTA is also working with JNCC to engage the services of a consultant in order to help the OTs prepare for the meeting in March and assist them to collate information which can provide the basis for understanding biodiversity priorities established by the OTs themselves, the actions already taken to address these priorities and further actions required.

3.4 JNCC has worked with UKOTA to provide funding for two Scholarships to build capacity in the OTs. A student (from Bermuda) completed BSc (Hons) degree in Applied Ecology and Conservation and another student (from Anguilla) completed a MSc in Environmental Management—both at the University of Reading.

3.5 HMG has provided support to the OTs via dedicated contact points in the relevant HMG departments.

3.6 Funding for projects has been made available. While there is never enough in the current financial climate, UKOTA welcomed the announcement in October 2012 of Darwin Plus which combines all previous HMG funding sources. This fund will disburse around £2 million per year dedicated to environmental and conservation projects in the OTs. The remit of the new fund will be broad, incorporating both biodiversity-related issues funded under the Darwin Initiative, as well as the broader range of environment and climate-related issues funded under OTEP. The new Fund will continue to be accessible to OT Governments, NGOs, research institutions, the private sector and other stakeholders.

3.7 OTEP dispersed £8 million through more than 140 projects across the Territories. Through the Darwin Initiative, approximately £5.2 million has been spent to date on OT projects.

3.8 JNCC has closely aligned its OT work to the Strategy and, with the exception of climate change, worked to address the key strategic themes identified by the Strategy. This support involves funding of approximately £1.4 million on a wide range of small scale projects within the OTs; implementing strategic projects on its own behalf and on behalf of UK Government departments; working to increase the capacity of the OTs through training and also by establish working links between the OTs and relevant UK institutions. JNCC is currently managing, or involved in, approximately 30 projects ranging from support for small scale OT specific projects...
through to strategic projects managed on behalf of the FCO or DEFRA, including the environmental mainstreaming work. The environmental mainstreaming which started with BVI and the Falklands has now been extended to Cayman and Anguilla.

3.9 UKOTA welcomes the support of HMG (DEFRA and FCO) in their efforts to have the Regulations for Life Plus amended to enable OTs to access this import source of funding.

3.10 UKOTA is of the view that while there has been considerable focus on the Terrestrial environment there has been less focus on the Marine environment. Of particular concern is rapid increase of lionfish in the Caribbean waters and the impact this will have on the native species.

4. How the UK Government is helping the OTs adapt to climate change

4.1 The key long-term threat faced by the Territories is climate change. The Intergovernmental Panel on Climate Change has identified the Territories as amongst the “most vulnerable” and “virtually certain to experience the most severe impacts” of climate change. This will mean sea level rise; changes in weather patterns, including higher intensity of extreme weather events; coral bleaching; ocean acidification; and sea temperature changes. Other immediate threats include land use change; waste management; invasive species; and threats to habitats from unsustainable development.

4.2 A desk study entitled “Addressing Climate Change by Promoting Low Carbon Climate Resilient Development in the UK Overseas Territories” was funded by DFID. IMC was contracted in February 2012 to undertake the research. On reflection the TORs were too ambitious and the quality of the data collected questionable. The project steering group, on which UKOTA was represented, is in the process of deciding what the next steps are.

4.3 The DFID funded a project over a four year period which enabled the Caribbean Territories to participate in the regional project “Enhancing Capacity for Adaptation to Climate Change in the Caribbean Overseas Territories”. The report was largely welcomed: the recommendations were applicable and relevant to the needs of the territories. Some UK OTs produced a Climate Change strategy as a result of this, but funding was not available to implement the recommendations. With the current financial climate territories do not have the resources to implement the recommendations of the strategy—funding from DFID is restricted to the OAD eligible territories.

4.4 Climate Change impacts on all OTs and access to funding is crucial (for all) if OTs are to implement appropriate Adaptation and Mitigating strategies. As OTs we are unable to access international funding streams for example Global Environment Facility (GEF). HMG created the £2.9 billion UK International Climate Fund (ICF) in 2011 to cover the period 2011–15—however, OTs do not appear to be in a position to benefit from this fund. Whilst in theory they are eligible, none of them fall into any priority categories that govern spending decisions of the fund.

4.5 UKOTA recommends that a dedicated fund is set up to address Climate Change in the OTs.

5. Whether the recommendations in the 2008 report “Halting biodiversity loss” on safeguarding biodiversity and practising joined-up government to further conservation have been implemented.

5.1 The Government has a clear moral and legal duty to help protect the biodiversity of the UK Overseas Territories and Crown Dependencies, where it is the eleventh hour for many species. We are extremely concerned that recommendations that we have made in the past that would have helped to protect the environment of the Overseas Territories have been ignored. The Government must: adopt a truly joined-up approach to environmental protection the UKOTs and Crown Dependencies, by bringing together all relevant departments including the FCO, MoJ, DFID, Defra, DCMS and MoD with the governments of the UKOTs.

The Overseas Territories Biodiversity Group (OTBG) has been created to provide the linkages suggested in the recommendation. UKOTA provides the OT representation on the group. This is also evident with the creation of the Darwin Plus, bringing together the funds from the HMG departments for environmental projects.

5.2 Make better use of the Inter-Departmental Group on biodiversity.

This was superseded by the OTBG. There has been significant increase in the engagement with the OTs. Environmental contact persons were identified by the territories.

5.3 To provide more oversight and support for the development and implementation of effective environmental protection policy in the UKOTs, and expand the Group to include other relevant departments.

Some OTs has received support in this area. The Environment mainstreaming projects assist OTs to incorporate environmental policy into their strategic planning process. Some OTs have also received assistance with drafting of legislation etc. Assistance has also been provided through DFID to ODA eligible OTs with TC funded personnel to provide specialist advice and support these areas.

5.4 Have Defra assume joint responsibility for the UKOTs, and reflect this in future spending settlements

DEFRA lead on the OTBG, and lead on the recently created “Darwin Plus” project funding which provides a cross HMG combined approach to funding biodiversity and environment projects in the OTs.
5.6 Address the dire lack of funds and information for environmental protection in the UKOTs.

This has been addressed in sections 3 and 4.

5.7 An ecosystem assessment should be conducted in partnership with each UKOT in order to provide the baseline environmental data required and to outline the effective response options needed to halt biodiversity loss.

5.8 With leadership, and a relatively small sum of money, the incredible biodiversity found in our overseas territories can be safeguarded into the future. One of the most important contributions that the Government could make to slowing the catastrophic global biodiversity loss currently occurring would be to accept its responsibilities and to provide more support for the UK Overseas Territories in this area.

Biodiversity protection has to be collaboration between OTs and HMG. Funding is an important and vital component of this collaboration as are other areas of technical and advisory support. The short-term nature of project funding does not enable long-term sustainable planning and implementation. It is recommended that a long-term, programme approach to funding is considered as an alternative.

One size does not fit all OTs, there are many similarities but there are also many differences in terms of scale, location, population etc that have significant impacts on conservation in each OT and their ability to manage all of the threats to biodiversity.

6. Whether UK Government strategy on the UK OTs is consistent with the conclusions and commitments on protecting biodiversity reached at the recent United Nations Rio + 20 conference

6.1 While UKOTA does not wish to respond directly to the question posed, an area of weakness and concern to the territories is the lack of an established mechanism to advise territories of, and to solicit their views prior to International conferences which discuss environmental issues that could impact on the territories.

7. How weaknesses in civil society and governance in the UK OTs impact on conservation

7.1 UKOTA does not wish to comment on this.

8. How the introduction of “Marine Protected Areas” could safeguard the marine environment in the uninhabited territories

8.1 UKOTA does not represent the uninhabited territories and cannot, therefore, make any comment directly related to the question. However, we are aware that the Pew Group has been in contact with some of our members with a view to developing MPAs. Their representatives are currently on Tristan da Cunha having discussions. While there is value in investigating this, it is important that the Territory Governments are engaged to ensure the livelihoods of the people are not compromised.

29 November 2012

Written evidence submitted by the National Trust for the Cayman Islands

EXECUTIVE SUMMARY

— The National Trust for the Cayman Islands (“NTCI”) supports the position of the Royal Society for the Protection of Birds and the UK Overseas Territories Conservation Forum for the increase in capacity building and funding to the UKOTS from DIFID, and The Heritage Lottery Fund.

— NTCI also supports the call for DEFRA and the FCO to negotiate access to LIFE+ EU funding. At present, The Cayman Islands along with other UKOTS are curtailed by lack of access to such UK and EU funds.

— In relation to the Cayman Islands specifically, the UK Government (“UKG”) devolved responsibility for the protection of the environment to the Cayman Islands Government (“CIG”). However, UKG has failed to ensure that CIG implements sustainable development and protects the Island’s biodiversity.

— Neither the Environmental Charter signed with the UKG in September 2001 nor other Multilateral Environmental Agreements have been implemented. The UKG has therefore failed in its obligations to the people of the Cayman Islands and NTCI urges it to redress these issues.

— Due to the CIG’s lack of environmental policy and conservation implementation, the NTCI has been forced to assume many of the responsibilities of the CIG. It alone has raised the necessary funds to purchase terrestrial areas of significant biodiversity for flora and fauna which has contributed to the protection of 5% of the land mass.

— The NTCI urges the UKG to require the CIG to implement a conservation policy that includes conservation laws, development plans for the three islands, national parks and use of the environmental protection fund (“EPF”) to support conservation.
INTRODUCTION

The National Trust for the Cayman Islands

The NTCI is a membership based, non-governmental, not for profit organization created by statute, The National Trust Law in 1987. It is the only NGO in the Cayman Islands with a mandate for terrestrial conservation. NTCI was established to preserve natural environments and places of historic significance in the Cayman Islands for present and future generations. Environmentally significant areas owned by NTCI are protected in perpetuity when NTCI declares them inalienable pursuant to the National Trust Law (as revised).

Responsibility for NTCI rests with the Council who are elected annually by the membership along with three CIG appointed representatives. The Chairperson and three Executive Officers are elected bi-annually. There are nine full time staff, one part time and one full time volunteer.

SUBMISSIONS

1. How the UK Government is fulfilling its responsibility to protect biodiversity in the Cayman Islands

Recommendations:

A. The UKG should require the CIG to meet its obligations under the Environmental Charter, the various MEA’s and its obligation to the people of the Cayman Islands as set out in the Bill of Rights contained in the Cayman Islands Constitution Order 2009 (“Constitution”).

B. The UKG should require the Governor to address environmental governance issues including the passage and implementation of long stalled conservation legislation. UKG must require the Governor to assist the UKG in discharging its responsibilities under the EC and MEA’s.

C. The UKG should require the CIG to implement a sustainable Development Plan for the three islands.

1.1 The UKG is not fulfilling its obligation to protect biodiversity in the Cayman Islands in that it is failing to require the CIG to adopt a sustainable Development Plan, enact proposed local conservation legislation and establish a system of protected areas to fulfill the obligations set out below.

(a) In September 2001, the CIG and the UKG signed an Environment Charter under which both governments committed to the preservation of our environment. Additionally, the Cayman Islands is party to a number of Multilateral Environmental Agreements (MEA’s), notably the Convention on Biological Diversity (the “Rio Convention” or CBD), the Convention on Wetlands of International Importance (“Ramsar Convention”), the Specially Protected Areas and Wildlife protocol to the Cartagena Convention (the “SPAW Protocol”) and Convention on the Conservation of Migratory Species of Wild Animals (“Bonn Convention”).

(b) The Bill of Rights as contained in the Cayman Islands Constitution Order 2009 provides for the Protection of the environment [emphasis added]:

— Government shall, in all its decisions, have due regard to the need to foster and protect an environment that is not harmful to the health or well-being of present and future generations, while promoting justifiable economic and social development.

— To this end government should adopt reasonable legislative and other measures to protect the heritage and wildlife and the land and sea biodiversity of the Cayman Islands that:

(i) limit pollution and ecological degradation;

(ii) promote conservation and biodiversity; and

(iii) secure ecologically sustainable development and use of natural resources.

(c) In accordance with the Rio Convention the Department of Environment has developed a National Biodiversity Action Plan (“NBAP”) which calls for the protection of certain native species of flora and fauna and their habitats. The NBAP has not however been adopted by the CIG and is only being implemented through NTCI.

1.2 There is a draft Conservation Bill first proposed in 2000 which is intended to replace the majority of the Animals Law and has been reviewed by successive Governments for the past twelve years despite inclusion as a policy by successive political parties. The Animals Law (2003 Revision) originally protected five sites as Animal Sanctuaries, two of which have been deregulated (both of which are on Cayman Brac) and of the remaining three, one is owned by the NTCI. Despite calls to do so, no other suitable areas have been protected in mitigation of the deregulated areas. No terrestrial national parks have been legally established.

1.3 The Development Plan (“The Plan”) for Grand Cayman enacted in 1977 had no environmental zones. The Plan, intended to be reviewed every five years, was last reviewed but not revised in 2002 despite recommendations to include environmental overlay. There is no Development Plan for Cayman Brac and Little Cayman.
2. How weaknesses in civil society and governance in the Cayman Islands impact on conservation

Recommendations:

D. The UKG should address environmental governance gaps to give primacy to environmental considerations in the Development Plan, Planning Laws, the National Roads Law, CIG conservation policies and Conservation Law.

E. The Crown owned wetlands and forests of environmental significance on the three Islands should be vested in NTCI to ensure their continued preservation as experience shows that government designation does not offer permanent protect (viz the deregulation of two Animal Sanctuaries in Cayman Brac).

F. The UKG should require the CIG to utilize the EPF for purchase of areas of significant biodiversity which should then be vested in the NTCI to ensure their protection in perpetuity.

G. The UKG should require the CIG to fund adequately the work the NTCI carries out on behalf of the CIG through the EPF.

2.1 Weakness in civil society and governance in the CI is severely impacting conservation as the only means of halting biodiversity loss is for the NTCI to purchase areas of significant biodiversity for protection under the National Trust Law while funds collected by the CIG for the purposes of protecting the environment are not being used for the intended purpose.

2.2 Environmentally sensitive areas owned by the Crown, such as the George Town Ironwood Forest which is the primary habitat for the endemic Ghost Orchid *Dendrophylax fawcettii*, one of the 100 most endangered species in the world, remains unprotected.

2.3 Whilst progress has been made by CIG in submarine conservation, very little has been done in relation to terrestrial conservation except that over the past 20 years CIG has vested certain environmentally significant sites in the NTCI. NTCI continues to expand these protected areas and over the past seven years alone the Trust has raised approximately CIS$7 million through grants and private donors for land purchase of 1,093.47 acres, thereby significantly increasing the protected areas on all three islands which now stand at a total of 3,141 acres (approximately 5% of the land mass).

2.4 CIG has therefore been spared both the expense of land purchase, and the ongoing cost of management, for the majority of Cayman’s terrestrial protected area system to date. While not yet sufficient to achieve the goals implicit in the MEAs, the NTCI has been responsible for the majority of progress in this area over the last decade. A brief analysis of the contributions of NTCI, relevant to the MEAs, is annexed hereto as “Schedule of MEAs and NTCI Contributions”. This analysis demonstrates the substantial role that NTCI plays in the overall conservation of biodiversity in the Cayman Islands, which otherwise would fall on CIG at a considerably greater cost.

2.5 While NTCI receives a small subvention from CIG annually (approximately CIS$230,000 for the 2012–13 year), it covers less than 25% of the organization’s operating costs and does not adequately represent the cost of the services provided. In addition, this funding is subject to budgetary constraints and has been cut by approximately 30% over the past two years. NTCI has written to His Excellency the Governor Mr. Duncan Taylor on 2 May 2012 and again on 30 August 2012 outlining the responsibilities NTCI has taken on behalf of CIG and requesting his cooperation to obtain additional funding from the EPF (copies of these letters are enclosed), however NTCI is still awaiting an official response.

2.6 The Environmental Protection Fund (“EPF”) was established and recorded in the Hansard as Government Motion No. 14/97 for the purposes of “…defraying expenditure incurred in protecting and preserving the environment of the Islands.” A small fee is levied on every visitor to the islands who believes he is contributing to an environmental tax for conservation. This is a total misrepresentation by CIG. Approximately CIS$5 million is collected annually in the name of the environment, however, since its inception the EPF has rarely been spent on the purposes for which it was established and at present, the fund of approximately CIS$43 million, forms part of the general reserves and is used to meet CIG’s requirement for cash reserves under the Public Management and Finance Law.

2.7 Although this memorandum deals with NTCI environmental mandate, it is important to note that NTCI is also charged with preserving sites of historic significance. NTCI currently owns and maintains 12 historic heritage sites. As NTCI has been forced to focus its efforts on protecting the biodiversity of the Islands by expanding its protected areas, it is becoming increasingly difficult to fulfill its statutory obligations. Specifically, NTCI has been unable to fund the education programme which includes an Education Officer post and is a vital component of our environmental and historic mandate.

3. How the UKG is helping the Cayman Islands adapt to the impact of climate change

Recommendations:

H. To mitigate the impact of climate change the UKG should require the CIG to protect the Central Mangrove Wetlands (“CMW”) on Grand Cayman.
3.1 The UKG is not helping the Cayman Islands to adapt to the impact of climate change.

3.2 One of the guiding principles of mitigating the impacts of climate change is to conserve existing biodiversity, and as stated above this is not being done by the CIG. The CMW, approximately 8500 acres, is widely considered the ecological heart of Grand Cayman and is the largest contiguous mangrove wetland in the Caribbean. 19% of the CWR is protected under the marine conservation law, 7% owned and protected by NTCI, 9% owned by the Crown and unprotected and 75% privately owned and unprotected. These wetlands are under threat due to planned road corridors and increased development projects and the Marine Parks Law will not prevent such developments.

SCHEDULE OF MEA’S AND NTCI’S CONTRIBUTIONS

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Objectives:
1. Bring together government departments, representatives of local industry and commerce, environment and heritage organisations, the Governor’s office, individual environmental champions and other community representatives:

2. Ensuring the protection & restoration of key habitats and species:

6. Implement effectively Multilateral Environmental Agreements already extended to the Cayman Islands as listed herein

9. Encourage teaching within schools to promote the value of our local environment (natural and built):

10. Promote publications that spread public awareness of the special feature of the environment

NTCI collaborates extensively with:
- Government departments: Department of Tourism, Department of Environment and Department of Environmental Health
- Heritage organisations: CI National Archive and CI National Museum

NTCI protects and manages the following:
- Blue Iguana species through the Blue Iguana Recovery Program and its habitat (Salina and East End Colliers Reserve)
- Wetland and woodland bird habitats, (Governor Gore’s Bird Sanctuary, Uncle Sammy’s Pond, Central Mangrove Wetlands, Salina Reserve, Mastic Reserve, Cayman Brac Parrot Reserve, The Splitts)
- Sea bird nesting habitats—Booby Pond Nature Reserve,)
- Sister Island Rock Iguana species and its habitat (Little Cayman Nature Trail property, Booby Pond Nature Reserve and Preston Bay nesting site)
- Queen Elizabeth II Botanic Park (50% ownership)
- Endangered and Critically endangered flora and fauna contained on all reserves

NTCI contributes to the implementation of Multilateral Environmental Agreements already extended to the Cayman Islands as listed herein

NTCI promotes the value of our natural and built heritage in schools by:
- producing environmental and historic educational material for inclusion in national school curriculum.
- leading 60 educational events through our Historical, Environmental and Education programmes within school system

NTCI promotes the special features of the environment in the following publications:
- Weekly “Know your Island” articles in the national paper of record
- Informative articles in various publications including “What’s Hot”, “Destination Cayman”,
- The Trust Times, Quarterly Newsletter to General Membership and sponsors
11. Abide by the principles set out in the Rio Declaration on Environment:

**CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE (Ramsar)**

Objective:

"the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world."

NTCI contributes to the country’s obligations under this MEA in the following manner:

- NTCI owns and manages the only Ramsar designated site, Little Cayman Booby Nature Reserve. Total Acreage protected: 334 acres
- Built and maintains a visitor centre on the site which is open daily and has informational signage and displays, hosts talks and bird watching groups.
- NTCI owns and manages 765 acres in Central Mangrove Wetlands in accordance with Ramsar best practice.
- NTCI owns the following fresh water ponds/pools:
  - 3 acres at Governor Gore’s Bird Sanctuary
  - 3.5 acres at Uncle Sammy’s Pond
  - 17.5 acres at The Splitts Cayman Brac

**CONVENTION ON BIOLOGICAL DIVERSITY (Rio)**

Under this treaty, the UN set a target in 2002 to reduce loss of biodiversity by 2010.

Objectives:

1. conservation of biological diversity;
2. sustainable use of its components; and
3. fair and equitable sharing of benefits arising from genetic resources

The Cayman Islands National Biodiversity Action Plan produced in accordance with the CBD calls for the protection of key species and habitats.

NTCI contributes to the country’s obligations under this MEA in the following manner:

- Since 2004, NTCI has obtained and protected over 1,000 acres of environmentally significant property, thereby reducing the loss of biodiversity in the Cayman Islands.

**PROTOCOL TO THE CATAGENA CONVENTION CONCERNING SPECIFICALLY PROTECTED AREAS WILDLIFE (SPAW)**

Objective: protect rare and fragile ecosystems and habitats, thereby protecting the endangered and threatened species residing therein by:

- establishment and proper management of protected areas, by promoting sustainable management (and use) of species to prevent their endangerment

NTCI contributes to this Action Plan in the following manner:

- NTCI holds and protects a total of 3,141 acres of environmentally significant land in perpetuity for the people of the Cayman Islands. This is approximately 5% of Cayman Islands total land mass. (NB The internationally accepted standard is 12% and the Caribbean averages 11.7% per 2003 United Nations list of Protected Areas)
- several of the species listed in this plan are protected within the Trust Reserves including: Banana Orchid, Ghost Orchid Silver Thatch, Agave Caymanensis, Cedar, Ironwood, Broadleaf, Cayman Parrot, Bats, Vielline Warbler, West Indian Whistling Duck, Blue Iguana, Sister Islands Rock Iguana, Little Cayman Green Anole, and Red Footed Booby.
Convention/Treaty & relevant commitments | NTCI Contribution
---|---
**CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (Bonn)** | NTCI contributes to the country’s obligations under this MEA in the following manner:
Objective: to conserve terrestrial, marine and avian migratory species throughout their range. | NTCI owns, protects and manages several sites of importance to Migratory Birds such as:
— Mastic Reserve
— Salina Reserve
— The Splitts
— Governor Gore’s Bird Sanctuary
— Cayman Brac Parrot Reserve
— Uncle Sammy’s Pond
— Little Cayman Booby Pond Nature Reserve

REFERENCE

1 According to the IUCN Species Survival Commission’s report “100 most threatened species: Are they priceless or worthless?” published in September 2012

29 November 2012

Written evidence submitted by the Government of Tristan da Cunha Conservation Department

INTRODUCTION

(i) Tristan Conservation Department (TCD) welcomes the Environmental Audit Committee’s Inquiry on this important issue.

(ii) The Tristan da Cunha Islands, because of their isolation, represent some of the least disturbed temperate island systems in the world. Not only do they support the most remote human community they are also home to many endemic plant and animal species.

(iii) Although 44% of the land area of the islands is designated as nature reserves, with Gough and Inaccessible Islands inscribed as World Heritage Sites, knowledge of the diversity of species they contain and of the threats they face remains inadequate.

(iv) The new Tristan Conservation Department was only formed in 2009 and has a staff of four, Conservation Officer, Clerk and two Assistants. The Department has full responsibility for conservation management in the Tristan islands where there are 11 Globally Threatened bird species as well as unknown numbers of threatened plants, invertebrates and marine organisms. The workload for these four staff is very high.

SUMMARY

— Environmental capacity is limited to address biosecurity policy and implementation.
— Access to expertise inside the DEFRA family should be given to OTs at lower cost.
— Lack of knowledge on the marine environment is a limitation to designating science-based MPAs.

SPECIFIC ISSUES IDENTIFIED BY THE COMMITTEE

1. How the UK Government is fulfilling its responsibilities to protect biodiversity in the UKOTs

1.1 The threat to biodiversity on Tristan da Cunha from introduced invasive species is significant. On Gough Island breeding success of the Critically Endangered Tristan Albatross averages 32% due to predation from the introduced house mice; at Nightingale mussels introduced by the grounding of the MS Oliva in 2011, potentially threaten the Tristan Rock lobster fishery on which the economy of the islands depend.

Recommendation:

A. Technical expertise from Defra to support strengthening biosecurity policy and implementation, and funding for quarantine facilities are urgently needed.


1.2 With only 262 residents, the small population size of Tristan da Cunha means that there is limited potential to develop local expertise in every aspect of the natural environment.

Recommendation:

B. To enable implementation of a biodiversity research programme, access to the world-class skills of the UK’s government-funded institutions should be made available without the requirement
for full cost-recovery; work in the OTs should be considered core work and there should be an internal budget at all government-funded institutions for this work. Full cost-recovery (including overhead) requirements currently limit the involvement of many UK institutions in projects, to the detriment of both OTs, and the UK.

1.3 The Tristan da Cunha archipelago is extremely isolated with a unique marine ecosystem characterised by few species but a large proportion of endemics. Some studies of the shallow water marine life have been carried out but knowledge of the deeper water marine environment and its biodiversity is very limited. Tristan’s territorial waters cover a vast area, and at present there are no MPAs. IUU fishing is a threat to the marine environment but although there is a fisheries patrol vessel, its range is limited. The lack of knowledge of the marine environment is a fundamental limitation to designating science-based MPAs.

Recommendation:

C. A significant input of resources is required to fill this knowledge gap on the marine biodiversity. However, limited expertise in the marine environment and the expense of carrying out research in deeper waters is beyond the resources of Tristan itself.

30 November 2012

Written evidence submitted by the South Georgia Heritage Trust

SUMMARY

— The South Georgia Heritage Trust, a charity registered in Scotland, is engaged in a project to eradicate rodents from the South Atlantic island, and UK Overseas Territory, of South Georgia. Rodents (mainly rats, but also mice), inadvertently introduced by sealing and whaling ships in the 19th and 20th centuries, do enormous damage to South Georgia’s spectacular seabird populations.
— The first phase of the project, using helicopters to spread poisoned bait, was carried out in March 2011. All the signs are that this was a complete success.
— The second stage of fieldwork will be carried out from February to May 2013.
— This is the largest such eradication project ever to have been undertaken anywhere in the world.
— The objective is to complete the project by eradicating every rodent on South Georgia by the end of 2015.
— The project is being funded entirely from voluntary donations, mainly from foundations and individuals. Just over £3.7 million of the £7.5 million required to complete the project has been raised so far.
— This is the first such project of any significance to be run by an NGO rather than by government.
— SGHT has also funded two research projects addressing issues related to the establishment of marine protected areas around South Georgia.

INTRODUCTION

1. The South Georgia Heritage Trust (SGHT) was established in 2005 as a charity registered in Scotland (Scottish Registered Charity Number SC036819). Its purpose is to preserve and protect the natural environment and historical heritage of the South Atlantic island of South Georgia, a UK Overseas Territory. More details about the Trust’s background and activities can be found on its website at www.sght.org.

2. In connection with the Environmental Audit Committee’s current inquiry into sustainability in the Overseas Territories, the Committee may be interested to hear about SGHT’s Habitat Restoration Project, the objective of which is the complete eradication of rats and mice, both of which are invasive species, from South Georgia. A description of the project follows below.

THE PROBLEM

3. Introduced inadvertently from sealing and whaling ships in the 19th and 20th centuries, rodents have thrived and done enormous damage to the island’s bird population. The spread of rats on South Georgia continues today, their progress only limited by the sea and large areas of permanent ice, especially glaciers. Scientists have now demonstrated that as a result of global climate change glaciers on South Georgia are in rapid retreat, so areas of the island once protected from rats now risk being over-run unless urgent action is taken.

PROJECT OBJECTIVES

4. The project objectives are:
— to remove every rodent from 1,000 square kilometres (386 square miles) of infested land on South Georgia by 2015, thereby safeguarding seabirds from future attack and, in some cases, extinction;
— to facilitate the return of millions of seabirds to their traditional nesting sites and thereby increase the breeding range and population size of many seabirds; and
— to complete the operation without any long term detriment to native wildlife.

Our vision is to return South Georgia as far as possible to the pristine state in which Captain Cook found it when he discovered the island in 1775.

PROJECT ACTIVITIES AND METHODOLOGY

5. The key factor that makes eradication feasible on South Georgia is that the island’s rat population is divided into a number of discrete sub-populations, each separated by currently impassable ice barriers. The methodology employed is firmly based on successful eradication work employed elsewhere, but modified to reflect the unique circumstances of this island and this operation. An expert team, using helicopters, spread cereal-based bait at low densities over all areas harbouring rodents. The active ingredient in the pellets is brodifacoum, a second-generation anticoagulant, with 25 parts per million of toxin in each pellet. The helicopters are equipped with a global positioning (GPS) and tracking system to enable the pilots to maintain flight lines with a high degree of accuracy and achieve the desired even bait coverage.

6. The project requires at least three seasons of baiting activity. The first took place in March/April 2011, and we shall be returning to South Georgia for the next season of fieldwork in February–May 2013.

EXPECTED RESULTS AND THEIR IMPACT

7. The size of the area to be cleared on South Georgia makes this a project of global significance, and it has excited a great deal of interest in international environmental circles. Once completed, the Habitat Restoration Project will transform the wildlife and natural ecology of this stunning island, sweeping away two centuries of damage caused by human intervention.

8. Our objective is that South Georgia will be free of rodents by the end of 2015. The benefits will be spectacular. In the longer term the wildlife and natural ecology of the island will be transformed with the subsequent return of well over 100 million seabirds to their traditional nesting sites, making South Georgia the greatest concentration of seabirds in the world.

SUCCESS OF PHASE 1

9. The fieldwork for the trial Phase 1 of the Habitat Restoration Project was successfully completed in March 2011—in 28 days, half the allocated time and under our projected budget. Although this first phase of the project involved only 12% of the rat-infested land area of South Georgia, the 12,800 hectares treated already makes this the largest rodent eradication operation ever attempted anywhere in the world. All the evidence so far indicates that this part of South Georgia is now rat free for the first time in two centuries. Just weeks after Phase 1 baiting was completed, a brood of South Georgia pintail ducklings appeared at King Edward Point with their mother, the first to have been seen in the area for many years and the first in perhaps two centuries to have a good chance of survival.

10. Continuous opportunistic monitoring on the Thatcher Peninsula, and dedicated surveys of the Greene Peninsula carried out by the Government of South Georgia and the South Sandwich Islands, have not revealed any sign of rodents. We are now 18 months from the completion of the Phase 1 baiting work, so we are confident that the methodology used in 2011 was broadly appropriate, and that the bait was overwhelmingly effective. This knowledge is very helpful in planning for Phase 2, because it is already apparent that we need not change anything dramatically from what was done last year.

PHASE 2 PLANS

11. Preparations to clear rodents from the rest of the island, starting in February 2013, are well underway. All members of the field team have been recruited, the British Antarctic Survey’s RRS Ernest Shackleton has been chartered, and equipment and non-perishable supplies have been sourced. All 183 tonnes of bait has been manufactured and packed. The helicopters have been made airworthy and are being transported to South Georgia via the Falkland Islands.

MONITORING AND DISSEMINATION

12. There will be a clearly defined monitoring programme with three key components:
(a) monitoring for the presence of rat sign following baiting operations;
(b) monitoring of effects of bait spreading on non-target species; and
(c) monitoring the expected recovery of rat vulnerable wildlife populations.

13. Lessons learned from this project will be of special interest to other invasive species eradication projects across the world. Media interest in this project and its results is strong, providing public outreach on an international scale.
SECURED FUNDING

14. As of today, SGHT has raised over £3.7 million, nearly 50% of the overall fundraising goal of £7.5 million (Phases 1 and 2 combined), all of it from voluntary donations to the Trust. Current funders of this project include: the Island Foundation, Garfield Weston Foundation, UK Government (DEFRA), Schroder Foundation, Binks Trust, Rufford Foundation, Ferring Pharmaceuticals, Dr Frederik Paulsen Foundation, Bell Laboratories, Lyda Hill, Forest Mars Jr., Farallan Island Foundation, Ernest Kleinwort Charitable Trust, the Salvesen Family, Healthy Planet, Bess Jahres Foundation, Gosling Foundation, Kingfisher Plc, Planeterra, and many individual visitors to South Georgia and other individual supporters. The Trust is heavily engaged in efforts to raise the remaining funds required to complete the project (nearly £4 million), a challenging prospect at any time but especially so in the current economic climate.

15. This is not only the largest rodent eradication project ever to be undertaken, it is also as far as we are aware the first to be undertaken by an NGO, and one which is moreover totally dependent on voluntary donations, rather than by government. (The RSPB has subsequently undertaken a project to eradicate rats from Henderson Island, which is part of the Pitcairn group in the Pacific Ocean and is also a UK Overseas Territory.)

OTHER PROJECTS

16. In addition to the Habitat Restoration Project, SGHT has also funded two projects related to one of the other areas of interest to the Environmental Audit Committee, marine protected areas. The first project, now completed, addressed the biodiversity of the benthic floor of the Southern Ocean. This study created 14,000 unique records representing 1,027 species of seabed life around South Georgia. The second of these projects involves research by British Antarctic Survey and Cambridge University in support of the development of marine protected areas around South Georgia, the purpose of which is to identify areas that are high in biodiversity and the focus of feeding activity by higher predators, such as albatrosses, and therefore worthy of protection.

30 November 2012

Written evidence submitted by the Marine Reserves Coalition

This submission is supported by the following Marine Reserves Coalition members:
— BLUE Marine Foundation.
— ClientEarth.
— Greenpeace UK.
— Marine Conservation Society.
— Zoological Society of London.

EXECUTIVE SUMMARY

— The most significant recent initiative concerning the conservation of biodiversity in the UK Overseas Territories was the designation of the Chagos Marine Reserve in April 2010.
— Marine reserves are the most strictly protected type of marine protected area (MPA), in which all extractive and potentially damaging activities are prohibited. Marine reserves are now widely recognised as an effective and important tool in global marine conservation efforts.
— Well managed marine reserves should be integrated into marine planning in all of the UKOTs, to ensure the protection of biodiversity and sustainable management of marine resources throughout the entirety of seas under UK jurisdiction.
— It is widely accepted that healthy ecosystems are better placed to cope with the impacts of climate change, and effectively managed marine reserves are a mechanism by which we can achieve healthy and functional ecosystems.
— The best-practice approach to conserving the marine environment (including representative areas of habitat and areas of ecological/biological significance) is to protect areas before threats or damage occur (in a proactive rather than a reactive manner), in accordance with the precautionary principle and ecosystem-based management.
— There continues to be a lack of clarity within the Department for Environment, Food and Rural Affairs and the Foreign and Commonwealth Office, as to who holds responsibility for marine biodiversity in the UK Overseas Territories.

INTRODUCTION

1. The Marine Reserves Coalition (MRC) is a group of six UK-based organisations¹ dedicated to the task of protecting marine resources by the creation of highly protected marine reserves, in concert with other

¹ BLUE Marine Foundation, ClientEarth, Greenpeace UK, Marine Conservation Society, Pew Environment Group, Zoological Society of London
management strategies where appropriate. Focusing on seas under UK jurisdiction, we encourage the UK government to commit to establishing ecologically representative networks of marine reserves throughout all UK waters by 2020. We are extremely pleased that the Environmental Audit Committee (henceforth the Committee) has decided to conduct an inquiry into sustainability in the UK Overseas Territories (UKOTs). Given that over 90% of the UK’s total biodiversity is found in the UKOTs, we consider this issue to be of the utmost importance and we look forward to the Committee making robust recommendations to ensure that the UK and Territory governments are delivering accordingly.

2. As the MRC is primarily concerned with protection of the marine environment, our comments will focus on marine conservation and marine biodiversity in the UKOTs.

3. The biodiversity and productivity of the world’s ocean is diminishing at an alarming rate. Globally 90% of large fish species, such as sharks, tuna and swordfish, have disappeared in the last few decades
and many marine habitats have been fundamentally altered by destructive fishing practices and other human activities.

Marine Protected Areas (MPAs) are an effective and key tool in the conservation of marine biodiversity.

4. Despite commitments from the 193 countries that are Parties to the Convention on Biological Diversity, to protect 10% of coastal and marine areas by 2020, there has been limited implementation and ambition from the world’s governments. Currently, MPAs cover just 2.3% of the ocean and only a tiny fraction of these are highly protected marine reserves (or no-take areas).

How the UK government is fulfilling its responsibilities to protect biodiversity in the UKOTs

5. The UK has the fifth largest marine area in the world under its jurisdiction, and as such has a responsibility and an opportunity to become a global leader in the stewardship of marine biodiversity.

6. The UK government’s lack of support for the conservation of biodiversity in the UKOTs was criticized in the Committee’s UN Millennium Ecosystem Assessment report, published in January 2007 (paragraph 126–141 and conclusions 31–33), and again in the Committee’s Halting biodiversity loss report, published in October 2008 (paragraphs 39–47 and conclusions 11 and 12).

7. The criticisms contained in the 2007 report were endorsed in the Foreign Affairs Committee’s report on the Overseas Territories published in June 2008, which also stated, “We conclude that given the vulnerability of Overseas Territories’ species and ecosystems, this lack of action by the government is highly negligent. The environmental funding currently being provided by the UK to the Overseas Territories appears grossly inadequate and we recommend that it should be increased.”

8. Both the importance of the biodiversity in the UKOTs and the lack of UK government support at that time for its conservation have thus been well established and are taken in this submission as read.

9. The most significant recent initiative concerning marine biodiversity in the UKOTs was the designation of the Chagos Marine Reserve, announced by the then Foreign Secretary, David Miliband in April 2010. At 640,000 km², Chagos is the largest fully protected marine area in the world (detailed further in paragraph 19).

10. Although the level of financial support provided by the UK government remains inadequate against the needs of the unique and often vulnerable biodiversity found in the UKOTs, we do note that this level has been maintained in the face of significant budget cuts. We refer you to the response of the Pew Environment Group to this inquiry (paragraphs 7–14) for further detail on this point.

Whether the recommendations in the Committee’s 2008 Report, Halting biodiversity loss, on safeguarding biodiversity and practising joined-up government to further conservation have been implemented

11. In the Committee’s report four recommendations were made concerning the UKOTs. These were that the government must:

— “Adopt a truly joined-up approach to environmental protection the UKOTs and Crown Dependencies, by bringing together all relevant departments including the FCO, MoJ, DFID, Defra, DCMS and MoD with the governments of the UKOTs;

— Make better use of the Inter-Departmental Group on biodiversity to provide more oversight and support for the development and implementation of effective environmental protection policy in the UKOTs, and expand the Group to include other relevant departments;

http://www.publications.parliament.uk/pa/cm200708/cmselect/cmaff/147/147i.pdf
12. Our comments here focus on the last two of these recommendations. In our view there is no evidence that Defra has assumed joint responsibility for the UKOTs and there continues to be a lack of clarity, even within Defra, on who holds responsibility for marine biodiversity in the UKOTs; is it the marine team or the biodiversity team? The government’s White Paper on the UKOTs, “Security, Success and Sustainability”,6 published in June 2012, clearly states that there should be a coordinated response to natural environment issues with “each Department leading in their respective areas of responsibility” (chapter 3, page 43). Departmental expertise in marine biodiversity clearly lies with Defra, not the FCO, yet it is not at all apparent that Defra is taking the lead in this area.

13. Whilst Defra, the FCO and the Department for International Development (DFID) have made limited, but certainly not sufficient, funds available for conservation in the UKOTs, the Department for Culture, Media and Sport (DCMS) has unfortunately not helped to make National Lottery money available to the UKOTs, despite frequent requests to do so and despite having lead responsibility in the UK for a number of World Heritage Convention sites in the UKOTs. Policy directions of the DCMS are established by The Secretary of State for Culture, Media and Sport, and therefore would appear to be entirely changeable, should they wish to assist the UKOTs.9 From their lack of action, it appears clear that they have decided not to do so. To all those who care about assisting the UKOTs with the conservation of their heritage, this lack of action by the DCMS symbolizes the continuing lack of interest in government departments in assisting the Territories.

How the introduction of “Marine Protected Areas” could safeguard the marine environment in the uninhabited territories

14. The term “MPA” covers a broad range of protection levels in the marine environment and is often used to describe areas that have been set up for purposes other than biodiversity conservation, such as fisheries management. This has led to over-estimates of global MPA coverage and an inflated sense of how much of the ocean is protected. Recent guidance published by the IUCN,10 aims to tackle this issue and defines a protected area 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. This definition will make it much harder for actions that involve exploitation, such as fisheries, to be claimed as MPAs that protect the ocean. If marine areas involve extraction and have no defined long-term goals of conservation and ocean recovery, they are not MPAs.”

15. Marine reserves are the most strictly protected type of MPA, in which all extractive and potentially damaging activities are prohibited. Marine reserves are now widely recognised as an effective and important tool in global marine conservation efforts and have been shown to protect vulnerable species and habitats, as well as build the ocean’s resilience to significant emerging threats such as climate change.11,12,13 When established and managed properly, marine reserves can benefit people as well as the environment, by helping to rebuild depleted fish stocks that billions of people worldwide depend on for both income and protein.14

16. The MRC is calling for the designation of highly protected marine reserves throughout the UKOTs, as these areas are more effective than multi-use MPAs:

(a) They provide a greater benefit to ecosystem recovery than multi-use areas;15

(b) Allowing certain activities to continue within protected areas often leads to a marked increase in those activities, affecting the natural balance of the ecosystem;16

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17. We welcome this inquiry’s specific examination of how the introduction of MPAs could safeguard the marine environment. However, we are disappointed the inquiry only extends to the uninhabited UKOTs. Well managed MPAs and highly protected marine reserves should be integrated into marine planning in all of the UKOTs, to ensure the protection of biodiversity and sustainable management of marine resources throughout the entirety of seas under UK jurisdiction.

18. The two “uninhabited” UKOTs; the British Indian Ocean Territory (BIOT) and South Georgia and the South Sandwich Islands (SGSSI) both already have MPA designations in place; the highly protected Chagos Marine Reserve in the BIOT and the only partially protected “multi-use” SGSSI MPA. The government of SGSSI is currently considering proposals for further protection within the SGSSI MPA (see paragraphs 20–21). It is our view that there is considerable scope to significantly extend the SGSSI MPA measures, giving full protection to the entire South Sandwich Islands area of the Exclusive Economic Zone, and also to sizeable areas around South Georgia.

19. The designation of the Chagos Marine Reserve in 2010 (the campaign for which MRC member organisations played a key role in), was a milestone in marine protection, both in the UK and globally. The Chagos Marine Reserve remains today the largest highly-protected, no-take marine reserve in the world, covering 640,000km². The waters around Chagos have the largest and some of the most diverse undisturbed reefs in the Indian Ocean and are home to the world’s biggest living coral structure; the Great Chagos Bank, with over 220 coral species (almost half the recorded species of the entire Indian Ocean) and more than 1,000 species of reef fish. The designation of the Chagos Marine Reserve has resulted in increased international interest and innovative scientific research being undertaken in the area.

20. In February 2012 the government of SGSSI announced the designation of the SGSSI MPA; the largest multi-use MPA in the world covering 1.07 million km². Although this was a welcome announcement, the current MPA designation provides only limited protection and the area is managed primarily as a commercial fishery for toothfish, icefish and krill. The “multi-use MPA” designation meant that only 20,000km² (just 2% of the total MPA area) was fully protected within no-take zones, with the remaining 98% only partially protected. This is inadequate given that the marine environment of SGSSI is home to one of the most important and rich concentrations of marine wildlife on earth, with more than four million fur seals, as many as 100 million seabirds and a population of whales that is slowly recovering from the severe depletions caused by commercial whaling.

21. We welcome the recent proposals of the government of SGSSI for further protection within the MPA and believe that significantly greater and more meaningful protection can be achieved for relatively little “cost” to the UK. The Pew Environment Group estimates that fully protecting a large marine area in SGSSI would cost between £200,000 and £500,000 per year depending on the extent of the action taken. Furthermore, almost the entire current fishery income in SGSSI of £3–4 million a year could be earned from a sustainable fishery zone covering no more than 20% of the area, whilst fully protecting at least 80% of the area.

22. It is often argued that there is no (or very limited) advantage to setting up new MPAs in areas where little or no human activity currently takes place, as these areas are not deemed “at risk”. There are a number of reasons why we disagree with this line of thinking.

23. Firstly, this approach of “do nothing until after damage has occurred” is what, in general terms has led to the current situation of the continued loss of biodiversity on a global scale. The best-practice approach to conserving the marine environment (including representative areas of habitat and areas of ecological/biological significance) is to protect areas before threats or damage occur (in a proactive rather than a reactive manner), in accordance with the precautionary principle and ecosystem-based management.

24. Secondly, experience has shown that by the time future pressures arise, protection is considerably more difficult (or even impossible) to achieve. This is due to pressure from new interests.

18 South Georgia and the South Sandwich Islands marine protected areas: existing protection and proposals for further protection (October 2012) http://www.sgisland.gs/download/MPA/SGSSI%20MPA%20Consultation%20Oct%202012.pdf

(c) Protecting the entire reserve makes it much easier to police and manage; if anyone is seen operating fishing gear, or carrying out any other extractive activity in a reserve, they can be prosecuted; and

(d) The cost of enforcement is lower for fully protected sites than for multi-use areas.17
26. The government’s White Paper on the UKOTS (June 2012) recognises the vulnerability of the Territories to the impacts of climate change. It is widely accepted that healthy ecosystems are better placed to cope with these impacts, and effectively managed marine reserves and MPAs are a mechanism by which we can achieve healthy and functional ecosystems.

27. The UKOTs remain largely unknown to many UK residents. Creating MPAs and marine reserves will raise the profile of their rich and unique natural environments, leading to positive recognition by many who otherwise may not have heard of the Territories. Furthermore, it would demonstrate that the UK government takes its responsibility for the UKOTs (and their biodiversity) seriously and is committed to safeguarding these areas for future generations.

RECOMMENDATIONS

28. The UK government should enter a dialogue with the Overseas Territories with a view to establishing well-managed, enforced and monitored networks of highly protected marine reserves throughout all waters under UK jurisdiction.

29. The UK government should look to implementing previous recommendations to ensure there is a joined up approach to sustainability in the UKOTs throughout all government departments, with Defra and DCMS taking a more proactive lead in the conservation of marine biodiversity throughout the UKOTs.

30 November 2012

Written evidence submitted by the Pew Environment Group

EXECUTIVE SUMMARY

— There have been a number of significant initiatives concerning the conservation of biodiversity in the UK Overseas Territories (UKOTs) since the Committee last looked into this issue. These include the declaration in April 2010 of the largest fully protected marine reserve in the world in the British Indian Ocean Territory (BIOT), and programmes to remove rats from Henderson (in the Pitcairn Islands), and from South Georgia.

— Finance for conservation in the UK Overseas Territories remains wholly inadequate, but given the savings found elsewhere in Government budgets, it is notable that the value of total support to biodiversity conservation in UKOTs has been at least maintained or possibly slightly increased.

— Aside from BIOT, South Georgia and the South Sandwich Islands, and the Falklands, there is no marine monitoring or enforcement capacity in any of the other UKOTs. Despite this, fisheries licenses are granted in many of these areas. This complete lack of any monitoring or enforcement invites illegal and unregulated fishing and does not represent sound governance either in terms of biodiversity conservation or of economic development.

— The UK has a number of Territories which have no (British Indian Ocean Territory, and South Georgia and the South Sandwich Islands) or very small resident human populations (Pitcairn, and Tristan da Cunha). Each of these territories also has an exceptionally large marine area, which is far less biologically degraded and over-exploited than most other areas of the world.

— These territories give the UK an extraordinary opportunity to take a lead in international marine conservation by creating extensive fully protected marine reserves that will ensure that the remarkable marine biodiversity of these areas persists for the future. This would also make a significant contribution to meeting the globally agreed target of protecting 10% of the world’s coastal and marine habitats by 2020.

INTRODUCTION

1. The Pew Environment Group is the conservation arm of The Pew Charitable Trusts, a US based non-governmental organisation that works globally to establish pragmatic, science-based policies that protect our oceans, preserve our wildlands, and promote clean energy. We have offices in Australia, the UK, Belgium and the United States.

2. Global Ocean Legacy, a project of the Pew Environment Group and its partners, aims to establish very large, fully protected marine reserves where fishing and other extractive activities are prohibited. We work with local citizens, governments and scientists around the world to protect and conserve some of the Earth’s most important and unspoiled marine environments. Since the UK has the fifth largest marine area of any country on earth (a total of 6,793,928 km2), most of which is in the UK’s Overseas Territories, Global Ocean Legacy has a work programme, established in its London office, to promote better marine protection in the UKOTs.

3. Better marine protection is essential to the conservation of marine biodiversity and to help rebuild the productivity of the oceans. Despite commitments from the 193 countries that are Parties to the Convention on Biological Diversity (CBD) to protect 10% of coastal and marine areas by 2020, especially areas of particular importance for biodiversity and ecosystem services, there has only been limited progress. Indeed this target, when originally established, was intended to be achieved by 2012, but to date only 3.2% has been partially
protected and of this, less than 1% is fully protected in no-take marine reserves. Unless determined action is taken by governments worldwide, this target is in danger of being missed yet again, with potentially dire consequences for ocean biodiversity.

4. The UK Overseas Territories are very different in comparison to one another. Some are relatively wealthy, have large populations and small marine areas, whilst others are notable because of the vast expanse of their marine areas, exceptionally rich marine biodiversity, limited commercial fishing and low (or no) local human populations. Where human populations do exist, the exploitation of fisheries is often largely confined to near-shore areas for local use. These circumstances give the UK a comparatively easy and cost effective opportunity to make a huge contribution to the achievement of global marine protection targets and the conservation of ocean biodiversity, and present a great opportunity for the UK government to become a leader in urgently needed global efforts for ocean and biodiversity conservation.

5. The Pew Environment Group is committed to working with the residents of the UK Overseas Territories, the UK Government, and other UK NGOs, to explore how the oceans around UK Overseas Territories could be better protected. Such protection would make a substantial contribution to global ocean biodiversity conservation and the achievement of global targets, and to raising the global recognition of these islands. In certain cases it also has great potential to contribute to their economic wellbeing through increased awareness of and interest in adventure tourism and ecotourism, and as important sites for future marine research.

6. Since the Pew Environment Group’s work in the UKOTs is primarily concerned with conserving the marine environment, this submission will particularly focus on marine conservation in the UKOTs.

**How the UK Government is fulfilling its responsibilities to protect biodiversity in the UKOTs**

7. The UK Government’s lack of support for the conservation of biodiversity in the UK Overseas Territories was criticized in the Committee’s Report on the UN Millennium Ecosystem Assessment, published in January 2007 (paragraph 126–141 and conclusions 31–33), and again in the Committee’s thirteenth report in 2008 on Halting Biodiversity Loss (paragraphs 39–47 and conclusions 11 and 12). The criticisms contained in the 2007 report were endorsed (paragraph 27) in the Foreign Affairs Committee’s report on the Overseas Territories published in June 2008. Both the importance of the biodiversity in the Territories and the lack of UK Government support for conservation of this biodiversity have thus been well established and are taken as given in this submission.

8. Since 2008, there have been a number of significant initiatives concerning the conservation of biodiversity in the Territories. The most significant of these was the announcement in April 2010 by the then Foreign Secretary, David Miliband, of the creation of the world’s largest fully protected marine reserve (640,000 km²) in the British Indian Ocean Territory.

9. In addition, the RSPB has led a major initiative to remove rats from Henderson Island (in the Pitcairn Islands); the South Georgia Heritage Trust is undertaking a staged rat eradication in South Georgia; and the Government of South Georgia and the South Sandwich Islands is about to remove all reindeer from South Georgia. The removal of these introduced species is a complex and expensive undertaking to which the UK Government has contributed significant funding.

10. In 2011–12, Defra spent an estimated £2,969,140 on biodiversity conservation in the British Overseas Territories. This included commitments under the Darwin Initiative and support for projects to address invasive non-native species. It also included spend by the Joint Nature Conservation Committee and the Centre for Environment, Fisheries and Aquaculture Science (Hansard, 3 Sept 2012, Column 118W).

11. Up to 2011, when it was suspended, the FCO and the Department for International Development (DFID) provided £1 million a year through the Overseas Territories Environment Programme (OTEP). Whilst this had a wider remit than biodiversity conservation, in practice a significant proportion of that fund was applied to biodiversity conservation projects.

12. In October 2012 it was announced that OTEP and Darwin Initiative would be combined into one fund, The Overseas Territories Environment and Climate Fund (to be known as “Darwin Plus”) which will total around £2 million in the current year’s round. Since Darwin makes up the larger part of Defra’s expenditure on overseas territories, it seems unlikely that the £2,969,140 reported by Defra as having been spent by them on biodiversity conservation in the British Overseas Territories in 2011–12 will be increased, indeed it may possibly even decrease slightly.

13. It is believed that the Department for Culture, Media and Sport (DCMS) has not financially supported any biodiversity conservation in the UKOTs and that all DFID funding for biodiversity conservation in the UKOTs is given through Darwin and is therefore accounted for in the above Defra figures. The FCO through its support for the governments of South Georgia and the South Sandwich Islands, and of the British Indian Ocean Territory (BIOT), contributes financially to biodiversity conservation in these Territories. In the case of the BIOT, the FCO has received funding from the Bertarelli Foundation to assist enforcement in the first five years following creation of the marine reserve. The costs of running the British Indian Ocean Territory are obviously in excess of this, but those would have to be met by the FCO regardless of how the area was managed. The Government of South Georgia and the South Sandwich Islands is generally financially self-supporting, but in recent years has received support from the FCO to support its finances.
14. In conclusion, it appears that since 2008 the value of total support to biodiversity conservation has been at least maintained or possibly slightly increased. Whilst the total level of support remains wholly inadequate against the estimated needs (estimated by RSPB in 2007 to be about £16 million a year), it is nonetheless noteworthy that maintaining this level of financial support has been achieved in the face of a significant tightening of government expenditure more generally.

**Whether the recommendations in our 2008 Report, Halting Biodiversity Loss, on safeguarding biodiversity and practising joined-up government to further conservation have been implemented:**

15. In the Committee’s report four recommendations were made concerning the UKOTs. These were that the Government must:

   — adopt a truly joined-up approach to environmental protection of the UKOTs and Crown Dependencies, by bringing together all relevant departments including the FCO, MoJ, DfID, Defra, DCMS and MoD with the governments of the UKOTs;
   
   — make better use of the Inter-Departmental Group on biodiversity to provide more oversight and support for the development and implementation of effective environmental protection policy in the UKOTs, and expand the Group to include other relevant departments;
   
   — have Defra assume joint responsibility for the UKOTs, and reflect this in future spending settlements; and
   
   — address the dire lack of funds and information for environmental protection in the UKOTs. An ecosystem assessment should be conducted in partnership with each UKOT in order to provide the baseline environmental data required and to outline the effective response options needed to halt biodiversity loss. (Paragraph 46)

16. In the preparation of the Government’s paper “The Overseas Territories—Security, Success and Sustainability” which was published in June 2012, the National Security Council in July 2011 requested each Government Department to submit information on how they could engage with the Territories in each of their areas of competence and expertise. This certainly demonstrated an interest by the Government in promoting a more joined-up approach to policy towards the UKOTs, including on the conservation of biodiversity. However, the responses from individual departments to this request generally failed to show much evidence of enthusiasm to change or improve their engagement with the Territories. (See paragraph 18 below for an example).

17. There is little evidence that the Inter-Departmental Group on Biodiversity has made any substantial contribution to forwarding biodiversity conservation in the UKOTs, nor is there any evidence that Defra has assumed joint responsibility for the UKOTs.

18. Whilst Defra, FCO and DfID have made limited, but certainly not sufficient, funds available for conservation in the UKOTs, the Department for Culture, Media and Sport (DCMS) has unfortunately not helped to make National Lottery money available to the UKOTs, despite frequent requests to do so and despite having lead responsibility in the UK for a number of World Heritage Convention sites in the UKOTs. In its paper responding to the National Security Council’s request for Departments to detail how they could play a role in assisting the UK’s relations with the UKOTs, the DCMS on the subject of the National Lottery, said (The Department for Culture, Media and Sport and the United Kingdom’s Overseas Territories, March 2012, page 12) “There is no bar on Heritage Lottery Fund (HLF) making such grants [ie, grants for work in the UKOTs] but HLF’s current policy is to treat any such applications as a low priority. When making decisions on funding, HLF take into account their policy directions which place an emphasis on funding the heritage of the UK for access by the people of the UK. HLF are currently considering their strategic priorities for 2013–19 but, again, that strategic approach is decided at arms’ length from Government.” This makes clear that HLF are guided by their “policy directions”, but it fails to make clear that these “policy directions” are in fact established by The Secretary of State for Culture, Media and Sport (see http://www.culture.gov.uk/images/publications/HLFPolicyDirections2007.pdf) and thus would appear to be entirely changeable by DCMS, should they wish to assist the UKOTs. In the absence of any change in policy directions, the HLF have now published their 2013–18 strategic framework (http://www.hlf.org.uk/aboutus/whatwedo/Documents/HLFStrategicFramework_2013to2018.pdf). No mention of UKOTs is made. To all those who care about supporting the UKOTs with conservation of their heritage, this lack of action by DCMS symbolizes the continuing lack of interest by Government departments in assisting the Territories.

**How weaknesses in civil society and governance in the UKOTs impact on conservation**

19. With regard to the marine environment, the major threat comes from overfishing, which may be either legal or illegal. With the exception of BIOT, South Georgia and the South Sandwich Islands, and the Falklands, there is no fisheries or other marine monitoring or enforcement capacity in any of the other UKOT’s marine zones. That means an area of 3,381,280 km², half of the UK’s total marine area, has no monitoring or enforcement whatsoever. Yet within these areas, fishing by foreign fleets is often licenced despite the lack of any means of monitoring or control. This lack of enforcement makes it extremely likely that illegal and/or legal but unregulated fishing is significantly damaging marine biodiversity in UK waters.

20. Those Territories with small human populations all have high biodiversity and also lack the local means of finance to fund the conservation measures necessary to conserve these species. Current UK Government
practice is to fund conservation activities from periodic grants rather than though the provision of on-going funding. This means that local conservation capacity is difficult to sustain and grow since it cannot be maintained during periods when grant funding is not available. The building of conservation skills in these Territories would be assisted by the provision of on-going funding to support the activities of dedicated local conservation personnel.

How the introduction of “Marine Protected Areas” could safeguard the marine environment in the uninhabited territories.

21. It is worth noting at the outset of this section that the term “Marine Protected Area” (MPA) encompasses a wide range of possible policy options from fully protected no-take areas to areas that are protected from only a limited number of activities, whilst potentially permitting other destructive activities to continue. These “multi-use” MPAs are often in effect resource management zones, rather than protected areas with a primary goal of biodiversity conservation, and should be recognised as such.

22. The International Union for the Conservation of Nature’s (IUCN) guidance on MPAs issued in September 2012 says MPAs should be “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.” In announcing this guidance, IUCN said “This definition will make it much harder for actions that involve exploitation, such as fisheries, to be claimed as MPAs that protect the ocean. If marine areas involve extraction and have no defined long-term goals of conservation and ocean recovery, they are not MPAs.”20

23. For many of the wealthier Territories with larger populations, the decision on whether to protect their marine waters is effectively almost entirely devolved by the UK to their own Government, with the UK only retaining oversight to ensure that all international obligations are honoured. However for those territories with much smaller (or no) populations, the UK Government retains a much greater hand in governance, though quite correctly reflecting where possible the wishes of local inhabitants.

24. The UK has two territories (South Georgia and the South Sandwich Islands, and BIOT), which have no resident human population and two others (Pitcairn Islands and Tristan da Cunha) which have small human populations. All of four these territories also have exceptionally large marine areas.

<table>
<thead>
<tr>
<th>TERRITORY</th>
<th>Area EEZ km²</th>
<th>Resident human population</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIOT</td>
<td>642,746</td>
<td>0</td>
</tr>
<tr>
<td>Tristan da Cunha</td>
<td>754,720</td>
<td>~260</td>
</tr>
<tr>
<td>Pitcairn</td>
<td>836,108</td>
<td>~50</td>
</tr>
<tr>
<td>South Georgia and South Sandwich Islands</td>
<td>1,066,000</td>
<td>0</td>
</tr>
</tbody>
</table>

Each of these territories is also of very high biodiversity importance, having exceptionally large populations of some animal species and/or numerous endemic species not found anywhere else. These territories, due to their remoteness and other factors, are also far less biologically degraded and over-exploited than some of the more populous territories.

25. Together the marine area of these four territories covers 3,299,574 km². This is almost half of the total marine area under the sovereignty of the UK (3,299,574 km² ÷ 6,799,928km² x 100 = 48.6%) and almost 1% of the total area of the world’s oceans (3,299,574 km² ÷ 361,000,000 km² x 100 = 0.91%).

26. This is not to imply that other opportunities and needs do not exist for extensive marine protection elsewhere in UKOTs; they do, but where local populations are larger and EEZ’s are smaller, the pressures increase proportionately. This makes the declaration of marine reserves much more difficult.

27. In respect of South Georgia and the South Sandwich Islands, Pitcairn and Tristan da Cunha, arguments have been advanced by UK officials that there is little advantage in protecting areas in the UKOTs where there are no current risks or threats to species or communities. Their view is that if threats to such areas were to arise in the future, then and only then is it appropriate to consider whether to implement protective measures. Such a policy willfully leaves areas unprotected when protection is easily possible, and means that it is likely that much less will eventually be protected, since vested interests once they arrive on the scene, will actively oppose the establishment of a reserve. Worse still, in many cases by the time the threat has been identified and action to protect the area has been taken, considerable damage may already have been done. Our view is that the best time to take action is before the threat manifests itself and before damage occurs. That is both easier and is the only way to be sure that species and ecosystems are effectively conserved.

28. Located in the centre of the Indian Ocean, BIOT was declared a fully protected marine reserve in April 2010 and at 640,000 km², is the largest such area on the planet. It contains the world’s largest living coral atoll and has the greatest marine biodiversity by far in UK waters. It also has one of the healthiest reef systems with the cleanest waters in the world, supporting half the total area of healthy reefs in the Indian Ocean. As a result, the ecosystems of BIOT have so far proven resilient to climate change and environmental disruptions. The creation of a marine reserve has resulted in a significant increase in scientific interest and work in BIOT, and

20 http://www.iucn.org/?uNewsID=10904
has also led to the commencement of an environmental capacity building outreach project with the Chagossian community.

29. Tristan da Cunha’s economy is based primarily on a lobster fishery that occurs around the coasts of its four islands but it also occasionally sells licences for offshore fishing for tuna and other species. Any support for enhanced marine protection should come first and foremost from the islanders. The seas around Tristan are an Important Bird Area and are therefore likely to be rich in biodiversity, but little is known about them and further information about the marine biodiversity of the area would be valuable. We believe that there would be value in the establishment of a marine reserve around these islands and have established contact with the islanders to hear their views, but until further work is undertaken and until the islanders have formed a view on what they want, it is premature to advocate any particular action.

30. The Pitcairn Islands in the South Pacific is home to around just 50 people, but has a marine EEZ of 836,108 km², more than three times the size of the UK. Because it is so remote and is situated in a part of the ocean which is low in nutrients, it does not have extensive fish stocks and so has to date been left almost untouched. As a result it has one of the best preserved marine ecosystems on Earth. However, as fisheries elsewhere become over-exploited, even areas such as Pitcairn are likely to come under increased threat from distant water fishing fleets. Whilst it is comparatively unspoiled, Pitcairn’s marine environment is also very fragile, and any industrial fishing, were it to occur, would rapidly deplete stocks. This would damage one of the few remaining parts of the ocean still in a natural state, and would not provide sustainable income for the Pitcairn islanders.

31. To keep Pitcairn’s marine environment in its present state, the Pitcairn islanders, working with the Pew Environment Group and National Geographic, have requested that the greater part of the area be declared a fully protected no-take marine reserve by the Governor (who would act on the instruction of the Foreign Secretary). A fully protected marine reserve would be a statement of intent by the UK to do everything in its power to preserve this area, which would become the largest such reserve in the world. It would also increase international interest in and profile for Pitcairn, which is important in itself and would attract scientists who would contribute to Pitcairn’s economy and be able to study and monitor the marine environment. Enforcement would remain a priority, as it would be even if the area were not protected, but a marine reserve could perhaps help to get assistance with this.

32. South Georgia and the South Sandwich Islands (SGSSI) has no resident human population and therefore there are no local residents whose livelihoods and food security depend on maintaining a fishery. Despite a history of over-exploitation which even today has left an impact on populations of whales and fish, it is the most species rich ecosystem in the entire Southern Ocean and has a higher marine biodiversity than the ocean around the Galapagos Islands (which is often cited for its high biodiversity values). It is home to one of the most important concentrations of marine wildlife on earth, with more than four million fur seals, as many as 100 million seabirds and a rich population of whales that is slowly recovering from the severe depletions caused by commercial whaling, particularly in the 20th century. But many species remain depleted as a result of previous mismanagement and it may take many years for them to recover. Whilst the Government claims to have protected the entire marine area through the establishment of a protected area, this only gives partial protection and the territory is managed primarily as a commercial fishery for toothfish, icefish and krill.

33. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the body that manages the marine living resources of the Southern Ocean, had set a target date of 2012 for the establishment of an initial network of Antarctic Marine Protected Areas. Despite the fragility of the Southern Ocean, the importance of its wildlife, and the challenges the ocean and its biodiversity face from multiple factors, including climate change, this target is clearly going to be missed. Of the 11 areas identified by CCAMLR as priority areas for protection based on a bioregional analysis, two—South Georgia, and The South Sandwich Isles—are under UK sovereignty. The establishment of a large fully protected marine reserve in SGSSI would clearly be consistent with CCAMLR’s recommendation and would make an important contribution to meeting its conservation goals. The UK is a member of CCAMLR.

34. Whilst the fishery in SGSSI is undoubtedly well managed relative to other fisheries, the removal of krill and other species from the ecosystem is very likely to be having a negative impact on the marine environment, which would be better conserved if it were to be given complete protection. There are very limited areas left in the world where biodiversity is so diverse and so relatively intact, but there are no people, making it possible to give full protection. But this is one of them. Given its teeming wildlife, which makes it a marine analogue to world-famous parks on land such as the Serengeti or Yellowstone, we believe the case for complete protection is beyond compelling. This would not only give important recognition to the extreme significance of this area for wildlife, but would also gain world-wide recognition for the UK’s beneficent sovereignty over these islands.

35. To fully protect a large marine area in SGSSI would “cost” the UK very little (maybe between £200,000 and £500,000 per year depending on the boundaries), since almost the entire fishery income of £3–4 million a year could be earned from a sustainable fishery zone covering no more than 10–20% of the area, whilst fully protecting around at least 80% of the area.

36. In conclusion, we believe that establishing large-scale fully protected marine reserves in South Georgia and the South Sandwich Islands, and the Pitcairn Islands, is compelling given the high biodiversity values of their waters and the contribution this would make to achieving the global target of 10% of the oceans being
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protected by 2020, a target which unless large areas such as these are protected, is unlikely to be achieved. Furthermore, we believe that establishing large-scale marine protection in these territories would imbue them with a positive image and visibility—a global brand—which would move them from being almost unheard of backwaters, into the limelight and in a way that had many positives for the inhabitants, the UK, and indeed, through the contribution it would make to global targets, to the world as a whole. It would be the largest, most visionary and most important marine conservation network managed by any country on earth. For Tristan, and other Territories too, we recommend that the Government should enter a dialogue with islanders to determine the extent to which marine protection could enhance the seas around their islands.

Recommendations

37. The Government should without delay establish large scale fully protected marine reserves in Pitcairn and in South Georgia and the South Sandwich Islands covering a very significant portion of their EEZs.

38. The Government should enter a dialogue with other Territories with a view to extending marine protections within their EEZs so that further large, fully protected areas are established.

39. The Government should establish a means of monitoring and enforcing all marine areas under UK jurisdiction, regardless of how they are managed, to ensure that UK seas are not subject to illegal, unreported, or unregulated fishing.

30 November 2012

Written evidence submitted by Falklands Conservation

Summary

— The Falkland Islands Government has published its own Falkland Islands Biodiversity Strategy 2008–18 and this is the key document that in practice guides environmental conservation work in the Islands.
— Recently, the Foreign and Commonwealth Office, through the Joint Nature Conservation Committee, facilitated work on environmental mainstreaming in the Falkland Islands, with a report produced in May 2012. The UK Government should support the Falkland Islands Government and other stakeholders in the implementation of the recommendations made in this report.
— The UK Government should support all stakeholders in the Falkland Islands to develop a comprehensive network of Marine Protected Areas in Falklands-controlled waters (a recommendation of the above report).
— Another conclusion from this report is that “current levels of funding for the environment are inadequate and are not proportionate to the benefits that are provided by it.”
— Hence Falklands Conservation, in order to carry out the work identified in the Falkland Islands Biodiversity Strategy 2008–18:
  — Supports the new Darwin Plus fund designed for the Overseas Territories, but believes its overall budget needs to be increased.
  — Wishes to see grant-aid from Defra to continue for specific projects in addition to the above.
  — Wishes to see continuity of the EU BEST fund for the EU Overseas Territories.
  — Wishes to see EU LIFE+ funding extended to EU Overseas Territories.
  — Believes grant-aid should be made available to support environmental education in the Overseas Territories.

1. Introduction to Falklands Conservation

1.1 Falklands Conservation is an independent membership-based charitable organisation working to safeguard and increase awareness of the spectacular wildlife occupying more than 700 islands of the Falkland Islands archipelago. We are the largest conservation NGO in the islands, where all our conservation work is undertaken, currently employing ten staff in the Falkland Islands and one in the UK.

1.2 As a partner of BirdLife International, we take practical action, lead scientific research, provide wildlife rescue and rehabilitation services, and undertake outreach and education activities. However bird conservation is only part of our remit, our conservation activities in practice being wide-ranging.

1.3 Our vision is two-fold: a) The Falkland Islands are a mosaic of natural, restored and managed landscapes capable of sustaining the richness of biodiversity and habitats, including species of local, regional and global importance. b) Falklands Conservation is a charity at the heart of the community.

1.4 Our mission is: In partnership with government, industry and the global community, Falklands Conservation will engage and empower the people of the Falkland Islands to take action with us to conserve biodiversity and manage landscapes and seascapes for the benefit of nature and people.
1.5 Our principal activities are to:

— Undertake scientific research in the wildlife and environment of the Falkland Islands and to publish the results of such research.
— Conserve the wildlife and environment of the Falkland Islands and its surrounding seas.
— Educate the public in the principles and practice of nature conservation.

1.6 Falklands Conservation works at all levels of the Falkland Islands Government (FIG), including with the UK Representative. We have a seat on the Environmental Planning Department's Environment Committee, the newly established Hydrocarbon Environment Forum and the Seabird Bycatch Committee. Although Falklands Conservation is an independent charity, we do receive an annual subvention from FIG that contributes to our organisational costs in the Falkland Islands and to a number of ongoing projects. This is based on a Memorandum of Understanding with FIG in which are obligations are identified as:

— Provide independent environmental advice.
— Scrutinise FIG’s environmental policies and proposals for legislation.
— Provide materials and resources to support environmental education within the Islands’ schools.
— Coordinate a wildlife group/s for the young people of the Islands.
— Engage the local community in conservation projects, issues and activities.
— Respond to small-scale wildlife emergencies.
— Support implementation of the Biodiversity Strategy and agreed outcomes from the 2011 Biodiversity Workshop.
— Curate and manage the Falkland Islands’ national herbarium and insect collections.

1.7 Falklands Conservation has engaged in many projects over the years funded by UK or FIG grant-aid; such current projects are:

— Annual seabird monitoring [FIG Environmental Studies Budget].
— Albatross demographics [FIG Environmental Studies Budget] (to support ACAP).
— Southern rockhopper penguin research [OTEP].
— Native plants programme [two back-to-back projects funded by OTEP].
— Impacts of Raptors on Livestock in the Falkland Islands [Darwin Challenge & now a main Darwin project].
— Survey of inshore dolphins [Darwin Challenge].
— Identifying native seed mixes for habitat restoration [Darwin Challenge].
— Early intervention on alien invasive plants [Defra].
— Survey of the new endemic plant species of Nassauvia [Mohamed bin Zayed Species Conservation Fund].
— Producing a vegetation map of the Falkland Islands [Darwin Challenge].
— Feasibility of mouse eradication on Steeple Jason [Darwin/RSPB].
— Prioritising invasive vertebrate species for eradication [Defra/RSPB].
— Developing a framework for protected areas in the Falklands [OTEP].

1.8 Further information about Falklands Conservation can be found on our website www.falklandsconservation.com.

Factual Information

2. Conservation action

2.1 The Falkland Islands Government has published its own Falkland Islands Biodiversity Strategy 2008–18 and this is the key document that in practice guides environmental conservation work in the Islands. Falklands Conservation was a key player in its production and this strategy is now seen as a model for the other Overseas Territories.

2.2 Although many actions identified in the strategy are underway, it has not been possible to implement them all. Examples of important biodiversity action that is not being undertaken through lack of resources are:

— Control and eradication of invasive species [current funds not commensurate with scale of the problem].
— Completion of species action plans, habitat action plans, and nature reserve plans.
— Implementation of the action identified in the above plans.
— Monitoring of all the nationally and internationally important species.
— Identification of key biodiversity sites in the marine environment.
2.3 Falklands Conservation fully supports the conclusions reached in the *Environmental Mainstreaming in the Falkland Islands: Workshop Report 21 May 2012*, published by The Institute for European Environmental Policy on behalf of the FCO & JNCC. A copy has been included with this submission for reference.

2.4 The waters around the Falkland Islands are rich in marine biodiversity, including charismatic and globally threatened seabirds and marine mammals. There are potential threats arising from hydrocarbon exploration/commercial development, fisheries and new development/activities inshore. Existing practice and legislation are inadequate to manage current and potential threats, to protect threatened species, sites and habitats and to establish a basic representative network of marine managed/protected areas.

2.5 A key recommendation of the mainstreaming document mentioned in 2.3 above is to create “a coherent Marine Protected Area network that provides adequate protection for distinct areas of high value habitats.” Currently Falklands Conservation is pioneering a community-based approach to protected areas on land but there is no such process currently underway for the sea. Although protected areas are not the only mechanism for achieving conservation, the Falkland Islands, uniquely amongst the developed UK Overseas Territories and all countries in its region, has neither formal Marine Protected Areas nor any marine spatial planning for developing these. This contrasts with Argentina, for example, which now possesses a network of coastal Marine Parks and Reserves, and where they are now considering designations in pelagic waters including areas abutting/overlapping the Falkland Islands Exclusive Economic Zone.

3. Environmental Education

3.1 A key role of Falklands Conservation (see 1.5 above) is to undertake environmental education for the people of the Falklands, young and old, and we are the main organisation undertaking this in the islands. Although we get some support for this through funds from Birdlife/RSPB and other donors, we do not have enough resources to employ a full-time education officer. It should be noted that such work is ineligible for funding under the new Darwin Plus.

4. Funding

4.1 The Falklands are an Overseas Territory with a high biodiversity value containing, for example, globally important concentrations of southern rockhopper penguins, gentoo penguins and black-browed albatrosses. However a small human population of only c.2,500 people means it is difficult to raise enough money from within the islands to research, survey and manage this internationally important biodiversity.

4.2 While grant-aid is available from the Falkland Islands government, most of the necessary conservation work can only be achieved with additional grant-aid from the UK and Europe—see, for example, the list in paragraph 1.7 above.

4.3 The recent combining of the Overseas Territories Environment Fund (OTEFP) with the Darwin Fund to create Darwin Plus means that in practice two pots of money have been converted into one, reducing the opportunity for project funding. Although we welcome Darwin Plus, the wider remit of this grant scheme beyond biodiversity is likely to increase competition for the new fund. Evidence already suggests that the Darwin Plus fund is likely to be significantly oversubscribed. Hence Falklands Conservation is concerned about our future ability to undertake essential conservation work in the Falkland Islands owing to what, in practice, could be decreasing grant aid.

4.4 A new source of funding to the Overseas Territories has opened up through the EU BEST fund, which is to be welcomed. However, as this fund is not guaranteed into the future, Falklands Conservation would like to see the UK Government lobby for its continuation.

4.5 Additionally, EU LIFE+ funding is not available to the Overseas Territories. Again, we would like to see the UK Government continue to lobby for the extension of LIFE to the Overseas Territories, which might help address the funding gap identified in paragraph 11 above.

5. Recommendations

5.1 The UK Government should continue to support the Falklands Islands Government and its partners in full implementation of the *Falkland Islands Biodiversity Strategy 2008–18*, through grant-aid from Defra and also via the grant schemes outlined below.

5.2 The UK Government should support the Falkland Islands Government in implementation of the recommendations in the report *Environmental Mainstreaming in the Falkland Islands: Workshop Report 21 May 2012* (Institute for European Environmental Policy, on behalf of the FCO/JNCC).

5.3 The UK Government should support all stakeholders in the Falkland Islands to develop a comprehensive network of Marine Protected Areas in Falklands-controlled waters.

5.4 Grant-aid should be made available to support environmental education in the Overseas Territories.
5.5 Darwin Plus is an excellent concept but intense competition for the available £2 million will mean that much essential conservation work will not be possible within the UK’s Overseas Territories (which contain a very high percentage of the UK’s biodiversity). Hence the fund should be increased.

5.6 The UK Government should lobby for the continuation of the EU BEST fund for EU Overseas Territories.

5.7 The UK Government should continue to lobby for EU LIFE+ to be made available to the Overseas Territories.

30 November 2012

Written evidence submitted by the Cayman Islands Department of Environment

This submission is provided in the context of the Department of Environment’s remit as the agency responsible for the conservation and management of the natural environment and resources of the Cayman Islands. The views outlined in the submission relate not only to the key issues in respect of the challenges facing the natural environment but also those which ultimately impact greatest on the implementation of the principles of sustainable development, particularly the integration of environmental concerns in national decision making.

1. General Challenges to Sustainability

In general terms we see the main challenges as:

1.1 Lack of a national sustainable development framework. Achievement of sustainable development is impeded by the lack of adequate development planning and management legislation—there is no comprehensive development plan or planning policy, no comprehensive conservation legislation or environmental health regulations. This is particularly critical in the Sister Islands where there are no Development Plans and limited planning legislation. This situation is currently being exploited on these small islands, with a significant number of large tracts of undeveloped land being subdivided into small lots, marketed and sold by a UK based investment company with no regard to the immediate environmental impacts associated with potential development of the land (including the speculative clearing of these sites), as well as the wider socio-economic considerations and the future infrastructure requirements to support such development.

1.2 Climate change, energy and coastal works (seabed) policies remain in draft form and therefore have limited, if any, influence on the environmental management and development process. Where policies exist, they tend to operate in isolation with little or no integration at a national or inter-disciplinary level. There is no strategic focus or plan for the economic development of the Islands which takes account of the Islands’ physical characteristics (size, environmental opportunities, assets and constraints), the indigenous population base and cultural identity. Economic planning and development decisions are largely reactive and often appear to be based on an inappropriate scale and business model. Collection, analysis and use of reliable and relevant data and statistics needs to be greatly improved in the interests of assisting in sound economic planning.

1.3 Rapid population growth—the absence of a long term planning strategy and lack of comprehensive conservation legislation, coupled with rapid population growth, has resulted in development which is undertaken in an ad hoc manner with little or no regard to preserving the integrity of the local environment. In addition, there is no strategic assessment of the infrastructure requirements associated with this increasing population, to the detriment of the environment. This problem is amplified by the high volume of cruise tourists that visit Grand Cayman (1.5 million visitors per annum) and piecemeal implementation of the National Tourism Management Plan.

1.4 No formal project appraisal/evaluation process (cost benefit analysis, strategic environmental assessment and environmental impact assessment) results in lack of integration of environmental concerns in economic development and causes conflict between technical advice and political decision-making. Enactment of legislation—such as the draft National Conservation Law—is urgently required to provide a mechanism for environmental concerns to be integrated into national plans and policies.

1.5 Lack of long-term sustainable funding for environmental programmes and projects due to inability to access the Environmental Protection Fund. An Environmental Protection Fee, first implemented in 1997, is collected from every person departing the Cayman Islands and is deposited in an Environmental Protection Fund within the Government’s General Revenue. This fee was initially proposed by the Department of Environment as a means of securing sustainable revenue for funding the purchase of conservation land and resourcing environmental projects, vetted against appropriate conservation criteria. However, the Fund which now stands at $43 million is not readily accessible for its intended purposes, as it forms a large proportion of the overall Government cash reserve required under local financial management legislation.
There is therefore an urgent need to decouple the Fund from General Reserves so that it can serve its intended purpose.

1.6 The environment is a low political priority which means that it is either not considered or is assigned a much lower weight than other factors in the decision making process.

2. ENVIRONMENTAL CHALLENGES TO SUSTAINABILITY

The main environmental challenges are as follows:

2.1 Climate change—the Cayman Islands will need to make a concerted effort to address the impacts of climate change (elevated sea temperatures, ocean acidification, storms, sea level rise etc.) by taking early steps to adapt as well as making a real effort to reduce greenhouse gas emissions. A Draft Climate Change Policy was produced under the Enhancing the Capacity for Adaptation to Climate Change Project funded by DFID. Despite three years of public consultation, Government still has not formally considered the policy and it remains in draft form. A draft National Energy Policy is currently being reviewed and assessed by external consultants, whose brief is to evaluate the economic implications of the proposed policy. Both of these policies, if properly implemented, have the potential to make significant progress towards addressing climate change issues.

2.2 Habitat loss and fragmentation—the lack of a proper development approval and management framework, coupled with a lack of terrestrial protected areas, is resulting in an escalating rate of habitat fragmentation and loss on the three Cayman Islands. This potentially has grave consequences for biodiversity conservation and within a wider context, sustainable development in the territory.

2.3 Invasive species (marine and terrestrial)—dealing with invasive species is placing increasing pressure on human and financial resources for environmental management. On land the green iguana and select invasive plant species pose the greatest threat to native species. In the marine environment, the lionfish invasion which has become a regional problem within the Caribbean is a significant and increasing threat to local marine resources. A Private Members Motion, recently approved in the Legislative Assembly, has committed the Government to considering the establishment of a bounty of $5 per lionfish with the Environmental Protection Fund (EPF) being used to finance this initiative. The Department of Environment is very concerned as it believes that this is not an appropriate approach for addressing the problem of lionfish and will simply result in the rapid depletion of the EPF, with no tangible result.

2.4 Lack of a comprehensive solid waste management plan—the lack of an integrated approach to solid waste management and legislative framework to control or reduce the generation of waste requires urgent attention in order to address significant environmental impacts such as migration of landfill leachate directly into the marine environment. Regardless of the lack of a strategic waste management plan for the country, Government is currently considered relocating landfill operations to a privately owned wetland site, on the periphery of the Central Mangrove Wetland. A project-specific EIA has been commissioned for the site, but currently Terms of Reference exclude consideration of the wider issues of alternative locations and technologies, the cost-benefit of addressing the countries solid waste requirements at the current site versus the proposed greenfield site. The lack of a strategic approach has polarized the community on this issue.

3. GOVERNANCE FOR SUSTAINABLE DEVELOPMENT

Within the Cayman Islands good governance with respect to sustainable development and the environment is impeded by the issues outlined below.

3.1 Lack of legislation and policies which correctly delineate technical and political decisions.

3.2 Lack of appropriate project/plan assessment and approval processes which create inconsistencies in decision making.

3.3 There is a lack of appropriate Government direction and coordination, technical oversight and analysis of major economic investment/development plans (eg port developments, For Cayman Investment Alliance, Enterprise City, Health City Cayman). This results in decisions being based on incomplete or inadequate information and environmental concerns being marginalized. Often the environmental costs and benefits of such projects are not properly identified and accounted for in the overall project cycle.

3.4 Limited public access to key decision making processes eg Planning approval, limited right to object.

3.5 Key decision making bodies such as the Central Planning Authority, which comprises a board predominantly representing the construction industry, are not representative of the community which they serve, making them inherently conflicted.
3.6 Large projects involving both offshore (Cabinet’s jurisdiction) and land based components (Central Planning Authority’s jurisdiction) are not reviewed, assessed and determined collaboratively and comprehensively. Separate decisions are issued independently by the two bodies. This creates the potential for applicants to achieve permission for one element (ie offshore or onshore) and not the other, resulting in an untenable situation for both the applicant and the decision-making bodies. Consequently, poor decision making from an environmental perspective is greatly increased as it is often impossible to take full account of ecological linkages between the terrestrial and marine environment.

4. COOPERATION WITH THE UK

4.1 Traditionally, technical cooperation with the UK in the area of environmental issues has been in biodiversity/conservation management and planning. For example, collaborative projects between DOE and UK academic/conservation institutions with associated funding mechanisms (eg Darwin, OTEP, RBG Kew, JNCC and UKOTCF). These relationships have generally been beneficial; however, an area of concern remains the underrepresentation of the Cayman Islands/Territory views with respect to the UK’s position in negotiations on international treaties, due to the bloc voting approach of the UK within the European Union.

4.2 The Department values the introduction of the Overseas Territories and Crown Dependencies Steering Group meetings (facilitated by the JNCC) as a coordinating mechanism for biodiversity issues.

4.3 The Cayman Islands does not fall into relevant categories that qualify them for various mechanisms of international funding and aid and subsequently many are not available for utilisation. Mechanisms that are available tend to focus at the Caribbean territories or regional level and are not country specific. Cayman’s relatively isolated geography presents some fairly unique challenges which would benefit from country specific approaches. Given the limited opportunity for the Cayman Islands to access external funding, the introduction of the Darwin Plus funding mechanism is extremely welcome.

4.4 It is critical that the Cayman Islands continue to have access to UK expertise, technical support and resources as we continue in our endeavours to promote sustainability in all three islands. However, the Department of Environment believes that in order to realise this aspiration and achieve a more sustainable future for the Islands, local action and political commitment is ultimately what is required.

30 November 2012

Written evidence submitted by the Chagos Conservation Trust

SUMMARY AND RECOMMENDATIONS

— The Chagos Marine Reserve was established in 2010 to safeguard the greatest marine biodiversity under the UK’s jurisdiction. This Marine Protected Area (MPA), currently the world’s largest “no take” marine reserve, contributes significantly to the globally agreed target under the Convention on Biological Diversity to protect 10% of the oceans by 2020, and establishes the UK as a world leader in marine conservation.

— Since its designation, the marine reserve has seen a dramatic increase in interest and visits by scientists for monitoring and research but only careful management through a properly co-ordinated and centrally managed programme of enhanced enforcement, scientific monitoring, and conservation projects will it be possible to show whether the ban on fishing and other activities in the reserve has been successful over time in protecting its rich biodiversity.

— To secure this, CCT strongly recommends that:

— the BIOT Administration in the FCO enacts specific legislation and accompanying regulations for the effective enforcement of the ban on fishing and other extraction activity and for the conservation and management of the “no-take” marine reserve;

— the BIOT Administration should adopt an up-to-date management plan to guide future conservation management priorities based on the suggestions already submitted by CCT;

— the FCO and DEFRA should establish a specific, ring-fenced budget to fund the management of this reserve in the long term;

— MOD should periodically deploy Royal Navy (RN) and Royal Fleet Auxiliary (RFA) vessels present in the region to provide faster and more effective enforcement than is possible using the current chartered vessel (the Pacific Marlin);

— measures are taken to enhance surveillance by technical means, including through collaboration with the US forces based on Diego Garcia, to facilitate the detection of poachers and other illegal activity in BIOT waters;
— the BIOT Administration continue to support and fund the development of Chagossian capacity in conservation already begun under the pilot project run by the Zoological Society of London (ZSL) with CCT and others; and that
— the FCO and the BIOT Administration make greater efforts to secure good publicity for this spectacular marine reserve, in particular through collaboration with selected wildlife film-makers.

BACKGROUND

1. The Chagos Conservation Trust (CCT) is a UK registered charity, established in 1992 to promote the protection and conservation of the natural environment of the Chagos Islands (British Indian Ocean Territory) and to raise awareness of environmental issues affecting the Chagos archipelago. It seeks to do so by supporting scientific and historical research and sustainable conservation projects, often in collaboration with partner members of the Chagos Environment Network (CEN). The CEN comprises, in addition to the CCT which acts as its secretariat, The Linnean Society of London, Pew Environment Group, 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, Blue Marine Foundation, and Professor Charles Sheppard of Warwick University, amongst others.

2. CCT promotes scientific expeditions to monitor the status of the marine and terrestrial environment in the Chagos; provides a channel for bringing relevant environmental problems to the Government’s attention; establishes links with other groups and scientists concerned with reef and island ecology, particularly in relation to the Indian Ocean; encourages research into the history of the Chagos Archipelago, and seeks to educate and to make available the results of its work to a wider audience both directly and through its website—visit www.chagos-trust.org.

3. Located in the centre of the Indian Ocean, the Chagos Archipelago, a UK Overseas Territory, contains the world’s largest living coral atoll, over 60,000 square km of shallow limestone reef and associated habitats, and about 300 seamounts and half a million square kilometres of deep and abyssal habitats. It holds by far the greatest marine biodiversity under the UK’s direct control and responsibility. It also has one of the healthiest reef systems in the cleanest waters in the world, supporting half the total area of good quality reefs in the Indian Ocean. As a result, the ecosystems of the Chagos have so far proven resilient to climate change and environmental disruptions, and as such can provide unique insights for the scientific and wider community.


5. Following a public consultation during the winter of 2009–10, the UK Government formally designated the Chagos Archipelago on 1 April 2010 as a strictly “no-take” marine reserve totalling more than 640,000 square kilometres (397,678 square miles), currently the largest such “no take” reserve in the world. The reserve covers all the islands and the entire EEZ (Exclusive Economic Zone) in BIOT, save for Diego Garcia and an area of 3 nautical miles of sea around that island. The combination of tropical islands, unspoiled coral reefs and adjacent oceanic abyss makes this marine reserve comparable in global importance to the Great Barrier Reef and the Galapagos Islands. As a fully protected marine reserve, all extractive activities, such as industrial fishing and deep sea mining, are prohibited in the Chagos. The reserve will safeguard the rich diversity of marine life found in the area and is a conservation legacy almost unrivalled in scale and significance. It will increase dramatically the number of science expeditions to BIOT for environmental monitoring and research, and to involve and train people of Chagossian descent in conservation work. A successful pilot project on the latter has already been completed by ZSL and its partners for Chagossians living in the UK (Crawley and Manchester), which we hope will be continued into future years (and extended, if possible, to Chagossian descendents living in Mauritius and the Seychelles)—see www.zsl.org/chagos.community. Major proposals have also been submitted (or are being prepared) for conservation projects to restore islands through the re-establishment of native forest, to conduct a major botanical survey, to map and protect existing mangrove areas (which are under significant threat), and to establish a rat eradication programme on Ile Vache Marine.

6. Since its designation, CCT with its CEN partners has encouraged various initiatives to support the BIOT Administration’s environmental management and conservation of the Chagos. Funding has been obtained to increase dramatically the number of science expeditions to BIOT for environmental monitoring and research, and to involve and train people of Chagossian descent in conservation work. A successful pilot project on the latter has already been completed by ZSL and its partners for Chagossians living in the UK (Crawley and Manchester), which we hope will be continued into future years (and extended, if possible, to Chagossian descendents living in Mauritius and the Seychelles)—see www.zsl.org/chagos.community. Major proposals have also been submitted (or are being prepared) for conservation projects to restore islands through the re-establishment of native forest, to conduct a major botanical survey, to map and protect existing mangrove areas (which are under significant threat), and to establish a rat eradication programme on Ile Vache Marine.

7. Only careful management through enhanced enforcement, sustained scientific monitoring, and a programme of co-ordinated and well-targeted conservation projects will show whether the ban on fishing and other extraction activities in the marine reserve has been successful over time in protecting its spectacular biodiversity.
8. The BIOT Government has relied over the past years on existing fisheries and other legislation to manage the marine reserve. Whilst this has been generally effective, the reserve does not have specific protective legislation. Other countries have brought in legislation to protect their marine protected areas, which is stronger than that currently applying in BIOT. We believe that it would be desirable for the BIOT marine reserve to have its own specific (and tougher) legislation. Furthermore, there is a BIOT management plan which pre-dates the establishment of the marine reserve. We believe that it would be desirable to update this to take account of the new reality of the marine reserve. A paper, requested by the BIOT Administration, making various recommendations to support a new management plan was submitted by Professor Charles Sheppard and others to the BIOT Administration several months ago (and published on the CCT website). We hope that the BIOT Administration will issue a new management plan soon.

9. It seems to us to be a reasonable assumption that the US uses various forms of surveillance to ensure the security of its base on Diego Garcia from sea-borne and other threats, the more so because of lawless elements present in the Indian Ocean. We believe that this surveillance could, if it was routinely shared with the BIOT authorities, be used to guide the UK’s enforcement efforts in the marine reserve to good effect. This would help both base security and the security of the marine reserve.

10. There may also be other measures that the UK Government could adopt, though we recognise the financial constraints. The marine reserve is currently enforced by a contracted vessel, the Pacific Marlin. This is an old and shallow drafted boat. Whilst the shallow draft is invaluable for passing over the reefs close to the islands, it is much less suitable for enforcement over the deep water between the islands and the 200 mile outer limit of the marine reserve. It is simply too slow. The periodic involvement of RN and RFA vessels that are in the region to patrol BIOT’s deep water area, particularly if combined with satellite surveillance information, would make a considerable difference to the effectiveness and extent of enforcement in the reserve.

11. For the long-term sustainability of this marine reserve, we believe that the FCO, supported by DEFRA, should establish a transparent, ring-fenced budget to fund the protection of the reserve.

12. Evidence has shown that there is considerable interest by wildlife film makers to produce programmes on the marine reserve and the terrestrial environment in the Chagos. We believe that it would be advantageous to the UK to get the publicity for its good custodianship of this marine environment that such programmes would bring.

30 November 2012

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Written evidence submitted by the British Antarctic Survey

SUMMARY

The focus of this submission concerns the biodiversity, the marine protected areas, and the fisheries management of two Overseas Territories, namely South Georgia and the South Sandwich Islands (SGSSI) and the British Antarctic Territory (BAT). There are very brief comments on minerals. The British Antarctic Survey is a component part of the Natural Environment Research Council (NERC), and this submission complements theirs.

BACKGROUND

1. A significant part of the South Atlantic Ocean lies within BAT and SGSSI. These OTs include areas where levels of benthic biodiversity are greater than those in the Galapagos, often cited as an example of high biodiversity. BAT and SGSSI are areas of seabird biodiversity, including globally-important populations of both albatrosses and penguins.

2. The air temperature of the Antarctic Peninsula, which is largely encapsulated within BAT, has risen by 3°C in 50 years; this warming is greater than any other region in the Southern Hemisphere. The impacts are significant. In the last 50 years, nine major icebergs have broken up, 87% of glaciers are in retreat contributing significantly to sea level rise, and winter sea ice extent has decreased by 10% per decade. Many animals rely on the algae under and in sea ice as a winter food source.

3. The populations of krill around South Georgia appear to have fallen by an order of magnitude in the last three decades, and this has been attributed to major reductions in sea ice.

4. The marine animals in BAT and SGSSI have evolved over many millions of years in a near-isothermal environment. The oceans have warmed significantly in the last 50 years and this is a potential threat to the fragile ecosystems in which the animals operate.

5. A further pressure comes from the increasing acidity of the ocean, arising from the absorption of carbon dioxide (CO₂) into the ocean (ocean acidification); the rising CO₂ levels arise from the increased burning of fossil fuels.
6. Icebergs scour the benthic communities, and the frequency of these events appears to be increasing as a result of the warming of the Antarctic Peninsula. The recovery time of the communities is sufficiently long that there are concerns that there may be irrevocable damage in some areas.

7. The Antarctic Treaty covers the area below 60°S latitude. It has been signed by 50 nations representing over 80% of the world population. Under the Treaty, further Conventions and Protocols have been developed to address the issues of Antarctic resources and protection of the Antarctic environment.

8. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was agreed in 1980. It aims to conserve all Antarctic marine living resources south of the polar front, the boundary between cold Antarctic seas and the warmer waters of the Atlantic, and thus includes both BAT and CCAMLR. Also of note, is the Environmental Protocol, which came into force in 1998 and establishes a framework for the comprehensive protection of Antarctica, including:
   (a) A complete ban on all commercial mining;
   (b) A mechanism to ensure that the environmental impact of all activities undertaken in Antarctica is considered and mitigated as far as practicable;
   (c) Comprehensive protection of Antarctic plants and animals;
   (d) Stringent waste management procedures;
   (e) Prevention of marine pollution;
   (f) A system to protect the most sensitive and scientifically important areas of Antarctica.

9. British Antarctic Survey (BAS), in close collaboration with the Polar Regions Department of the Foreign and Commonwealth Office, ensures the requirements of the Treaty are successfully delivered.

**FISHERIES MANAGEMENT**

10. The Southern Ocean, and particularly the South Atlantic sector, contains one of the last under-exploited sources of marine protein, Antarctic krill. If the potential allowable catch were to be taken, it would equate to approximately 7% of current landings from marine capture fisheries reported to the Food and Agriculture Organisation of the United Nations.

11. Recent technological developments now enable krill to be harvested more economically, and new markets are now driving increased catches. The krill are used primarily for feeding aquaculture fish and for nutraceuticals.

12. CCAMLR, the fisheries management organisation for the Southern Ocean, regulates the multi-national exploitation of krill. The challenge is to do this without damaging the Antarctic marine ecosystem when the impacts of fishing and climate change are both increasing. CCAMLR adopts a precautionary principles based on estimates of krill biomass.

13. BAS scientists support the UK Government in the negotiations over the fisheries management, and carry out front-line research to understand the marine ecosystem.

**CONSERVATION**

14. Albatrosses are regarded by many as iconic species and thus of cultural value, but their numbers are in serious decline. One of the impacts of long line fishing is the incident mortality of birds (by-catch). Typically a long liner deploys ~10,000 baited hooks during a single long line haul. This attracts birds, such as albatrosses and petrels, and over the years thousands of birds have been caught and drowned.

15. Conservationists and scientists have been working with the fishing industry to reduce the deaths. Measures include having streamers behind the fishing boats to prevent birds getting close to the hooks before they sink out of range of the birds’ diving capabilities. These measures have meant that the by-catch of birds in the South Georgia area fell from ~6,000 per annum in the late 1990s to none since 2006.

16. Albatrosses are still on the decline, currently at an unsustainable rate of 4% per annum for the wandering albatrosses. Research shows that birds are breeding just as successfully as previously but the returns of birds to breed are falling. New tracking technology, developed by BAS, allows scientists to show that albatrosses often go to South American and South African waters to feed; in these locations the same by-catch mitigation measures have not been fully implemented, and young birds are particularly vulnerable to being caught on the hooks or killed by contact with the fishing warps.

17. In 2009, CCAMLR established the South Orkney Islands Southern Shelf as its first Marine Protected Areas (MPA), and the first such area anywhere in the world to be designated entirely within the High Seas. The agreement of this MPA was of major significance in establishing a large area for the conservation of marine biodiversity.

18. The fundamental objectives of the MPA are to:
   — protect rare or vulnerable benthic and pelagic habitats;
   — protect areas of ecosystem importance;
19. There is still additional scientific evidence required to determine more robustly if the scale size of MPAs is well matched to the size at which ecosystems operate.

20. BAS scientists led the development of proposals to build the case for protection, and provided scientific and policy advice at every stage of review and stakeholder consultation through to political implementation. BAS continues to undertake field studies to understand more completely the MPA.

21. In February 2012, the entire Maritime Zone (north of 60°S) surrounding SGSSI was declared as a sustainably managed MPA, making it the largest such protected area in the world. BAS provided scientific advice on the initial declaration. The scientific justification for the MPA was founded on the results of an interdisciplinary suite of research, including biological studies and monitoring of land-based predators, fisheries biology and surveys, as well as physical oceanography, benthic surveys and remotely-sensed data.

22. BAS has recently completed a two-year project to identify a range of sites to be proposed for additional protection as “no-take zones” within the MPA. Stakeholder consultation on the implementation of these new zones has just been completed, and their future ratification will help to support the sustainable development of fisheries for Patagonian toothfish and Antarctic krill in SGSSI waters.

23. BAS scientists are also leading a proposal to implement precautionary protection for marine habitats under ice shelves in the Antarctic Peninsula region, with the aim of providing scientific reference areas to facilitate studies of how ecosystems change following ice shelf collapse or retreat. It is hoped that this measure will be agreed by CCAMLR in 2013.

PHYSIOLOGICAL RESEARCH

24. Fundamental research is being carried out at BAS to determine both the physiological and genetic responses of animals both to the long term warming of the ocean and to the impacts of ocean acidification. This is essential to allow insight into how ecosystems might evolve in the very rapidly changing environments.

TERRESTRIAL ENVIRONMENT

25. The warming environment increases the threat from invasive species. There are many methods by which aliens species can reach BAT and SGSSI. In the past, there are been transfer of species by humans intentionally as was the case with reindeer and some plants on South Georgia, and unintentionally with rats on South Georgia. Eradication is now being undertaken.

26. There are many scientists and over 30,000 tourists visiting Antarctica every summer; many land on the Antarctic Peninsula. Most scientists and tourists take great care in cleaning clothing and materials brought to Antarctic to minimise the risk of invasion. Research during the International Polar Year demonstrated that, despite the cleaning, seeds were being transferred into the Antarctic.

ECONOMIC OPPORTUNITIES

27. The fisheries are a major source of income for the Government of SGSSI.

28. South Georgia and the surrounding seas are products of relatively recent geological processes with historic volcanic eruptions in the South Sandwich Islands. In contrast to most other OTs, survey data sets for resource analysis and to underpin regulation of mineral resources and sustainable development in SGSSI territory are either lacking or partial. The lack of data is a result of remote location, access difficulties and extensive ice cover on land. Potential future resource development in SGSSI may include on-shore and sea-floor minerals activity and geothermal exploitation. There is as yet inadequate data and research to underpin regulation and sustainable development in the territory.

29. Mineral resource activity in BAT is regulated by the Antarctic Act 1994 and is restricted to scientific research under permit. Geological knowledge in BAT is highly variable; some areas are well understood with high quality data contrasting with other, less accessible areas that are poorly understood.

FUTURE REQUIREMENTS

30. Much has been achieved to protect the biodiversity of the BAT and SGSSI with establishment of protected areas and through the attempts to prevent the transfer of alien species from other locations. The fishery management system has operated successfully for over 30 years but is coming under increasing pressure both through commercial exploitation and the effects of climate change.
31. There is still much to be understood about the ecosystems of BAT and SGSSI before robust predictions can be made, and this requires fundamental research at all levels from the gene to the ecosystem, and much more sophisticated modelling.

32. All the research and the successes to date have been underpinned by long term measurements. It is essential for these to continue.

ANNEX: THE BRITISH ANTARCTIC SURVEY

33. Antarctic Survey (BAS) is a component of the Natural Environment Research Council (NERC). BAS supports stations in the Antarctic and on South Georgia, five planes and two ice-strengthened ships which are used both for research and for science.

34. Within BAT, BAS operates three stations. Rothera station (67°S; 68° W) has sophisticated biological laboratory facilities incorporating a cold water marine aquarium and a diving facility. At Signy Island (60°S; 46°W), a summer only research station, penguin, seabird and seal biology, limnology and terrestrial biology are undertaken. At Halley (76°S; 27°W) the science focus is on atmospheric research from the ground to space.

35. Within SGSSI, BAS operates two research stations, at Bird Island, South Georgia (54°S, 38°W) where the focus is on seabird and seal research, and King Edward Point, South Georgia (54°S, 36W), where applied fisheries research is carried out.

36. All these research facilities are used to support the research of BAS and the UK Universities, and frequently there are international collaborative research programmes undertaken.

4 December 2012

Written evidence submitted by Christine Rose-Smyth

SUMMARY

1. The moral and legal duty established under international conventions and the Environmental Charter is not adequately recognised in the Cayman Islands. It is not at all clear that any relevant recommendations made by EAC in the 2008 Report, Halting Biodiversity Loss have been implemented to create a so-called “joined up approach”.

2. Extensive preparatory work is sitting on the shelf.

3. Definitive action to halt biodiversity loss by halting primary habitat loss is required now, principally in the form of:
   (a) Adequate, integrated legislation for spatial planning and environmental protection—a Framework for Environmental Responsibility with concrete outcomes set out for action within a defined time period complementary to the Framework for Fiscal Responsibility—is required.
   (b) Utilisation of the Cayman Islands Environmental Protection Fund as originally envisage in 1995.

INTRODUCTION

4. Christine Rose-Smyth carries out research on the Cayman Islands native orchid flora and is an administrator for eBird Cayman Islands. She is the recipient of a small 2012–13 Overseas Territories Programme Fund Award and is a member of the Cayman Islands Orchid Society Conservation Group, but is otherwise self-funded. The views expressed herein are personal and do not represent the opinions of any other group.

COMMENTS

5. Comments are provided on two of the seven issues being examined:
   — Whether the recommendations in 2008 Report, Halting Biodiversity Loss have been implemented.
   — How weakness in civil society and governance in the UKOT’s impact on conservation.

6. The pre-eminent threat to biodiversity in the Cayman Islands both long term and immediate, is not climate change but human impact on primary habitat. Land conservation lags substantially behind marine conservation. All three Islands contain substantial tracts of primary habitat. For example: the Central Mangrove Wetland on Grand Cayman represents 17% of the land area of the Islands; the remaining Ironwood Forest fragment in George Town contains four important endemic plants, including two endemic orchid species. The ghost orchid, Dendrophylax fawcettii, was featured in the top 25 of endangered species selected for Priceless or Worthless

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Development of Genetic Fingerprints for Endangered Endemic Orchids of the Cayman Islands; being executed in conjunction with RBG Kew.
launched at the World Conservation Congress in Korea in September 2012. At present voluntary stewardship or mere inaction are the only reasons areas like these remain relatively untouched. We have the option of ensuring protection now versus remediating them in the future at much higher cost, assuming it would even be possible.

7. A great deal of preparatory work has been done, much with the assistance of some of the support programmes provided by the UK Government, much by local endeavour of the Department of the Environment and non-governmental organisations, especially the National Trust for the Cayman Islands and also by private individuals. At the macro level: a National Biodiversity Action Plan has been drafted (2009); a Conservation Law has been drafted (2002); a Green Paper: Consultation draft: Climate Change Issues for the Cayman Islands—Towards a Climate Change Policy has been drafted (2010), an Environment and Coastal Zone Management Report on Proposed Amendments to the Development Plan 1997 has been drafted (2002); a “Go East”—Strategy for the Sustainable Development of the Eastern Districts of Grand Cayman has been drafted (2009); new extended Marine Parks proposals are currently in the consultation phase (2012) This list is non-exhaustive.

8. Whether the recommendations in 2008 Report, Halting Biodiversity Loss (RHBL) have been implemented

9. In the RHBL you concluded that the UK Government must act immediately to protect the equally valuable and higher risk internationally important species and habitats found in the OTs. However, in my view, all the criticisms levelled by the UKOT Conservation Forum in the RHBL continue to plague progress on natural environment issues in the Cayman Islands.

10. The direct and indirect substantial benefits of biodiversity in the marine environment has fairly high recognition in the Cayman Islands due to the large part that diving and watersports play in the Islands’ tourism product. The value of terrestrial biodiversity receives much less consideration. Land is seen by an influential constituency as only there to be exploited through development. A significant and unusual contradiction to this was the community-based successful opposition to the routing of a new arterial road through the Ironwood Forest of George Town in 2008 and more recently a proposed port development in the district of East End. However, a large tract of the land in East End that would have been affected by the port development has this year been stripped of its primary forest for no approved purpose.

11. More recent illustrations of the ineffectiveness of existing planning and environmental legislation are:

   (a) A Frank Sound development represents cumulative applications to the Planning Department for 535 acres of land for which Planning is apparently powerless to require a “planned area development” application;

   (b) A proposal for the Duck Pond area represents 416 acres of land in the Central Mangrove Wetland. Together these amount to more than 2% of the entire Cayman Islands;

   (c) At the Shetty Hospital site in East End substantial land clearance has already occurred;

   (d) Preparatory work has begun at the proposed Dart landfill site in Bodden Town ahead of a voluntary EIA. However, the draft terms of reference are of limited scope and subject to criticism. A fundamental flaw is the pre-determination of the site without public input.

The limited ability to require Environmental Impact Assessments is either circumvented or nugatory.

12. How weakness in civil society and governance in the UKOT’s impact on conservation

13. The Overseas Territories White Paper: Security, Success and Sustainability, June 2012 (White Paper) accurately identifies the glaring immediate threats to the pristine primary undisturbed habitats of the Cayman Islands: unsustainable development, less than ideal waste management practices and invasive species. Of these, the unmitigated advance of random, unplanned (in the sense that there is no true national planning and development policy) development, regardless of actual need is the primary problem. Fees and the benefit of short term economic activity are the foremost consideration even in times of prosperity and more so in an economic downturn. Culturally powerful, also, is a tradition of mastery over land. In its most extreme form this is manifested in absolute opposition to any proposals for environmental protection to the point of rejection of full compensation at market value as a model for acquisition of land for habitat conservation.

14. As a result successive governments have not been able to reconcile the laissez faire tradition with a recognised need for integrated national planning. The Cayman Islands desperately needs to break this deadlock.

15. Page 41 of the White Paper reports that DEFRA assists in meeting the requirements of the Convention on Biological Diversity (CBD) and the Convention on Migratory Species (CMS). At page 42 it is proposed that placing environmental consideration at the heart of decision making is to be achieved by a more strategic, co-ordinated approach. This could not come soon enough in the Cayman Islands. With respect, the time for platitudes and preparation is over and the time for action is now. The comments made by Dr Peter Hayes on his recent trip to Cayman are therefore welcome.

16. I recognise that the description of protection efforts at page 98 of the White Paper as limited by space. It is inaccurate nonetheless. For example, it overlooks the great efforts with the marine parks system over the last 25 years and the blue iguana recovery programme. More importantly it overemphasises the role of the Botanic Park and the bird sanctuaries as safe environments. Both are under threat, the Park from proposed encircling development (see paragraph 11). The ponds described in the White Paper are inadequately protected by the antiquated Animals Law.

(a) Animals are only protected within a 300 feet zone around the ponds.

(b) The only such sanctuary in Cayman Brac, Dennis Point (Salt Water) Pond was deleted from the Schedule to the Animals Law on 5 November 2012.23 In 2009 the Premier of the Cayman Islands said, in relation to turning the pond into a marina open to the sea. “[If I have to] shift road a bit, chase away a few Whistling Ducks, but so be it, that’s common law. If I had my way today … I would sign that document today and say to those gentlemen that proposed it, go ahead and get it done.”24 Mr Bush signed the Environmental Charter for the Cayman Islands in 2001.

17. This is only one example of how conflicting goals in civil society and weakness in governance in this UKOT impact on conservation. Many other could be provided, in addition to those alluded to in paragraph 11 above.

RECOMMENDATIONS

18. The Bill of Rights (Part 1 of the 2009 Constitution) came into effect in November 2012. It mandates that the “government shall, in all its decisions, have due regard to the need to foster and protect an environment that is not harmful to the health or well-being of present and future generations, while promoting justifiable economic and social development”. The UK Government and the CIG must ensure that appropriate legislation is passed, environmental impact assessments are undertaken before approval for major development is given and the public must have reasonable time for consultation. At minimum the Development Plan 1997 (2010 Revision) must be updated (incorporating the Environment and Coastal Zone Management Report on Proposed Amendments to the Development Plan 1997 (ECZR)) and a Conservation law adopted followed by immediate integrated and effective implementation in conjunction with the National Biodiversity Action Plan. Separate legislation for Little Cayman and Cayman Brac should be avoided unless absolutely necessary.

19. It is argued by certain land lobbyists that the Conservation Bill 2009 is unworkable even though their objections are not well-founded.25 The Conservation Law must be finalised, passed and acted upon. A pilot management agreement programme for private land should be developed to provide illustrated concrete example(s). In the meantime publicity for voluntary adoption of the ECZR recommendation for conservation of primary habitat should be promoted.

20. Notwithstanding the vigorous debate as to the future site of landfill services in Grand Cayman 30 years of commissioning of reports must end. Little Cayman and Cayman Brac must adopt best practices as soon as possible as well.

21. The Cayman Islands Environmental Protection Fund must be utilised as originally envisaged in 1995 by Governor Gore, the National Trust and others.26 In 1997 an environmental protection fee was added to the tourist tax paid by all persons passing through the international ports, air and sea (essentially cruise ship traffic). As it stands the fee is being applied contrary to the legitimate expectations of those who pay it. Proper implementation would involve forming the recommended independent oversight body, free from government interference; releasing the Fund from its role as a budgetary prop for the Cayman Islands government; applying the US$50 million (and accumulating) Fund for its intended use of acquisition of land, including the Central Mangrove Wetland. Do not use Fund monies for bounty programmes for invasive species (lionfish or otherwise). Matching funds from the UK would have a significant impact.

22. The Central Mangrove Wetland should be designated a Ramsar Site. The Crown wetlands in Little Cayman, that have not already been put under National Trust control and which already represent a significant eco-tourism investment, should be vested in the Trust.

23. Guarantee funding of the core expenses of the National Trust to ensure that the Trust is able to deliver its mission without untoward government influence.

24. To assist with awareness, make BBC natural world programming free for broadcast on a local Cayman Islands station.

25 For example, objectors focus on the general penalty clause as if the Interpretation Law does not apply.
CONCLUSION

25. The failure to implement the 2008 recommendations adequately or at all, nor to address governance issues leads to the conclusion that:

(a) The UK Government strategy, whether it actually embodies the principles of sustainable development or not, does not appropriately trade-off environmental protection, social development and economic growth because it has not taken significant steps beyond the merely aspirational.

(b) The UK Government is not fulfilling its responsibilities to protect biodiversity in the Cayman Islands.

26. There are abundant opportunities for the UK Government to meet its obligations to this OT. The UK and Cayman Islands governments should as a matter of formal policy adopt the conclusions of the Bermuda Ombudsman: “The UK Charter is more than just a statement of good intentions. ... our signature on the UK Environmental Charter has the force of law. Our word must be our bond.”

4 December 2012

Written evidence submitted by WWF-UK

WWF is a leading global conservation organisation, employing over 5000 staff in more than 100 countries and with more than five million supporters across the world.

WWF has a longstanding relationship with Antarctica and the Southern Ocean, having been involved in Antarctic conservation for 35 years. Our founder, Sir Peter Scott, first visited Antarctica in 1966, following in the footsteps of his father, Capt. RF Scott RN. In 2006, we launched our Antarctic & Southern Ocean Initiative (ASOI), engaging many of our offices including the UK, Australia, New Zealand, South Africa and Argentina in a coordinated approach towards the management and protection of Antarctica and the Southern Ocean, including the areas covered by the British Antarctic Territory and the sub-Antarctic South Georgia and the South Sandwich Islands. WWF works closely and constructively with the UK Government at the Antarctic Treaty Consultative Meeting (ATCM) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), both of which we attend as part of the UK national delegation.

SUMMARY

This short submission from WWF-UK addresses just two areas under examination by the Committee’s Inquiry into sustainability in the UK Overseas Territories: (i) Adapting to the impacts of climate change, and (ii) Marine Protected Areas. It focuses on two of the largely uninhabited territories (a) “British Antarctic Territory” and (b) South Georgia and the South Sandwich Islands.

WWF recognise the UK Government as one of the champions of environmental stewardship within the Antarctic Treaty System, with a proven track record in Southern Ocean Marine Protected Areas. Furthermore, the Government of South Georgia and the South Sandwich Islands have recently designated the South Georgia maritime zone as a large scale IUCN Category VI (sustainable use) Marine Protected Area, and are working to improve the current level of protection by increasing the area set aside as “no take”. WWF has worked with the UK Government to highlight and raise the profile and understanding within the Antarctic Treaty System of climate change, adaptation and ecosystem resilience. We are currently undertaking a trail of a new methodology, developed for the Arctic, to identify and map areas of strategic conservation importance on the Antarctic Peninsula because they are likely to serve as sources of ecosystem resilience in a changing climate. However, significant work remains to be done by the UK Government and others to create political amongst all CCAMLR member states to establish meaningful, large scale Marine Protected Areas across the Southern Ocean, including British Antarctic Territory.

1. How the UK Government is helping UKOTs adapt to the impact of climate change

1.1 Climate Change in the Antarctic Peninsula region. The Overseas Territories—Security, Success and Sustainability (FCO, 2012) cites climate change as “the key, long term threat faced by the Territories” and lists the need to address the challenges of climate change as a Priority for Action for the Uninhabited Overseas Territories, including British Antarctic Territory and South Georgia & the South Sandwich Islands.

1.1.1 Warming across the Antarctic Peninsula is now well established.1 Average temperatures have risen by almost 3°C, a greater rate than almost anywhere else on our planet. This has caused the thinning of glaciers, the rapid retreat of ice-shelves and the exposure of new ice-free terrain.2 Climate change is likely to have significant implications for terrestrial, freshwater and marine ecosystems.

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1. Today’s Choices—Tomorrow’s Costs, Systemic Investigation into the Process and Scope of Analysis for Special Development Orders, February 2012 and Special Report of 1 June 2012 (www.ombudsman.bm)
1.2 Warming encourages the growth and spread of established plants. The introduction of non-native species, and corresponding competition with native species, is likely to be a major outcome of climate change within Antarctic terrestrial ecosystems.

1.3 Antarctic penguins can be highly sensitive to climate variability and change; they are thought most likely to respond by dispersal rather than adaptation. The ice-obligate emperor and Adélie penguins are more vulnerable to warming, as their distribution will potentially shift pole-ward and contract. In particular, declining sea-ice extent will have a severe impact on emperor penguins, which generally rely on fast ice as a breeding habitat. Ice-intolerant species (e.g., gentoo penguins) may benefit as they expand their range southward.

1.4 Warming of parts of the Southern Ocean surface waters could be as high as 1.5°C by 2100, although there is likely to be less warming between 0.5 and 0.75°C of bottom waters and other surface waters. Ocean acidification as a result of increased CO2 uptake has recently been shown by British scientists to have a detrimental effect on marine systems, particularly on shell-building organisms including plankton species.

1.5 A reduction in annual mean sea-ice extent has been observed around the western Antarctic Peninsula. Warmer waters and declining sea-ice have been associated with a decline in krill stocks of up to 80% in the southwest Atlantic and reduced availability of prey for higher predators. Changes in the extent of winter sea-ice habitat and prey availability may result in changes to the size and distribution of predator populations, or even the disappearance of some colonies.

1.6 Representative networks of marine and terrestrial Antarctic Specially Protected Areas (ASPAs) and Antarctic Specially Managed Areas (ASMAs) (designated within the framework of the Antarctic Treaty Consultative Meeting) and Marine Protected Areas (MPAs), designated by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)—see response to next section—are likely to become an increasingly important tool in mitigating the impacts of climate change, by ensuring that other pressures are minimised and thus improving the likelihood of withstanding or adapting to change. However, the timing, extent, and location of climate change impacts on these ecosystems may be difficult to predict. It should remain a priority to aim for a representative network of ASPAs in line with Article 3 of the Protocol on Environmental Protection to the Antarctic Treaty, whilst ensuring that the protected area system remains dynamic and flexible, with the ability to respond to changes in the distribution and characteristics of values for protection.

1.2 Rapid Assessment of Circum-Arctic Ecosystem Resilience (RACER), and its possible application to the Antarctic Peninsula Region.

1.2.1 WWF has worked with the UK Government to highlight and raise the profile and understanding of climate change, adaptation & ecosystem resilience, and ocean acidification at ATCM and CCAMLR. In 2012, the UK delegation introduced WWF’s RACER methodology to the Antarctic Treaty Committee for Environmental Protection. RACER (www.panda.org/arctic/racer) is a new tool for identifying and mapping places of strategic conservation importance because they are, and will continue to be, sources of ecosystem resilience in a changing climate. The CEP endorsed a trial of RACER on a terrestrial area on the Antarctic Peninsula, which will take place in 2013.

1.2.2 WWF developed RACER because current approaches to managing often vulnerable polar habitats and species are not necessarily keeping pace with accelerating climate change. RACER is a new approach which locates sources of ecological strength and durability in today’s Arctic ecosystems—known as ecosystem resilience—and tests their persistence in a climate-altered future. Focusing conservation attention on these enduring sources of resilience is important for the continued functioning of polar ecosystems.

1.2.3 As such, RACER might assist to underpin ecosystem-based management approaches for Antarctic environments in the context of climate change. The UK also introduced RACER to CCAMLR in October 2012, recommending that the Committee might remain alert to this trial in the terrestrial context, and assess whether such a trial might also be appropriate in the marine realm.

2. How the introduction of “Marine Protected Areas” could safeguard the marine environment in the uninhabited territories

2.1 MPAs in the “British Antarctic Territory”:

2.1.1 WWF recognise that the UK Government, working with the British Antarctic Survey (BAS), are at the forefront of systematic conservation planning and marine protected areas in the Southern Ocean.

2.1.2 This was exemplified by the designation of the South Orkney Islands Southern Shelf Marine Protected Area (SOISS MPA) by CCAMLR in November 2009. The SOISS MPA, proposed by the UK, covers 94,000 km². It was the world’s first MPA located entirely in the High Seas, and it prohibits all fishing activities. In 2010, WWF awarded BAS and CCAMLR its highest
accolade—the prestigious Gift to the Earth award—in recognition of the SOISS MPA and CCAMLRs commitment to establishing a representative network of marine protected areas by 2012.

2.1.3 Despite some initial progress, however, CCAMLR failed to meet its MPA commitments this year, and much remains to be done by the UK Government, and others, to create the political will amongst all CCAMLR member states to ensure that ambitious and meaningful large scale MPAs, including marine reserves, are designated across the Southern Ocean, including the Antarctic Peninsula region, the Scotia Arc and the Weddell Sea. WWF and BAS participated in the first technical MPA planning workshops established by CCAMLR for the Antarctic Peninsula region (May 2012) and the circumpolar MPA workshop, including the Weddell Sea region (September 2012).

2.2 South Georgia and South Sandwich Islands MPA:

2.2.1 In February 2012, the Government of South Georgia and the South Sandwich Islands (GSGSSI) announced the designation of a Marine Protected Area covering 1.07 million km² for the South Georgia maritime zone. WWF-UK considers this to be an important first step towards protecting one of the biodiversity “gems” of the Southern Ocean, thereby helping to increase the resilience of the marine environment to the effects of climate change, and making a significant contribution towards CCAMLR’s goal of a representative system of MPAs for the Convention Area, as well as wider global marine protection targets.

2.2.2 The provisions of the MPA management plan are set within the context of an exemplary fisheries management system which operates to an exceptionally high standard. Examples of existing good practice include minimum depth restrictions, responsive reductions in quotas, MSC certification of the South Georgia tooth-fish fishery and uniquely identifiable markings on hooks. In many cases, the regulations are stricter and the quotas lower than those set by CCAMLR. However, the area set aside as IUCN Category 1b “no take” (closed to fisheries) is 20,000km, or less than 2% of the total area. Other sub-Antarctic MPAs have included a much larger percentage area as no-take, for example the Prince Edward Islands at 38% No-take or Macquarie Island at 36% No-take.

2.2.3 It is commendable that GSGSSI have developed a number of proposals for additional and improved temporal and spatial protection measures (including closed areas) within less than one year of adopting the Management Plan. This includes a proposal for the seasonal closure of the krill fishery from October to April to provide temporal protection during the critical breeding period for many South Georgia species. WWF would strongly encourage the UK Government and the GSGSSI to maintain this level of commitment to continuous improvement, and to ambitiously pursue a high level of marine protection for the exceptionally biodiverse and globally important South Georgia and the South Sandwich Islands. Such an approach might also consider taking a more wide-ranging, precautionary approach (in line with CCAMLRs precautionary principles). This is wholly appropriate given that South Georgia hosts exceptional populations of a number of species, including gentoo penguins and light-mantled sooty albatrosses (IUCN status: near-threatened); macaroni penguins, grey-headed albatross, wandering albatrosses and white-chinned petrel (IUCN status: vulnerable) and black-browed albatross (IUCN status: endangered).

2.2.4 The South Georgia MPA may also serve to reduce the risk of oil pollution within the Territory’s maritime and coastal zone. The Management Plan states that a ban on the use and carriage of heavy fuels in inshore waters around SGSSI is “being considered”. WWF would urge GSGSSI to implement this provision as a matter of urgency, to mirror the recent ban within the adjacent Antarctic Treaty Area (south of 60°S).

2.2.5 The management plan however does not explicitly include any ban on commercial mineral resource activities (including oil and gas development) within the region. WWF recommends that the UK Government work with the GSGSSI to ensure a complete and indefinite precautionary ban on all commercial mineral resource activities within the area covered by the MPA.

11 December 2012
Written evidence submitted by the Government of Pitcairn Islands

1. INTRODUCTION

The Pitcairn Islands are a group of four near-pristine small islands which can claim to be some of the most remote islands in the world. They consist of Pitcairn (the only inhabited island with a population of around 60); Henderson, a raised fossilised coral atoll which is designated a UNESCO World Heritage Site; Ducie, a coral atoll; and Oeno, a low coral atoll. All four islands in the group are recognised as Important Bird Areas (IBAs). Global Ocean Legacy, part of the PEW group, have submitted proposals to declare a Marine Reserve in the Pitcairn EEZ, covering 836,000 km² of ocean. A National Geographic scientific expedition has declared the marine waters around Pitcairn Islands to be in a nearly unspoiled state. Pitcairn Island itself is the peak of a extinct volcano with an approximate land area of 4.5 sq km and rising to a height of 347 metres above sea level. The inhabitants are mostly descendants of the mutineers of HMS Bounty and their Tahitian companions. The climate is sub tropical with rich volcanic soil and lush vegetation. Transport is by quad bike, and the island is in a mainly unspoiled condition.

Pitcairn has high volcanic steep slopes and a maximum altitude of 329m. Lying 1570km West of Easter Island, 5350km North East of New Zealand.

2. NON GOVERNMENT ORGANISATIONS

2.1 Due to limited resources, a lack of academic experience and a vast array of challenges, the Pitcairn Islands rely heavily on the assistance and expertise of Non Government Organisations when it comes to environmental, conservation and legislative/procedure issues.

2.2 NGO’s such as UK Overseas Territories Conservation Forum (UKOTCF), The Royal Society for the Protection of Birds (RSPB), Secretariat of the Pacific Community (SPC) and others provide support. We also try to share experience and lessons with other OT environmental/conservation departments by reviewing their models, policies and legislation.

2.3 The Pitcairn Natural Resources Division is still relatively new (established in 2009) and evolving. It is therefore a priority not to re-invent the wheel but to share experiences with other OTs.

2.4 Compared to other OTs, Pitcairn’s Natural Resources Division is extremely small with a huge portfolio of responsibilities and no full-time staff. Limited Government salaries mean that the Division Manager is only paid to work 42 hours per month (the equivalent of just over five days a month) on leading this Government Division. In practice, many more (unpaid) hours are worked, but this is in a Territory with responsibility for over 40 globally threatened species, so much urgent work is necessarily left undone due to capacity constraints. More support is needed.

2.5 RSPB has played a major role in supporting Pitcairn’s conservation and rat eradication on Henderson Island. RSPB has provided long term support to Natural Resources Division and we will continue to work in partnership. This is a credit to RSPB.
3. Budgetary Aid/DFID

3.1 As Pitcairn is on Budgetary Aid we understand the responsibilities and accountability that lies with this. Budgetary Aid acts as a restraint on the development and implementation of certain areas within Natural Resources which can be frustrating for future development. As stated within the DFID Overseas Territories Department Operational Plan 2011–15 the focus is on economic development and growth.

3.2 The Corporate and Programme Manager, Overseas Territories Department, DFID hasn’t visited Pitcairn, which is a disadvantage. In a recent Council meeting it was decided that a second invitation will be extended to the Corporate and Programme Manager to visit Pitcairn. The benefits of visiting Pitcairn will help the person within this role understand the logistics, infrastructure, and the daily workings of the Island without this creates a lack of knowledge first hand and reading from documents aren’t always accurate.

3.3 For the past six months the position of Environment, Climate & Natural Resources Adviser in DFID’s Overseas Territories Department has not been filled. Pitcairn relies on this position to provide information, advice and funding application assistance. It is disappointing that such an organisation has not filled such an important role.

4. UK Funding Streams

4.1 As a developing Division over the past five years we have utilised OTEP and now Darwin Plus for funding. We have received small grants from JNCC and RSPB during the Henderson Rat Eradication.

4.2 Other funding streams haven’t been utilised due to lack of knowledge, time constraints and lack of human resources and experience in drafting applications. Funding proposal timelines are often too short for small populated territories with limited resources and expertise. There is a huge and unrealistic pressure on the Pitcairn Natural Resources Division to perform at the same level as other, much larger, Environment Departments.

5. Conclusion

5.1 Pitcairn’s Natural Resources Division is an extremely small operation and must perform to the same level of competencies as other OT’s many of whom have full time government departments. This places unfair pressure on the Division Manager.

5.2 Overseas Territories are often seen as a burden and of lesser importance by HMG. Pitcairn as an OT is not a burden; there is an opportunity for HMG to promote the OTs rich environmental wealth of endemic flora and fauna. HMG should be proud to be part of such unique culture and history.

5.3 The support received from NGO’s is invaluable to Pitcairn’s development. NGOs should be applauded for the work and support they provide to OTs and Pitcairn. It is shameful that HMG shows little interest.

13 December 2012

Written evidence submitted by the Institute of Ecology and Environment Management

SUMMARY

— IEEM welcomes the importance that the Government is starting to attach to the sustainable development within the UK Overseas Territories (UKOTs), especially in acknowledgement of the biodiversity that the UKOTs support.

— IEEM also recognises the UKOTs as a priority area and has recently established an Overseas Territories Special Interest Group (OT-SIG).

— The UK Government’s strategy for the UKOTs does incorporate the principles of sustainable development and discusses the need for the protection of biodiversity. Whilst the strategy identifies ways forward with regards to sustainable development, it is not clear how the UK Government intends to facilitate, generate or incentivise the relationships needed.

— In addition, more information is required as to how the UK Government will ensure that environmental factors are taken into consideration during the UKOTs development consents process.

— The IEEM OT-SIG is now building a network of partnerships across the UKOTs and their UK-based stakeholders to assist in co-ordinating, facilitating and supporting the balanced implementation of sustainable development, protection of biodiversity, climate change adaptation and the introduction of Marine Protected Areas within the UKOTs.

INTRODUCTION

1. The Institute of Ecology and Environmental Management (IEEM) aims to develop the science, technology and practice of ecology and environmental management for the benefit of people and biodiversity. As such, sustainable development is of paramount importance to its members. IEEM welcomes the importance that the Government is starting to attach to the sustainable development within the UK Overseas Territories (UKOTs),
especially in acknowledgement of the biodiversity that the UKOTs support. IEEM also recognises the UKOTs as a priority area and has therefore recently established an Overseas Territories Special Interest Group (OT-SIG).

UK GOVERNMENT STRATEGY ON THE UKOTS

2. IEEM acknowledges the need for truly sustainable development within the inhabited UKOTs. This will allow them to grow within the international economy and meet the demands of inhabitants. The UK Government Strategy does acknowledge the key drivers for sustainable development. In light of the habitats and species present on this diverse range of territories, the UK Government must seek to do more to ensure that Territory Governments place “environmental consideration at the heart of decision-making” to balance the competing interests across the three pillars of sustainability (environmental, social and economic).

3. It still remains to be seen how the UK strategy will be translated into Territory policies, regulatory frameworks and decision-making and then implemented objectively. The UK Government needs to work more closely with the UKOTs administrations and local experts to ensure that the true “value” of the ecological resources present is formally recognised by the Territory Governments. By working with local administrations and experts, the UK Government will achieve a true representation of how policies on paper are reflected on the ground and in the decision-making process. These working relationships needs to be facilitated (and possibly part-funded) by the UK Government in order to meet the goals of “strengthening the links between the Territories and the UK”.

4. Developments should be objectively “screened” against ecological and other environmental criteria and for larger development formal assessments (such as Environmental Impact Assessments) should be undertaken to determine the true nature and extent of any potential environmental impacts. Only once this has been done, can the facets of sustainable development be reviewed and the appropriate decisions made.

5. As mentioned in the recent White Paper, UK experts not only have a lot to offer the UKOTs, but can also learn a lot from the UKOTs. In-country experts will be vital to the surveying and recording of the species and habitats present. These experts should be encouraged to pass on these skills to other inhabitants of the UKOTs. This “educating” of future in-country surveyors, by current in-country surveyors and supported by others, is the only way that future developments (and the development process) will become truly sustainable.

6. The UK is a heavily developed country (unlike large portions of the UKOTs). As such, UK ecologists and land-managers are experienced in identifying potential impacts associated with a development and proposing mitigation measures to reduce these impacts. They are also experienced in undertaking robust, repeatable surveys to establish baselines against which the effects of these predicted impacts can be measured. These skills (especially impact assessment) can be used to support in-country ecologists and decision-makers. This will ensure that all future development projects within the UKOTs acknowledge potential impacts and weigh these up against other considerations (such as those of an economic or social nature).

7. The promotion and development of relationships between the UKOTs and the UK should therefore be a key goal of the UK Government strategy. This includes raising awareness of the UKOTs within the UK, identifying relevant bodies within the UK to support the UKOTs and facilitating dialogue between these parties.

8. It is promising to see the Government discussing both the “protection” and “management” of ecological resources within the UKOTs. However, more information is required regarding the funding for these works and the responsibilities associated with monitoring the management measures. In addition, it would be beneficial to the UKOTs to see the “enhancement” of their ecological resources.

9. Protecting the ecological integrity of the UKOTs is paramount to the sustainable development of the Territories. This involves identifying what is present, the sensitivities of the receptors, the risk these receptors face and what techniques work best at avoiding impacts on these receptors. In addition, it relies on the legal protection of the most important species and habitats. This protection needs to be monitored and enforced to ensure the protection of the most valuable and important ecosystems within the UKOTs. Without this formal protection it is harder to ensure that ecology factors into the decision-making process for developments.

10. The UK Government’s strategy for the UKOTs incorporates the principles of sustainable development and discusses the need for the protection of biodiversity. In addition, the White Paper provides examples of how activities such as tourism and fishing have been made sustainable with regards to ecological receptors. Whilst the strategy identifies ways forward with regards to sustainable development within the UKOTs, it is not clear how the UK Government intends to facilitate, generate or incentivise the relationships needed. In addition, more information is required as to how the UK Government will ensure that environmental factors are taken into consideration during the UKOTs development consents process. It is likely that much stricter protection of the UKOTs ecological assets will be required before they will fully feature in development decisions.

IEEM AS PART OF THE SOLUTION

11. It was recognised in informal discussions in November 2011 with representative of both the UK Overseas Territories Conservation Forum (UKOTCF) and Joint Nature Conservation Council (JNCC) that IEEM
members would be well placed to provide the UKOTs with information on best practice, governance and professional standards. Our members, through the IEEM OT-SIG, have expertise that covers not just ecological aspects, but also wider planning, EIA and sustainability considerations. These resources might be utilised in the form of the provision of electronic resources and documents, provision of visiting resources to the OTs, and through capacity building to develop appropriate skills for in-country ecologists, environmental managers and decision-makers.

12. The areas where there is most opportunity for the IEEM OT-SIG to provide input are through:
- volunteers working on the ground supporting local projects;
- professionals providing remote or on the ground mentoring and specialist inputs to local initiatives;
- identifying and assisting in applying for funding through a range of mechanisms; and
- capacity building and support to local government organisations, communities, NGOs and other conservation bodies.

13. The IEEM OT-SIG is now establishing relationships with the view to building a network of partnerships across the UKOTs and their UK-based stakeholders to assist in co-ordinating, facilitating and supporting the balanced implementation of sustainable development, protection of biodiversity, climate change adaptation and the introduction of Marine Protected Areas within the UKOTs.

7 January 2013

Written evidence submitted by Buglife

1. Executive Summary

1.1 Buglife—The Invertebrate Conservation Trust is working in partnership on St Helena to develop invertebrate conservation. Through this work we have been made aware of a number of failings during the construction of the new airport. These are having a large, adverse impact on the island’s ecology.

1.2 St Helena is ecologically significant. On Island 400 invertebrate species are found nowhere else on earth—surpassing the number of endemic species found in the UK and all other Overseas Territories put together.

1.3 Plans for an airport have been confirmed and construction is underway. The airport is located within Prosperous Bay Plain in the east of the island, the flattest area on St Helena. Prosperous Bay Plain contains a unique desert ecosystem in its Central Basin and surrounding ridges and valleys, comprising grits and dust with sheltered rock outcrops.

1.4 Prosperous Bay Plain is the main evolutionary centre on St Helena for animals adapted to arid habitats. In the context of St Helena’s biodiversity, it is an area with an extraordinary concentration of endemic invertebrates—a globally significant “biodiversity hotspot”. It is clear that if located in the mainland UK, Prosperous Bay Plain would be within the very top tier of the country’s most important wildlife sites, and would be protected by a myriad of different national and international designations.

1.5 As part of planning process for the airport an Environmental Impact Assessment was carried out. This predicted a large adverse impact on the Island’s Central Basin and Prosperous Bay Plain and developed a draft Environmental Management Plan (EMP) and draft Landscape and Ecology Mitigation Plan (LEMP).

1.6 The primary objectives of the LEMP were to provide compensatory habitats and landscape treatment to reduce and offset the permanent impacts of the airport and its associated infrastructure. This includes direct loss of habitat and the direct and indirect impacts on the landscape of the island. The EMP makes it clear that the detailed landscape and ecological mitigation requirements would continue to be developed in parallel to the design to ensure that any changes to engineering works could be assessed and then avoided, mitigated or compensated.

1.7 The detailed design of the LEMP has not run in parallel and is starting 16 months after construction was initiated. As a result Buglife considers there has been the avoidable loss of or serious damage to a number of areas of high ecological value and sensitivity. This is due to requirements of the EMP not being met and/or not having detailed information to ensure areas of high importance are avoided or protected. This has been of particular impact when construction plans change.

1.8 No detailed surveys have been carried out to identify sensitive areas and guide construction as was planned. This is of particular issue when airport engineering plans change, as they seem to do frequently. Construction is then taking place before the impact has been assessed, without even thinking about how the loss or damage may be avoided, mitigated or compensated. This is having a serious impact on the population viability of rare species such as the endemic Mole spider.

1.9 There are on the ground examples indicating that airport construction is not being adequately mitigated and compensated. Avoidable loss of and damage to extremely sensitive, and globally significant, habitat has already been caused due to environmental protection being a low priority and a lack of forward planning.
There has also been very little monitoring and enforcement by St Helena Government to ensure that environmental mitigation activities outlined in the LEMP are being adequately delivered. In the context of the UK’s responsibility to protect the biodiversity on Overseas Territories this unique biodiversity hotspot should be of the highest priority.

1.10 We strongly recommend that further information is sought from Department for International Development and the St Helena Government to clarify what steps are being taken to protect and also enhance biodiversity on St Helena. Permanent damage has already been caused and if action is not taken now species will become extinct.

2. INTRODUCTION

2.1 Buglife—The Invertebrate Conservation Trust is the only charity in Europe devoted to the conservation of all invertebrates, and is passionately committed to saving the small things that run the world. The charity was established in 2002 and has a strong conservation track record, saving sites that are home to endangered species; promoting the conservation of invertebrates to the public and land managers; undertaking research and surveys essential to planning effective action; and influencing policy and legislation so as to benefit endangered species.

2.2 Buglife strives to develop international invertebrate conservation by undertaking international projects. Invertebrates are not just in trouble on mainland UK, there are invertebrate conservation issues across the globe, and notably in other parts of the EU and on the UK Overseas Territories.

2.3 Funded by the Darwin Initiative, Buglife is working in partnership with the St Helena National Trust, St Helena Government and the Centre for Ecology and Hydrology (Edinburgh) to develop invertebrate conservation on St Helena and we therefore have an in depth understanding of the value of the St Helena wildlife.

2.4 St Helena’s flora and fauna evolved in extreme isolation, resulting in more than 400 invertebrate species found nowhere else on Earth. This total surpasses the number of endemics found in the UK and all its other Overseas Territories put together. For this reason, St Helena has been called the “Galapagos of the South Atlantic”.

2.5 Plans for the new airport on St Helena have been approved, funded and construction is underway. We do not seek to stop this. However, through its work on St Helena Buglife has recently become aware of the apparent failures in the delivery of the environmental mitigation and compensation strategy for the airport and significant changes to the development which have not had their potential environmental impacts assessed. In our view, this prevents the UK Government from fulfilling its responsibility to protect biodiversity in the UK Overseas Territories.

2.6 The purpose of this evidence is to raise awareness of the negative impact that the airport construction is having on the wildlife of St Helena which could be avoided. Going forward we hope to encourage better quality of work from an environmental management perspective that is more transparent and engages with conservation organisations on St Helena that have detailed knowledge and expertise of the island’s ecology.

3. VALUE OF PROSPEROUS BAY PLAIN

3.1 The airport is located within Prosperous Bay Plain in the east of the island, the flattest area on St Helena. Prosperous Bay Plain contains a unique desert ecosystem in its Central Basin and surrounding ridges and valleys, comprising grits and dust with sheltered rock outcrops.

3.2 Prosperous Bay Plain is the main evolutionary centre on St Helena for animals adapted to arid habitats. In the context of St Helena’s biodiversity, it is an area with an extraordinary concentration of endemic invertebrates—a globally significant “biodiversity hotspot”. As invertebrates are the principal group of endemic animals on St Helena, there being no native amphibians, reptiles or mammals and just a single, endemic land bird still extant, Prosperous Bay Plain is of major importance to St Helena’s natural heritage.

3.3 The dusty, level floor of the Central Basin, a low lying depression within Prosperous Bay Plain, is a unique habitat on St Helena. It is a miniature mature desert ecosystem, similar in character to deserts in continental Africa.

3.4 A total of 35–40 animal species and six genera that have been recorded on Prosperous Bay Plain occur nowhere else in the world. As recently as 2003, 10 species new to science were discovered there, indicating that the fauna is poorly understood and there are probably other un-described species present. In addition, 51 species endemic to St Helena have been recorded from the area of Prosperous Bay Plain, though they are not restricted to it.

3.5 The invertebrates found only in the area of Prosperous Bay Plain are represented by a wide range of invertebrate groups, not just many similar species in a single group; there are centipedes, spiders, pseudoscorpions, mites, beetles, wasps, moths and flies:

— The pseudoscorpion *Sphallowithius excelsus* is like a miniature scorpion but without the stinging tail. It lives in the dusty areas of the Central Basin.
— Wolf spiders are a really special component of the Prosperous Bay Plain fauna, several species make burrows in the soft dust, eg the Prowling wolf spider *Hogna nefasta* is the dominant invertebrate predator, while the Lurking wolf spider occurs towards the eastern end of the Central Basin, the area most at risk from the development, and is considered to be endangered and at serious risk (only eight specimens have been found to date). It has not yet been given a scientific name and has been temporarily assigned to *Trochosippa* sp.

— A further un-described and rare species of restricted range, recently christened the “Mole spider”, is also endemic to Prosperous Bay Plain. It is possibly the only large spider in the world to live rather like a mole, exclusively in subterranean tunnels which it digs itself.

— Endemic weevils are very species rich on Prosperous Bay Plain, with *Xestophasis xerophilus* being found only there and associated with the native Samphire plant.

— The tachinid fly *Atlantomyia nitida* is probably a parasite of the endemic grasshoppers but appears to be very rare.

4. Impact of Airport Construction

4.1 The airport development is predicted to take around 163 hectares of the Prosperous Bay Plain. In addition to this 8.11 hectares of the Central Basin will be lost to the airport development area.

4.2 The St Helena Airport Environmental Statement (2008) concluded that the desert habitats of Prosperous Bay Plain were of Very High Value for their ecological interest and of International Importance. A Large Adverse impact was predicted for the desert ecosystems of PBP and its Central Basin.

4.3 To mitigate and compensate the acknowledged Large Adverse environmental impact of the airport, a draft Environmental Management Plan (EMP) and draft Landscape and Ecology Mitigation Plan (LEMP) were produced. The documents were part of the St Helena Airport Environmental Statement published in 2007 and which subsequently supported the application for development permission in 2008.

4.4 Within these documents the St Helena Government (SHG) and Department for International Development (DfID) state that they will to seek the highest possible standards of environmental management during construction and operation of the [airport] works. It also states that the Environmental Management Plan will remain in draft form to the start of construction and that changes, both significant and minor, will be incorporated into the Environmental Management Plan as it develops.

4.5 The primary objectives of the LEMP were to provide compensatory habitats and landscape treatment to reduce and offset the impacts of the airport and its associated infrastructure. This includes permanent direct loss of habitat and the direct and indirect impacts on the landscape resource of the islands. The EMP makes it clear that the detailed landscape and ecological mitigation requirements would continue to be developed in parallel to the design to ensure that any changes to engineering works could be assessed and avoided, mitigated or compensated.

4.6 The draft LEMP set out the range of activities considered necessary to establish the means to provide compensatory habitat and landscape treatment. Principle activities included: pre-construction site preparation, plant production management, germplasm collection, plant production, landscape and ecology mitigation planting, alien plant control & maintenance and long term management.

4.7 The LEMP first initiated in September 2008 was scaled back significantly and then halted, understandably, following the pause and then cessation of negotiations for air access. This work was limited to a one-year programme, which collected a very small amount of seed to start building up plant stocks for compensatory habitat. No direct mitigation for the permanent or temporary loss of habitat was undertaken.

4.8 In June 2010 the Rt Honourable Andrew Mitchell MP, then International Development Secretary, confirmed the UK Government’s willingness to fund an airport for St Helena subject to conditions. In 2011 there were engineering modifications and an Environmental Statement Addendum was produced reviewing past work and addressing some of the engineering revisions.

4.9 In a written Ministerial Statement to Parliament on 3 November 2011 it was confirmed that the conditions had been met and the design, build and operate contract awarded to Basil Read (Pty) Ltd.

4.10 In March 2012 DfID initiated the search to appoint a supplier to provide ecology mitigation services to the Government of St Helena to deliver LEMP (www.government-online.net/ecology-mitigation-st-helena/).

4.11 A year later in March 2013 the Airport Project board that governs the Airport Project gave approval for the LEMP of £870,000 to be managed by the St Helena Government Air Access Office (AA). It is not


clear how this sum is to be allocated, if it is enough to mitigate and compensate a major development with a large adverse impact or what will happen if further compensation work is needed once the fund has been allocated.

4.12 The St Helena Airport update issue no 28 (26 March 2013) stated that detailed design and planning for the LEMP has begun. As of May 2013 airport construction works have been underway over 16 months.

4.13 Due to the detailed design of the LEMP starting 16 months after construction was initiated Buglife considers there has been the avoidable loss of or serious damage to a number of areas of high ecological value and sensitivity. This is due to requirements of the EMP not being met and/or not having detailed information to ensure areas of high importance are avoided or protected. This has been of particular impact when construction plans change. For example:

(i) Advanced pre-construction works that formed part of the mitigation requirements of the project are not underway and this will impact on ecologically sensitive habitats and species as well as the quality of environmental management of the development. For example, ecologically sensitive areas of habitats and species, including and most importantly, the unique Central Basin area of Prosperous Bay Plain has not been adequately protected by physical barriers or signage to prevent damage or additional disturbance (by works or access) during construction. Fencing of the Central Basin was identified as a key method of limiting the damage to this area prior to the construction.

(ii) The baseline surveys carried out as part of the original EIA do not provide an accurate baseline data set to work from. It was intended that more detailed surveys would be carried out prior to construction to inform development. As a result it is not possible to accurately assess the impact of construction or to guide construction works and mitigation plans to avoid unnecessary environmental damage.

(iii) The endemic Mole spider has been previously recorded in the Central Basin but no surveys of the size or health of the population have been conducted that we are aware of. It is also known on one site near the Airport Contractor’s construction camp at Bradley’s and on the southern ridge of the Central Basin.30

On the southern ridge, the one population was expected to be directly impacted by the construction and one to be lost entirely to the runway. Airport engineering plans have changed and the construction footprint has now resulted in the additional loss of the majority of habitat across the southern ridge. This could impinge on the viability of the population, particularly as no attempt has been made to mitigate this loss. It may have been possible to translocate the population had further assessment of the impacts been carried out in advance. Remaining areas of habitat may be at risk of additional disturbance and damage as there are no physical protective measures in place.

The population at Bradley’s Camp is now likely to be destroyed to create a triangulation station for the airport. It is not clear why this area of habitat has been selected when there are similar habitats unoccupied by the spiders, including the area temporarily being used to house septic tanks, all around this area. Unfortunately, the story of the mole spider is likely to be indicative of how other less charismatic species, concentrated around the Airport Development Area, are being affected by the development.

(iv) The recently constructed access road from Rupert’s Bay has resulted in the creation of a spoil slip slope covering the original vegetation that is highly prone to erosion. The vegetation lost contained Samphire which was important for a number of species only recorded in that particular area. If there had been further refinement of the EMP this interest would have been identified and its loss may have been avoided.

(v) Part of the mitigation strategy was to restore areas under temporary use and create compensatory habitat for permanent habitat loss using native species. Without detailed baseline surveys it is not possible to accurately assess the quantity and types of compensatory habitat required. As the surface of the majority of the construction area has now been scraped, this task has been rendered impossible.

(vi) Some areas of compensatory habitat may need to be stocked with native species from areas to be lost to development. These would be propagated primarily through seed collection and then cultivated. The delay in the start of the LEMP means that important plant areas have already been destroyed, severely compromising this aspect of compensation.

(vii) In this arid and sensitive environment dust levels arising from the development are unavoidable but controlling them is an important and required component of the mitigation measures. We are concerned about dust levels and the need to protect ecologically sensitive habitats adjacent to the development. The impacts of dust on the habitats and species are not fully understood and need to be monitored in order to allow action if levels rise too high. Heavy coatings of dust are likely to have a serious effect, particularly on annual plants and sensitive lichen species, which form major food sources for the invertebrates of the Plain. The Environmental Statement indicates that barriers will be used as needed but none are evident at this point in time.

4.14 These examples indicate that the airport construction is not being adequately mitigated and compensated. Avoidable loss of and damage to extremely sensitive, and globally significant, habitat has already been caused due to environmental protection being a low priority and a lack of forward planning. There has also been very little monitoring and enforcement by St Helena Government to ensure that environmental mitigation activities outlined in the LEMP are being adequately delivered. In the context of the UK’s responsibility to protect the biodiversity on Overseas Territories this unique biodiversity hotspot should be of the highest priority.

5. Recommendations for Committee

5.1 As mentioned above, going forward we would like to see a more transparent way of working secured. Buglife and the on island conservation organisations are able to give specialist ecological advice on the wildlife of St Helena. As the construction is moving at such pace action needs to be taken quickly to ensure that further habitat is not destroyed or damaged needlessly.

5.2 Buglife recommends that further information is sought from DfID to establish the on Island situation and ensure that environmental protection is high on the St Helena Government agenda. This needs to be demonstrated on the ground through sensitive construction. We suggest the following information is obtained from DfID to help understand the situation:

— What is the timetable for the revised LEMP and what impact on St Helena’s biodiversity will there be by not having this in place from the start of construction?

— Will the revised LEMP review the level of mitigation and compensation required to offset the additional environmental impact? What will the procedure be if mitigation and compensation exceeds the budget set by DfID?

— When engineering and design plans have changed is construction being realised after environmental assessment has been carried out? If so, when will the survey and impact assessment information be in the public domain? The current absence of detail is contributing to the lack of transparency around the project.

— What monitoring and auditing is being carried out to ensure that mitigation measures are in place and working?

— What process is used to weigh up the costs of impact on the environment (eg potential extinction of a very rare endemic species) relative to the financial savings gained by a particular change to the construction design?

— To what extent has DfID devolved environmental management and oversight of the airport construction project to the St Helena Government? We have concerns that environmental protection is being and will continue to be compromised as St Helena Government is also required to deliver the airport to time and to budget. This is a clear conflict of interest.

13 May 2013

Written evidence submitted by Adrian Johns, Governor of Gibraltar

Thank you for your letter of 25 March about the Environment Audit Committee’s Sustainability in the Overseas Territories Inquiry. Before addressing your questions I thought I would it might be helpful to you if I were to set out some of the context in which I am replying.

Under Gibraltar’s current 2006 Constitution, the Governor remains responsible for external affairs, defence, internal security and for certain functions in relation to appointments to public office while HM Government of Gibraltar (HMGoG) has responsibility for all areas not specifically assigned to him in the Constitution. This includes environmental management.

Of the Overseas Territories, Gibraltar holds the unique position of being within the European Union by virtue of Article 355(3) of the TFEU. This provides much of the framework for Gibraltar’s environmental law and practice. While the UK Government is ultimately responsible under the Treaty for the implementation of
EU law in Gibraltar, EU measures are in practice implemented within Gibraltar by means of legislation enacted by Gibraltar’s Parliament. The Governor has no formal role in either Cabinet meetings or within Parliament, although all primary legislation comes to him for Assent. The Governor may withhold Assent in certain narrowly defined circumstances. In transposing the wide range of EU directives and regulations in the environmental sphere, HMGoG enjoys a healthy relationship with Defra and DECC from the initial proposal stage through to implementation. HMGoG is up-to-date in the transposition of post-Lisbon EU directives into domestic law.

What role do you have in regards to the environment in your territory, both in terms of overall strategy and on particular developments/projects in the territory?

As set out above, environmental management including sustainability is a responsibility devolved to HMGoG.

How much of a priority is the environment and sustainable development to the government of the territory?

How do you engage with the territory’s government on these issues? Are there any particular examples of where developments/projects have proceeded which would damage the environment, and what if any input did you make in such cases?

The priority attached to the environment is a question more appropriately addressed to HMGoG given their devolved responsibility. I can however inform you that the present government’s manifesto does sets out their proposed environmental policies including a carbon neutral Gibraltar, an environmental impact assessment for all policies, examination of possibilities on bunkering at sea and land based storage, power generation/alternative energy, renewable energy funding and regulation of fishing. HMGoG hosted a Thinking Green conference and trade fair in October 2012 which profiled many of their policies. The speakers included former US Vice President Al Gore and Juan Verde, then International Co-Chair of President Obama’s re-election campaign.

The Environment Minister, the Hon Dr John Cortes, comes from a strong environmental background, is a Chartered Environmentalist and a member of the Institute of Ecology & Environmental Management. He received an MBE in 2003 for services to Ecology and the Environment.

What pieces of environmental protection legislation remain in draft form in your territory? Is there any draft environmental legislation that has stalled? Have you declined previously to enact any environmental legislation and what were the reasons behind that decision(s)?

Again a devolved area of responsibility but I am not aware of any stalled legislation. As mentioned, all necessary legislation to comply with EU law has been enacted.

What is the nature and frequency of your contact with UK government departments and UK Ministers on environmental or economic development issues in the territory?

HMGoG enjoy a healthy working relationship with Defra and DECC both on EU work and also relating to the extension of international conventions to Gibraltar. Minister Cortes called on Defra and DECC Ministers in April 2012 during a visit to the UK.

What scrutiny mechanisms are in place in your territory to hold the territory Government to account for their environmental practices?

Again this is a matter more appropriately addressed to HMGoG. I can however inform the Committee that it is an HMGoG policy to consider every decision against its potential environmental impact. The Development & Planning Commission (DPC) also considers the potential environmental impact of all new projects. The DPC is chaired by the (independent) Town Planner and commission members include the Environment Minister and Gibraltar NGO the Environmental Safety Group.

Gibraltar also has a Public Services Ombudsman. The Ombudsman is an independent authority, whose functions are to investigate complaints received from the general public about acts of maladministration undertaken by HMGoG and certain public bodies and contractors. This could potentially include environmental malpractice.

Given your role in regards to standards in public office, on what environmental grounds would you seek to remove territory government officials from office?

Through his general responsibility for ensuring good government, the Governor has responsibility for some public appointments including some senior civil servants. This question is however hypothetical and is more appropriately addressed to HMGoG.
I hope that the information above helps your inquiry. In my role as Governor, I of course keep in touch with HMGoG on a broad range of issues including the environment and I ensure that the UK Government is aware of the views of HMGoG including on EU issues relating to the environment and vice versa.

19 April 2013

Written evidence submitted by George Fergusson, Governor of Bermuda

Thank you for your email to me, along with the Governors of other Overseas Territories, enclosing a questionnaire about the role of Governors in dealing with environmental matters. I am attaching the questionnaire completed in respect of Bermuda.

You will see from the responses that Governors’ constitutional roles vary considerably across the Territories. In the case of Bermuda, the Governor’s formal constitutional role is limited to matters of national security, police, defence and international relations, together with a role in some important appointments, some of which, like that of the Ombudsman, can become involved in environmental matters. But for the most part responsibility for environmental matters is devolved to the elected Government. As a result, some of the answers to the questionnaire end up being more a matter for the Government of Bermuda than for the Governor. I have answered the questions as fully as I can, nonetheless, and hope they are of use to the Committee.

Bermuda is one of the most advanced Overseas Territories. Its constitution was adopted in 1968 and was designed to be a stepping stone towards independence. Unlike other Overseas Territories the Governor has no role in Cabinet or Legislative Assembly proceedings. He has the same special responsibilities (external affairs, defence, including armed forces, internal security and the police) but must work in collaboration with the relevant Minister to accomplish his goals. As the Governor does not sit in Cabinet he is kept informed of policies outside of his responsibility through Cabinet Papers, and is provided a copy of all papers which are presented to Cabinet. He also receives a copy of the minutes of Cabinet meetings following each meeting.

1. What role do you have in regards to the environment in your territory, both in terms of overall strategy and on particular developments/projects in the territory?

The Governor only has direct involvement in environmental projects if it is something which the UK Government is involved in, for example by a potential implication for international obligations and conventions, or if there is a project which cuts across his special responsibilities as set out in the constitution. Environment is a devolved responsibility of the Government of Bermuda. As such the Governor does not have any involvement in the development of overarching strategies for the environment. If there is an environmental project which involves international obligations Government House uses its excellent relationships with the Bermuda Department for Environment, the Minister and Permanent Secretary, to discuss the project or development and to help provide guidance and assistance. The cooperation has worked very well with projects such as the Sargasso Sea initiative being very much discussed between Government House and the Bermuda Department for Environment. The Governor also has an informal role through asking questions and making suggestions.

2. How much of a priority is the environment and sustainable development to the government of the territory?

The Government of Bermuda sees the protection of its natural environment as very important but this question is primarily a matter for the Bermuda Government itself. There are many Acts which protect the environment and promote sustainable development, including:

- Protected Species Act 2003
- Endangered Animals and Plants Act 2006
- Water resources Act 1975
- Clean Air Act 1991
- Bermuda National Parks Act 1986

The Department for Conservation Services works to monitor and protect the environment. The Government of Bermuda signed up to be part of the first commitment period of the Kyoto Protocol and were asked to take part in the second. They have agreed in principle.

(a) Are there any particular examples of where developments/projects have proceeded which would damage the environment, and what if any input did you make in such cases?

The Governor appoints a number of senior officials within the Civil Service who work to oversee the work of government. One of these appointees, the Ombudsman, has investigated Special Development Orders (SDOs) in Bermuda for compliance with the UK Environment Charter. A copy of the special report, which was in some respects critical, can be found at www.ombudsman.bm. Bermuda signed up to the Charter in 2001 but has not followed it invariably in relation to large developments on the Island. As mentioned previously, when the Cabinet papers are seen in Government House it is possible for the Governor to raise an issue or offer help on
a planned project. But we have no power to intervene unless it crosses one of the Governors special responsibilities.

3. What pieces of environmental protection legislation remain in draft form in your territory?
(a) Is there any draft legislation that has stalled?

We are not informed of draft legislation and its progress. This query would be better raised with the Government of Bermuda. Draft legislation is taken to the Cabinet before it is put forward to the House of Assembly.

(b) Have you declined previously to enact any environmental legislation and what were the reasons behind that decision(s)?

As far as we are aware the Governor of Bermuda has never refused to enact any Environmental Legislation. It is not in his power to do so unless it would breach the UK’s international obligations.

4. What is the nature and frequency of your contact with UK government departments and UK Ministers on environmental or economic development issues in the territory?

When necessary we interact with the Foreign & Commonwealth Office (FCO) and the Department for Environment Food and Rural Affairs (Defra) on matters pertaining to the environment in the Territory. Ministers from Defra attended the Joint Ministerial Council hosted by the FCO which was attended by representatives from OT Governments. They were able to talk to the Territories and Governors about the environment and climate change. Most recently we have had contact with them over the Sargasso Sea initiative being put forward by the Government of Bermuda and the Sargasso Sea Alliance. Defra have been very involved and provided representation at international conferences and fora for the project. We have also begun work on an environmental mainstreaming project. This FCO-funded project which is managed by the Joint Nature Conservation Committee has been successfully piloted in the British Virgin Islands and the Falkland Islands. It aims to encourage elected representatives, civil servants and the private sector to consider environmental impact in decision-making across the board.

5. What scrutiny mechanisms are in place in your territory to hold the territory Government to account for their environmental practices?

See comments on the role of the Ombudsman under question 2a. Bermuda MPs can and do raise issues in the House of Assembly: there is an active civil society with a range of environmental organizations; and the media is active on environmental matters.

6. Given your role in regards to standards in public office, on what environmental grounds would you seek to remove territory government officials from office?

The Governor only appoints a small number of senior officials and has no role in appointing any other civil servants. The dismissal of any government official would be resolved through normal disciplinary procedures and the Government of Bermuda would be best placed to answer this question.

The Governor’s Office and the Office of the Deputy Governor in Bermuda help support environmental projects where they can. Bermuda has recently benefitted from funding through the Darwin Plus Initiative and in the past has been a recipient of funding through the Overseas Territories Environment Programme. Government House keeps in touch with many environmental organisations and projects, providing support either through use of the House for events or through patronage at events. We continue to look for other ways to help environmental projects.

18 April 2013

Written evidence submitted by Gina Ebanks-Petrie, Director, Department of Environment, Cayman Islands

What particular aspects of environmental support/admin/funding from the UK Government is welcomed?

We particularly welcome the opportunity to access technical and scientific expertise in UK government environment departments and NGO’s on an “as needed” basis. It is therefore important that we are able to identify individuals within Defra, DECC, FCO, UK CITES Management and Scientific Authorities etc to whom we can directly address questions. This is not always easy. We tend to have fewer communications issues with JNCC, Kew, etc. Any funding is appreciated and welcomed.

What environmental support/admin/funding is not welcomed?

Generally we welcome any support and funding that is offered. However, there are times when a request for assistance or involvement in projects materialises when either the project is not relevant to priorities in the
Would the Governor taking a closer interest in environmental protection be appropriate?

While political will to tackle environmental issues remains low it would be useful for the Governor to maintain an oversight role from the perspective of good governance.

What more should the UK Government be doing to support environmental protection in the overseas territories?

With the responsibility for the environment being a matter that has been constitutionally delegated to an elected Minister, the UK’s role in this regard is arguably limited to the provision of funding and technical support and/or expertise. However, we also believe it would be helpful for HMG to require regular reporting from UKOT Ministers of Environment on key environmental issues, perhaps by making the environment a regular/standing agenda item on the annual Ministerial Council meetings. We also think it would be useful for HMG to encourage and assist UKOTs to develop relevant biodiversity and sustainable development indicators which can be reported against.

Does the 2012 White Paper, which sets out the UK Government’s strategy, meet your expectations?

Not really—for a strategy level document we found the paper lacking in specifics and detail.

To what extent is the UK Government discharging its international responsibilities concerning the environment and biodiversity?

We find this difficult to answer. If the question can be asked differently we will attempt a response.

Do UK government departments work effectively together on overseas territory issues?

There is room for improvement.

Would you welcome stronger support from any UK departments in particular?

At the moment we would welcome stronger support from DECC on issues relating to Climate Change.

The UK Government has consolidated its environmental protection funding for the overseas territories into the “Darwin Plus” Fund. Is this a positive development and is the Fund big enough to support the work that is needed?

Generally we welcome the launch of the Darwin Plus Fund in that its remit is wide enough to cover almost any issue that would be a priority in our territory. However, as we understand it, work in the UKOTS is now outside the remit of the regular Darwin Initiative funding which means that there is a real potential that the environmental agenda in the territories will be set by the funding needs of UK and/or international NGO’s and agencies, as opposed to being driven by realities and needs on the ground in the individual territories.

Do your environmental departments have enough staff and the technical expertise you need?

Generally speaking we are well resourced and there is a high retention of qualified, local personnel (currently there are 31 fulltime staff operating on the three islands, 90% of which are qualified Caymanians). However, we have recently lost funding for four research posts and three conservation (enforcement) officer posts so are feeling the impact of these losses on a daily basis. Our scientific and technical personnel also do not possess all of the skills and expertise that may need to be applied to particular problems so we very much rely on collaboration with UK and other academic institutions and government agencies.

What pieces of environmental protection legislation remain in draft form in the territory?

The Draft National Conservation Law, updated Marine Parks regulations, and regulations for the protection of Nassau grouper remain in draft form. Two national policies are also still in draft form—National Climate Change Policy and National Energy Policy. The Endangered Species Trade and Transport Law has been passed by the Legislative Assembly but has not yet been implemented. Also of note is the fact that the physical Development Plan for Grand Cayman is seriously out of date (the current plan is dated 1997), despite there being a legal requirement for it to be reviewed and revised every five years.

Is there a role for the UK Government to ensure that this legislation is enacted?

Perhaps through the reporting requirements mentioned earlier.
What estimates have the territory’s government made of the value of natural resources and ecosystem services to the economy of the territory?

None. However, the DoE is about to embark on a prioritisation exercise for economic assessment of ecosystem services through JNCC funding.

What scrutiny mechanisms are in place in your territory to hold the territory government to account for their environmental practices?

There is FOI legislation but without the National Conservation Law and a legal requirement to consult on the environmental impacts of decision, plans and policies (and no legislated process for EIAs) then the opportunities for scrutiny are very limited.

18 April 2013

Written evidence submitted by Nigel Haywood, Governor of the Falkland Islands

What role do you have in regards to the environment in your territory, both in terms of overall strategy and on particular developments/projects in the territory?

The Governor sees agendas and minutes of the Environmental Committee but does not typically attend the meetings. The Governor can feed his views to this committee through formal letters or informal conversation with committee members.

The Governor’s position in Executive Council enables oversight of all environmental policy/strategy within the Islands. The Governor has the authority to request Environmental Impact Assessments.

Environmental Mainstreaming Project oversight—The Governor has a place on the Project Oversight Group and attends meetings and contributes to this forum.

How much of a priority is the environment and sustainable development to the government of the territory?

The Environment is one of 11 priority areas identified in the Islands Plan, which aims to ensure the conservation of the Islands’ environmental heritage and biodiversity and seeks to enhance environmental protection.

The Islands developed a Biodiversity Strategy in 2008, supported by a detailed environmental baseline assessment (State of the Environment Report) which was reviewed in 2012.

The Falkland Islands Government (FIG) has signed up to a number of international agreements in its own right. FIG has committed to achieving the objectives of:

- The Kyoto Protocol.
- Ramsar Convention.
- Conservation of Migratory Species of Animals.
- Conservation of Albatross & Petrels (ACAP).

The Islands have been leaders in the development of wind power. The Islands’ six wind turbines provide 40% of Stanley’s electricity. Extensive investments have been made in providing wind power to settlements and individual farms in rural areas—to the extent that most now have 24hr power and with a commensurate reduction in the use of diesel fuels. FIG has recently concluded negotiations with the Ministry of Defence to construct additional turbines to provide power to the Mount Pleasant Complex, further reducing the use of fossil fuels on the Islands.

Environmental funding is low in the context of the overall FIG budget. Total annual funding of £200,000 (less than 1% of FIG annual budget) includes funding for Falklands Conservation (£70k) and an Environmental Studies Budget (£60k).

The recently formed Environmental Mainstreaming Group is a Forum to further encourage and support “greening” of government and industry.

In 2012 FIG announced the creation of the South Atlantic Environmental Research Institute, along with seedcorn funding to develop the institute over a three year period. The Institute has a high level of political support and is successfully engaging with partners from other OTs, in the UK and the rest of the world.

Reflecting the high priority attached to the environment in the Islands, FIG recently announced that hydrocarbon developments would be required to undertake a detailed “Environmental Case” in support of any proposals put forward. This is a significant step and will enable the Islands to be at the forefront of environmental management of a new hydrocarbons sector. The Government is also actively reviewing its safety and emergency management processes and procedures, which will include environmental protection.
How do you engage with the territory’s government on these issues?

I engage with FIG regularly at a number of levels—through weekly meetings with Members of the Legislative Assembly, weekly meetings with the Chief Executive and Attorney General, and others as appropriate. More formally, I chair the monthly Executive Council. Environmental issues feature as appropriate in these discussions.

Are there any particular examples of where developments/projects have proceeded which would damage the environment, and what if any input did you make in such cases?

There are no specific examples. However planning and EIA legislation is dated, and is a concern as oil exploration progresses. The gap has been identified by FIG and plans are in place to address it.

What pieces of environmental protection legislation remain in draft form in your territory? Is there any draft environmental legislation that has stalled? Have you declined previously to enact any environmental legislation and what were the reasons behind that decision(s)?

The terrestrial Environmental Impact Assessment (EIA) legislation is still in draft, and has not yet been subject to public consultation due to a lack of capacity in FIG (both in Environmental Planning and in Attorney General’s Chambers). I have not declined to enact any environmental legislation.

What is the nature and frequency of your contact with UK government departments and UK Ministers on environmental or economic development issues in the territory?

Such issues are discussed formally at the annual Overseas Territories Joint Ministerial Council, attended by Overseas Territories leaders, UK Ministers and Governors. Otherwise, contact is through Overseas Territories Directorate in the FCO as and when necessary.

What scrutiny mechanisms are in place in your territory to hold the territory Government to account for their environmental practices?

The Committee system within FIG is transparent and allows the public and NGOs to attend and the Environmental Committee has lay members. All committees are open for the press and public to attend. Agendas and papers are available for public scrutiny three days in advance of each meeting.

The JNCC Environmental Mainstreaming Project is attempting to encourage “green” business and overcome what is perceived to be generally poor environmental practices in much of the private sector (and to some extent within Government).

Falklands Conservation provide independent scrutiny to FIG on environmental issues (though are largely funded by FIG).

Given your role in regards to standards in public office, on what environmental grounds would you seek to remove territory government officials from office?

It is difficult to answer such a hypothetical question. Discipline and removal of public officers is covered by s85 of the Constitution, and the Management Code which it describes. There are no explicit environmental grounds for removal set out in either document.

18April 2013

Written evidence submitted by Nigel Haywood, Commissioner of South Georgia and the South Sandwich Islands

The territory of South Georgia and the South Sandwich Islands has no resident population. It is managed by an appointed Government (GSGSSI), based in Stanley in the Falkland Islands. Oversight of the Government comes through the Polar Regions Department in the Overseas Territories Directorate of the FCO, but day-to-day management of the Territory, including environmental issues, rests with GSGSSI.

The Commissioner has overall responsibility for the management of the Territory and of the GSGSSI team, which has four full-time staff (including an Environment Officer) based in Stanley and three Government Officers, who work on rotation on South Georgia. There is a strong environmental element to the small Government team, with four of the seven full-time staff having a PhD in biological or environmental science.

Environmental issues are a high priority in all of GSGSSI’s work. South Georgia and South Sandwich Islands are home to an incredible abundance and diversity of both marine and terrestrial wildlife, including globally significant populations of seabirds and marine mammals. The presence of such diverse and abundant wildlife means that environmental protection is at the heart of all activities in the territory. Fisheries, which provide the main source of income to the territory, are amongst the best managed and most highly regulated in the world and this has been recognised by MSC certification of the Patagonian toothfish and mackerel icefish fisheries as well as part of the krill fishery. We continually strive to improve our fisheries management and have
been pioneers in introducing environmentally sensitive fishing practices. Tourism is also carefully managed and monitored, with a limited number of sites accessible to visitors.

GSGSSI supported the establishment of the South Atlantic Environmental Research Institute (SAERI). The Chief Executive is a board member. GSGSSI provides some financial support, and has used its offices to establish a PhD studentship. We plan to use SAERI more extensively for logistical and coordination work as its capacities develop.

**LEGISLATION**

Developing robust legislation is essential to underpin sound environmental management. In 2010 we enacted the Wildlife and Protected Areas Ordinance, which gives full protection to the native wildlife of the territory. It also enables the declaration of Marine Protected Areas (MPAs) and Specially Protected Areas. In February 2012 the Marine Protected Areas was enacted, creating a large (1 million km²) sustainable use MPA, which will shortly be strengthened by additional protection.

Further legislation will be developed in the course of the next two years. Whilst particular focus will be on administration of justice, other areas of environmental legislation (notably marine pollution and terrestrial Specially Protected Areas) will be addressed. Legislation is drafted by the Attorney General’s Chambers in the Falkland Islands. Lack of capacity is an issue, and we are considering farming drafting out to the UK.

**FUNDING AND SUPPORT FROM THE UK GOVERNMENT**

Links to UK Government departments are particularly important as a small team cannot have suitable expertise in all areas. In SGSSI we are fortunate to be able to call on expertise at the British Antarctic Survey, who have a long history of scientific research on and around South Georgia. GSGSSI staff are in regular contact with the Polar Regions Department in the FCO and links with DEFRA are facilitated through a JNCC point of contact, Anton Wolfraad, who is based in Stanley. This post is part-funded by the South Atlantic OTs and partly by DEFRA. Dr Wolfraad was originally appointed as co-ordinator for activities in the South Atlantic territories in support of the Agreement on Albatross and Petrels (ACAP), but has since taken on a broader role. Unfortunately he will be leaving post later this year, though we hope that his post will be retained.

The establishment of Darwin Plus is a step forward in that it combines funds previously available under OTEP and Darwin, however there is a considerable amount of high priority environmental work that is not funded. For example, in South Georgia an eradication of introduced reindeer is being funded from GSGSSI reserves, whilst a rodent eradication is being undertaken by a charitable trust (South Georgia Heritage Trust, SGHT). In the case of the reindeer eradication an application to Darwin was rejected. DEFRA have provided some funds towards the rat eradication and we understand the SGHT have recently secured some Darwin Plus funding to support the eradication of mice.

Further financial support from the UK Government would be of great benefit to SGSSI, priority areas include work on marine and terrestrial biodiversity to underpin our desire to see the Convention on Biological Diversity extended to the territory; work on invasive mammals and plants, including monitoring the recovery of the native wildlife after eradications; and work in support of our commitments to the ACAP.

**VALUE OF NATURAL RESOURCES AND ECOSYSTEM SERVICES**

No formal assessment has been undertaken of the value of natural resources and ecosystem services, although in collaboration with United Nations Environment Programme-World Conservation Monitoring Centre and funded by the Darwin Challenge fund, such an assessment is currently underway. However, in a place like South Georgia, where environmental considerations are central to all activities, outcomes of such analyses may not be particularly applicable.

**ACCOUNTABILITY**

The GSGSSI team are accountable to the Commissioner and to the Overseas Territories Directorate in the FCO. GSGSSI organises an annual stakeholder meeting at which environmental issues are openly discussed. Any major projects are subject to expert and stakeholder review to ensure best practice is adopted.

18 April 2013
Written evidence submitted by Boyd McCleary, Governor of the British Virgin Islands

What role do you have in regards to the environment in your territory, both in terms of overall strategy and on particular developments/projects in the territory?

The environment is a devolved responsibility. Overall strategy and policy decisions on particular developments/projects are therefore matters for the Territory government. My main role within environmental decision-making is to promote good governance ie to ensure that proper procedures are followed which are in line with international best practice.

As Governor of the Territory, I chair meetings of Cabinet. In this capacity, I am involved in any environmental matters that come to Cabinet. My office liaises between the Territory Government and UK government departments to ensure that any requests from the Territory Government for technical assistance are passed on.

How much of a priority is the environment and sustainable development to the government of the territory?

This question would be better directed towards the bodies within the Territory Government with responsibility for environmental matters, currently:

— Environment—Ministry of Natural Resources and Labour;
— Energy—Ministry of Communications and Works;
— Waste Management—Ministry of Health and Social Development;
— Development—Town and Country Planning, Premier’s Office.

The Virgin Islands Constitution enshrines the commitment of the government to protect the environment. Section 29 of Chapter Two says:

“Every person has the right to an environment that is generally not harmful to his or her health or well-being and to have the environment protected, for the benefit of present and future generations, through such laws as may be enacted by the Legislature including laws to:

— prevent pollution and ecological degradation;
— promote conservation; and
— secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

How do you engage with the territory’s government on these issues? Are there any particular examples of where developments/projects have proceeded which would damage the environment, and what if any input did you make in such cases?

In line with the principles outlined in the 2012 Overseas Territories White Paper, we are able to put the British Virgin Islands Government in touch with UK Government Departments who can supply expertise, technical support and sometimes funding.

In addition to the Darwin Plus Fund which is administered by DEFRA, and open to all Overseas Territories, my office has a modest delegated project fund which we use to support projects by the Ministry of Natural Resources and Labour and Non-Governmental Organisations.

BVI has also participated in the pilot for an environmental mainstreaming project. This FCO-funded project aims to encourage elected representatives, civil servants and the private sector to consider environmental impact in decision-making across the board.

The BVI is co-hosting the Caribbean Challenge Initiative Summit in May which will see Caribbean political leaders and company CEOs come together to make significant environmental commitments—such as protecting 20% of near-shore coastal environment by 2020. My office is offering support where requested and I will attend. My office actively engages with BVI Government led initiatives. These include an annual clean up of coastal areas, Earth Day activities and supporting Environment Month.

My office also acts as a conduit between the Territory Government and the UK Government on international conventions relating to the environment.

What pieces of environmental protection legislation remain in draft form in your territory? Is there any draft environmental legislation that has stalled? Have you declined previously to enact any environmental legislation and what were the reasons behind that decision(s)?

Comprehensive environmental legislation entitled the “Environmental Management and Conservation of Biodiversity Bill” was drafted in 2008 and is currently under review by the Territory Government.
What scrutiny mechanisms are in place in your territory to hold the territory Government to account for their environmental practices?

The National Parks Act 2006 is one of the major pieces of conservation legislation. It allows for areas to be designated as, for example, nature reserves, wilderness areas or national parks. It makes it possible to restrict activities and access to terrestrial and marine areas. It also makes provision for voluntary conservation agreements with landowners. Science-based criteria form the basis for designations.

The Physical Planning Act 2004 sets out a development assessment regime, including restricting development, designating protection areas, controlling activities and access, and requiring EIA for certain activities (there are no SEA requirements). The Act provides for public participation and consultation on development and has mechanisms for enforcement and non-compliance, but it does not provide a comprehensive regime.

The Fisheries Act (1999) and Regulations (2003) makes provision for the promotion, management and conservation of fisheries resources. It allows for the designation of marine and fisheries protected areas and for measure to be taken to prevent, reduce and control pollution of fishery waters and the marine environment.

Also in April 2012, the British Virgin Islands signed the Protocols for Effective Financial Management (PEFM) and they were incorporated into law in October 2012. Section 11 of the PEFM says that for capital projects with a lifetime value above 5% of forecast annual recurrent revenue and funded from recurrent surplus or conventional borrowing:

“Independent expert advice such as (but not limited to) accounting, legal, financial, economic and environmental advice will be sought from parties outside the public sector.”

What is the nature and frequency of your contact with UK government departments and UK Ministers on environmental or economic development issues in the territory?

Environment and development issues are discussed formally at the annual Overseas Territories’ Joint Ministerial Council (JMC). This takes place in December in London each year and is attended by UK Ministers, Governors and Overseas Territories’ leaders. Governors also meet UK Ministers twice a year (i) prior to the JMC and (ii) during the week of the FCO’s annual meeting of senior civil servants the FCO Leadership Conference. We have been engaging with DFID in relation to the Caribbean Challenge Initiative Summit referred to above.

Given your role in regards to standards in public office, on what environmental grounds would you seek to remove territory government officials from office?

This is a hypothetical question, but I would follow the normal disciplinary procedures set out in the Constitution, relevant legislation and General Orders for the Public Service.

18 April 2013

Written evidence submitted by Alistair Harrison, Governor of Anguilla

Thank you for your letter of 25 March 2013. I set out my answers to your questions below, but many of them are for the elected Government of Anguilla (GoA) to answer more fully. I have therefore forwarded your letter to the Minister for the Environment Hon. Jerome Roberts and his colleagues. I understand that you have also written separately to the Government of Anguilla (GoA).

Turning to your questions in order:

— As in most of the Overseas Territories, the environment is a devolved matter for the GoA. My role is limited to that on all devolved matters: I act as the Chair of Executive Council (EXCO, effectively the cabinet) and can therefore influence discussion to some extent. But decisions are taken by the four elected Ministers. However, in addition to the work we do with the Darwin Initiative and other strategic funds, my Office has some small devolved project funds that we use to assist Anguilla in capacity building and other support including environmental work. Examples are the support we have given to opening a Centre for Vocational and Technical Education, an outreach initiative with the National Trust “youth with nature” and a sports ground water capture and filtration system. Anguilla also recently participated in the environmental mainstreaming initiative which was funded by Defra (and managed by JNCC). The initiative aims to encourage elected representatives, civil servants and the private sector to consider environmental impact in decision-making across the board. The Governor’s office played a key role in working with JNCC to ensure local buy-in to this initiative—and I opened and closed the three-day workshop.

— The priority placed on environment and sustainable development is a matter for the GoA. My input is limited to my chairing EXCO as noted above and where practicable helping to share UK best practice and expertise.
Legislation pending is also a matter for the GoA, who bring legislation to the House of Assembly. My input is as above and I have never declined to assent to environmental legislation. Nor, as far as I am aware, have any of my predecessors.

I attend the annual meeting of the Joint Ministerial Council (JMC) which brings together the Governors and elected governments of all the OTs in London each autumn, and associated meetings involving all Governors. There are usually further meetings involving Governors in London in the late Spring. Defra is represented at the JMC at Ministerial level, and officials attend relevant parts of the other meetings.

All projects, including those with potential environmental impact, are subject to local planning laws. In the case of the marine environment, for example, a decision by the Minister for the Environment can be appealed to the full EXCO (as has happened on two occasions recently—you have received a letter dated 16 April from one of the appellants in the most recent appeal).

This is a hypothetical question, but I would follow the normal disciplinary procedures if necessary.

18 April 2013

Written evidence submitted by Adrian Davis, Governor of Montserrat

1. Thank you for your letter of 25 March.

2. Environment conservation and protection is a devolved responsibility on which the Government of Montserrat (GOM) takes the lead. Environmental issues and the need for legislation etc. would generally be decided in Cabinet and I chair discussions in Cabinet.

3. The Governor’s office has provided £10,000 to help with the establishment of an environmental programme by Coral Cay Conservation http://www.coralcay.org/expedition-locations/montserrat/. There is also an on-going project on preserving the mountain chicken funded by the Durrell Wildlife Conservation Trust http://www.durrell.org/animals/amphibians/mountain-chicken/

Under the Darwin Initiative, a project was completed to designate the Centre Hills as a national park. Like other Overseas Territories, Montserrat is eligible to apply for project funding from the Darwin Plus Challenge Fund.

4. The issue of how much priority is given to the environment is a question that should be addressed to the Government of Montserrat. I engage as necessary via my chairmanship of the Cabinet. I would simply note that the implementation of a Strategic Growth Programme (SGP), which is being agreed with DFID, is Montserrat’s highest priority. This consists of the development of geo-thermal energy, improved access by air and sea, the construction of a port and breakwater and the re-installation of a fibre optic cable. Discussions are ongoing between the UK and Montserrat Governments about how the SGP will be funded. Project design has fully taken on board the need to conduct environmental impact appraisals and to ensure adequate public consultation as required by existing legislation.

5. On environmental legislation, the Conservation and Environmental Management Bill remains in draft form. The latest draft of the Bill was submitted to the Ministry of Housing, Agriculture, Lands and the Environment (MAHLE) on 2 April 2013 for review and distribution to the relevant stakeholders. Once the draft Bill is deemed satisfactory, the next step will be submission to Cabinet. There is currently no stalled draft environmental legislation. Additionally, there is no record of any environmental legislation for which enactment has been declined.

6. The SGP is governed by a Memorandum of Understanding which was signed by DFID Ministers and the GOM on 1 May 2012. The MOU specifies that an appropriate legal and institutional framework for environmental management should be in place. This includes GoM enacting the Conservation and Environmental Management Bill. GoM is in the process of recruiting an Environment Officer for MAHLE which will be financed from DFID technical cooperation funds.

7. The primary existing legislation governing environmental matters is the Forestry, Wildlife, National Parks and Protected Areas Act (Cap. 12.03), which provides for the administration, conservation and proper use of forests, the protection and management of wildlife, the establishment and maintenance of national parks and protected areas and for connected matters. The Endangered Animals and Plants Act (Cap. 12.01), Beach Protection Act (Cap. 12.04) and the Turtles Act (Cap. 12.06), to a lesser extent address environmental matters.

8. Our main contact with UK Government Departments other than the FCO is with DFID. All DFID projects (which form the bulk of GoM development projects) are subject to climate and environmental appraisal prior to completed design and implementation. For example DFID are financing the development and rehabilitation of the hospital on the existing site rather than expecting GoM to develop a new site. As mentioned above, the exploitation of geothermal energy exploration will hopefully improve Montserrat’s economy and fiscal position but also to reduce or remove GoM dependence on fossil fuels. The DFID contribution to the island is considerable. They expect to spend around £36 million in Montserrat in 2013–14.
9. Environment and development issues are also formally discussed at the annual Overseas Territories’ Joint Ministerial Council (JMC). This takes place in November/December in London each year and is attended by UK Ministers, Governors and the leaders of the Overseas Territories. Governors also meet UK Ministers twice a year (i) prior to the JMC and (ii) during the week of the FCO’s annual meeting of senior civil servants.

10. In respect of the scrutiny mechanisms in place by virtue of the legislation set out above, the MAHLE is best equipped to provide a more comprehensive response. As mentioned, there is a standard requirement for EIAs for major project proposals. Ultimately recourse to the courts can be pursued. Under the new Montserrat constitution a Complaints Commission has been established which provides another avenue for citizens to make their concerns known. If representations are made to me, I will pursue issues with the relevant officials if I consider it appropriate.

11. The final bullet point is entirely hypothetical. Proposals to remove any public officials need to follow established procedures as set out in the Public Administration Act and in the general orders covering the roles and conduct of public servants.

18 April 2013

Written evidence submitted by Duncan Taylor, Governor of the Cayman Islands

Thank you for your letter dated 25 March 2013 in which you asked for information about how UK government departments support Overseas Territories’ governments on environmental matters.

What role do you have in regards to the environment in your territory, both in terms of overall strategy and on particular developments/projects in the territory?

As you rightly state, environment is a devolved responsibility. Overall strategy and policy decisions on particular developments/projects are therefore matters for the local government. My main role within environmental decision-making is to promote good governance ie to ensure that proper procedures are followed which are in line with international best practice. My office liaises between the Cayman Islands Government and UK government departments to ensure that any requests for technical assistance are passed on.

How much of a priority is the environment and sustainable development to the government of the territory?

This question would be better directed towards the bodies within the Cayman Islands Government with responsibility for environmental matters, currently:

— Environment—Ministry of Health, Environment, Youth, Sports and Culture;
— Energy and Waste Management—Ministry of Finance, District Administration, Works, Lands and Agriculture;
— Development—Ministry of Tourism and Development.

You may be aware that a general election will be held in the Cayman Islands on 22 May. The allocation of responsibilities/ portfolios may change with the formation of a new government.

How do you engage with the territory’s government on these issues? Are there any particular examples of where developments/projects have proceeded which would damage the environment, and what if any input did you make in such cases?

In line with the principles outlined in the 2012 Overseas Territories White Paper, we are able to put the Cayman Islands Government in touch with UK Government Departments who can supply expertise, technical support and sometimes funding. In addition to the Darwin Plus Fund, which is administered by DEFRA and open to all the Overseas Territories, my office also has a modest delegated project fund which we use to support projects by the Department of Environment (DoE) and Non-Governmental Organisations.

Projects which we have supported since 2011 include:

— A DoE lionfish study. The study analysed the population and feeding habits of this invasive species;
— Funding attendance at regional conservation workshops for National Trust representatives;
— A study by a private individual and the Royal Botanic Gardens, Kew seeking to develop genetic fingerprints for endangered endemic orchids;
— Purchase of an Acoustic Doppler Current Profiler for the Central Caribbean Marine Institute on Little Cayman.

We have also begun work on an environmental mainstreaming project. This FCO funded project which is managed by the Joint Nature Conservation Committee, has been successfully piloted in the British Virgin Islands and the Falkland Islands. It aims to encourage elected representatives, civil servants and the private sector to consider environmental impact in decision-making across the board.
What pieces of environmental protection legislation remain in draft form in your territory? Is there any draft environmental legislation that has stalled? Have you declined previously to enact any environmental legislation and what were the reasons behind that decision(s)?

The most important piece of legislation which remains in draft form is the National Conservation Law. There is currently no requirement in the Cayman Islands for environmental impact to be taken into account when making decisions on development projects. This comprehensive draft law would rectify this, requiring environmental impact assessments to be carried out and public consultation to be conducted. It would also create a list of endangered species to be protected and put restrictions on land use in some areas. Despite having first been drafted a decade ago and despite extensive public consultation, this Bill has not yet been taken to the Legislative Assembly. It was included in the Throne Speech setting out the Government’s legislative proposals for the years 2010 and 2012 but was not brought forward.

There is also a draft Climate Change Policy. This is the result in part of a DFID sponsored project. Again, there has been much public consultation, but no bill has been taken to the Legislative Assembly yet.

The Endangered Species (Trade and Transport) Law (2004) has been enacted by the Legislative Assembly, but it has not yet been put into effect by the Cabinet of the Cayman Islands Government. The Law would bring the Cayman Islands into compliance with CITES. The Cayman Islands currently rely on CITES legislation dating from 1976, and some species newly included under CITES eg black coral, are not included in the older legislation.

What is the nature and frequency of your contact with UK government departments and UK Ministers on environmental or economic development issues in the territory?

Environment and development issues are discussed formally at the annual Overseas Territories’ Joint Ministerial Council (GMC). This takes place in December in London each year and is attended by UK Ministers, Governors and Overseas Territories’ leaders. Governors also meet UK Ministers twice a year (i) prior to the JMC and (ii) during the week of the FCO’s annual meeting of senior civil servants the Leadership Conference.

What scrutiny mechanisms are in place in your territory to hold the territory Government to account for their environmental practices?

In November 2012, part 1 of the 2009 Cayman Islands Constitution—the Bill of Rights—came into force. Unlike many countries’ Bills of Rights, it contains a section on the environment. Section 18 Protection of the Environment states:

(1) Government shall, in all its decisions, have due regard to the need to foster and protect an environment that is not harmful to the health of well-being of present and future generations, while promoting justifiable economic and social development.

(2) To this end government should adopt reasonable legislative and other measures to protect the heritage and wildlife and the land and sea biodiversity of the Cayman Islands that:

(a) Limit pollution and ecological degradation;
(b) Promote conservation and biodiversity; and
(c) Secure ecologically sustainable development and use of natural resources.

Also in November 2012, the Cayman Islands enshrined the Framework for Fiscal Responsibility (FFR) into law. Section 20 of the FFR requires that for any development projects with a value above CI$10m (approximately £8m) or projects which are Public Private Partnerships:

... the Cayman Islands Government will retain independent accounting, legal, financial, economic, environmental, and other technical advice as appropriate to ensure value for money.

However, the National Conservation Law, which would become the main scrutiny mechanism, has not yet been passed into law.

Given your role in regards to standards in public office, on what environmental grounds would you seek to remove territory government officials from office?

The dismissal of any government official would be resolved through normal disciplinary procedures as set out in the Public Service Management Law.

I understand that you and another member from your Committee will be visiting the Cayman Islands in June. I look forward to meeting you and to discussing these issues with you.

18 April 2013
Written evidence submitted by Mark Capes, Governor of St Helena, Ascension Island and Tristan da Cunha

Background Note:

Her Majesty’s Government (HMG) has developed a more-coordinated approach to environmental management in the United Kingdom’s Overseas Territories (UK OTs) since 2008 with the Department of Environment Food and Rural Affairs (DEFRA) playing a more prominent role. The cross-Whitehall approach appears to be extending to other departments of HMG in keeping with the principles of the Overseas Territories White Paper.

Although there are similarities among the UK OTs, there are significant differences in scale, location, isolation, climate, population and wealth, which means that when addressing conservation issues in the OTs, one size does not fit all.

St. Helena, Ascension and Tristan da Cunha welcome and have benefitted from UK government funding and technical support and this has made a significant difference for nature conservation and environmental management in general on the islands.

To successfully address the threats to biodiversity, St Helena in particular will continue to rely on the UK for financial and technical support for some years but the short term nature of project funding is not always the most cost-effective or sustainable way of supporting environmental work. A longer-term programme approach to support would probably deliver efficiencies and better value for money.

Questions for the Governor

(1) What role do you have in regards to the environment in your territory, both in terms of overall strategy and on particular developments/projects in the territory?

I am Governor of three territories: St Helena, Ascension Island and Tristan da Cunha.

St. Helena Government (SHG) has a Natural Resources, Environment and Development Committee, chaired by an Elected Member of Legislative Council; it has political oversight of the environment portfolio within Government. The Governor in Council makes higher level strategic decisions drawing on advice and recommendations from the Environment Committee and other stakeholders. Since the establishment of our Environmental Management Directorate, we have:

— Included “effective management of the environment” in St. Helena’s Sustainable Development Plan as one of our three national goals reflecting the three pillars of sustainable development.
— Created our National Environmental Management Plan.
— Designated 23 National Conservation Areas in our land development control plan.
— Added environmental law to our legislation calendar (this law is currently being drafted).
— Created a solid waste management strategy for the island.
— Agreed that tax incentives for importing “green” materials will be considered this year.
— Signed off a solid waste management capital project.
— Formalised the species action plan for the critically endangered Wirebird.

Through my office I make financial contributions to work on the environment through the Overseas Territories Programme Fund (OTPF) and “Darwin Plus” funded by the FCO, DfID and DEFRA. Some recent contributions were:

— St. Helena Active Participation in Enterprise (SHAPE): Darwin Plus 99,200 pounds for a paper and card recycling unit.
— St Helena National Trust: OTPF 10,000 pounds for “Heritage Building Skills” training.
— EMD: OTPF 4,940 pounds to erect an information hut in the Peaks National Park.
— St Helena Conservation Group: Darwin Plus 8,650 pounds to fund a rare plant census.

SHG’s recurrent budget provides core funding to:

— The Environmental Management Directorate, to provide strategic oversight of the environment.
— Health and Social Welfare Directorate to run the waste collection service.
— SHAPE a social enterprise focussing on employment for disabled people, a key focus of which involves recycling paper and cardboard products.
— The St. Helena National Trust, a non-governmental organisation focussed on protection and conservation of the natural and built environment.
— The museum of St. Helena.
On Ascension Island, I chair the Ascension Island Council, which provides me with advice on all issues impacting the Island, including on the environment. I also have overall oversight of the Ascension Island Government, though day-to-day running is vested by me in the Administrator of Ascension Island. The Ascension Island Government funds a Conservation Department and an Environmental Management team. A review of the structure of these teams, with the aim of developing one, efficient structure with oversight of conservation, waste management and climate change issues under one senior official reporting to the island's Administrator, has started. These teams preserve and protect the island's conservation and biodiversity including endemic plants and animals, provide solid waste management and provide oversight of and support for scientific research on the island.

The Conservation Department has received significant projected funding from the Darwin Fund and OTEP. The Administrator has also used funds devolved to him by me to provide smaller support, most recently to promote biodiversity awareness on Green Mountain.

On Tristan da Cunha, the Administrator, appointed by the Governor, is President of the Island Council, which has oversight of environmental issues. Council has a Conservation Committee where policies are formulated and environmental issues discussed.

There is a conservation department that manages conservation and environmental issues. The Administrator is line manager of the head of conservation, has regular contact with the department and regularly visits and reviews their projects. He also keeps in close contact with major environmental stakeholders eg RSPB.

(2) How much of a priority is the environment and sustainable development to the government of the territory? How do you engage with the territory's government on these issues? Are there any particular examples of where developments/projects have proceeded which would damage the environment, and what if any input did you make in such cases?

Conservation of the environment is of vital importance to the government of St Helena, not least because it is a key part of St Helena's attraction for tourists. As mentioned above in (1) the environment is one of our three National Goals and is supported by a National Environmental Management Plan.

There is a rigorous Environmental Impact Assessment (EIA) process in place, so the requirement for an EIA is identified for developments through a recently modernised planning application process. Not aware of any development projects that have not been properly managed from an environmental perspective.

The same priority on these issues is given by the Ascension Government. While a formal EIA process is not yet in place, environmental impacts are part of the process in the development of projects and legislation.

As the Tristan archipelago includes two world heritage sites (Gough and Inaccessible) and is an important home to millions of sea birds and endemic species, the Tristan Government takes its biodiversity responsibilities seriously. This was highlighted in 2011 when a bulk carrier went aground and sank off Nightingale Island. The Island’s response to this environmental disaster illustrated just how vital the Tristan Government considers the environment, despite the extreme lack of resources and capacity on the island. The community’s response was recognised with the award of the 2012 RSPB Medal.

(3) What pieces of environmental protection legislation remain in draft form in your territory? Is there any draft environmental legislation that has stalled? Have you declined previously to enact any environmental legislation and what were the reasons behind that decision(s)?

St Helena has recently reviewed all of its environmental legislation and is in the process of drafting a new environment law to update and address any gaps. When drafting work is complete the new law will follow the same process as any other law required to be enacted on island. I have not declined to enact any environmental legislation.

On Ascension, the Island Council is considering a draft Ordinance on Marine Protection. This will allow the Administrator, on the Council’s advice, to bring in protection measures for particular marine species. I have not declined to enact any legislation relating to Ascension.

Tristan’s conservation legislation was updated in 2006. There are no outstanding or stalled ordinances in the pipeline.

(4) What is the nature and frequency of your contact with UK government departments and UK Ministers on environmental or economic development issues in the territory?

As Governor I Chair Executive Council (Cabinet) and so have oversight of every major policy decision taken by government that has an environmental impact. On some environmental issues I may consult with the FCO or other UK government departments. For example, in looking to develop a sustainable fishing industry we have had close and detailed consultations with UK officials to ensure that any fishing activity is well regulated and managed to ensure compliance with UK and international best practice. Last year I held a video conference with DEFRA Minister Richard Benyon to mark the launch of SHG’s new Environment Management Directorate. There was also input from DEFRA at the annual Joint Ministerial Council for Overseas Territories
What scrutiny mechanisms are in place in your territory to hold the territory Government to account for their environmental practices?

The Natural Resources, Environment and Development Committee (see 1, above) has political oversight of our environmental issues, which are also closely monitored by NGOs such as the St Helena National Trust and the Heritage Society. Development legislation and regulations apply strict environmental controls to planning and development permission.

On Ascension, political oversight is provided by the Island Council.

On Tristan conservation legislation and Council oversight of environmental and conservation issues ensures that Tristan’s environmental responsibilities are scrutinised. The conservation department itself plays an important part to ensure compliance. A fairly recent example was when some wooden containers were brought in from Cape Town for a major project. The department was quick to alert government that the wood was not properly treated and suggested steps to mitigate against the impact of invasive beetles.

Tristan has a biodiversity action plan to cover the period 2011–15, which spells out the responsibilities of individual departments and individuals.

All visitors to Gough, Inaccessible and Nightingale must comply with landing regulations. All landings at the outer islands must be accompanied by environmental/conservation officers.

Given your role in regards to standards in public office, on what environmental grounds would you seek to remove territory government officials from office?

Any dismissal from the public service would be guided by the employment rules covering the actions of public servants.

18 April 2013

Written evidence submitted by Nick Rendell, Environmental Officer, Environmental Planning Department, Falkland Islands Government

Thank you for your letter of 25 March 2013 requesting information relating to sustainability in the Falkland Islands. I have put together a response to the specific questions you supplied which has been copied to members of the Environmental Committee—the statutory committee administered by the FIG Environmental Planning Dept and is responsible for overseeing environmental management in the Falkland Islands.

What particular aspects of environmental support/admin/funding from the UK Government is welcomed? What environmental support/admin/funding is not welcomed? Would the Governor taking a closer interest in environmental protection be appropriate?

Funding

UK Government funding is vital to running conservation programmes in the Falkland Islands. The Falkland Islands Government has made it clear in the past that external funding is necessary to implement the Falkland Islands Biodiversity Strategy 2008–18. We currently require roughly £300K per year (2008 figures, so this figure is higher in real terms now) to undertake conservation-based research and environmental management to fully implement the Biodiversity Strategy. Of this around £200K is provided by FIG, to Falklands Conservation (the main conservation NGO in the Islands) and FIG Environmental Planning Dept. The remainder is down to external funding. There are very few environmental funding streams available to us. Those available funding streams we have accessed are Darwin Initiative funds (now Darwin Plus only), EU BEST and EDF funding and historically OTEP. Project application success has varied, and has led to ad hoc delivery of conservation programmes and research.

Long-term funding is required to support capacity building, retaining locally-based individuals in conservation and environmentally related positions to retain knowledge and integrate conservation efforts into the community.
Support and Admin

JNCC offer useful support and admin to facilitate small scale training as well as securing larger one off funding support. This is very much appreciated and is the main contact the Environmental Planning Dept has with UK Government Departments. I am not aware of the FI NGO groups having relationships with any UK Government Departments.

Governor’s role

There is a subtlety regarding perceptions of recommendations on environmental action being placed by UK institutions on the Falkland Islands. FI led priorities stemming from the Biodiversity Strategy and FI Islands Plan should be identified and pursued by the Governor where appropriate.

What more should the UK Government be doing to support environmental protection in the overseas territories. Does the 2012 White Paper, which sets out the UK Government’s strategy, meet your expectations?

There should be a commitment from UK Government to better support the OTs through enhanced long-term project funding, given that the vast majority of UK biodiversity is held in the Overseas Territories. The 2012 white paper sets out this commitment in principle but does not detail an adequate funding strategy.

To what extent is the UK Government discharging its international responsibilities concerning the environment and biodiversity?

The Environment is one of 11 priority areas identified in the Falkland Islands “Islands Plan”, which aims to ensure the conservation of the Islands environmental heritage and biodiversity; and seeks to enhance environmental protection.

The Falkland Islands developed a Biodiversity Strategy in 2008 (supported by a detailed environmental baseline assessment (State of the Environment Report) which was reviewed in 2011.

The Falkland Islands Government has signed up to a number of international agreements in its own right. FIG has committed to achieving the objectives of:

— The Kyoto Protocol.
— Ramsar Convention.
— Conservation of Migratory Species of Animals.
— Conservation of Albatross & Petrels (ACAP).

The Islands have been first movers amongst OCTs in the development of wind power. The Islands six wind turbines provide 40% of Stanley’s electricity and extensive investments have been made in providing wind power to settlements and individual farms in rural areas—to the extent that most now have 24hr power and with a commensurate reduction in the use of diesel fuels. FIG has recently concluded negotiations with the Ministry of Defence to construct additional turbines to provide power to the Mount Pleasant Complex, further reducing the use of fossil fuels on the Islands.

Environmental funding is low in the context of the overall FIG budget. Total annual funding of c£200,000 (less than 1% of FIG annual budget) includes funding for Falklands Conservation (£70k) and an Environmental Studies Budget (£60k).

The recently formed Environmental Mainstreaming Group is a Forum to further encourage and support “greening” of government and industry.

In 2012 FIG announced the creation of the South Atlantic Environmental Research Institute, along with seedcorn funding to develop the institute over a three year period. The Institute has a high level of political support and is successfully engaging with partners from other OTs, in the UK and the rest of the world.

Reflecting the high priority attached to the environment in the Islands, FIG recently announced that hydrocarbon developments would be required to undertake a detailed “Environmental Case” in support of any proposals put forward. This is a significant step and will enable the Islands to be at the forefront of environmental management of a new hydrocarbons sector. The Government is also actively reviewing its safety and emergency management processes and procedures, which will include environmental protection.

There is a relatively small amount of funding available for environmental work in the OTs. Two million pounds per year from UK Government compared to hundreds of million available to UK mainland projects.
Do UK government departments work effectively together on overseas territory issues? Would you welcome stronger support from any UK departments in particular?

I do not understand the UK Government Department structures well enough to comment in detail. There seems to be very poor connectivity between UK departments and down to OTs. JNCC are a very useful contact who are very supportive and could give access to UK Government depts.

The UK Government has consolidated its environmental protection funding for the overseas territories into the “Darwin Plus” Fund. Is this a positive development and is the Fund big enough to support the work that is needed?

The Darwin Plus Fund is positive, but at £2 million between 14 territories, this is still not enough funding. The removal of eligibility of non-ODA eligible OTs from Darwin’s main round is a backward step.

Do your environmental departments have enough staff and the technical expertise you need?

No. One full time staff member within FIG working on the environment. A subvention of £70K to Falklands Conservation helps support three positions. Support for more permanent positions should be a responsibility of FIG.

We do have access to outside expert advice on many subjects from JNCC and RGB Kew which is helpful. Low staffing means we rarely have time to draw on sources of external advice fully.

What pieces of environmental protection legislation remain in draft form in the territory? Is there a role for the UK Government to ensure that this legislation is enacted?

Notable is draft terrestrial Environmental Impact Assessment (EIA) legislation. This is in draft form and not yet consulted on due to general lack of capacity in FIG, both for relevant departments to comment and for Attorney General’s Chambers to progress.

What estimates have the territory’s government made of the value of natural resources and ecosystem services to the economy of the territory?

Very crude estimates on primary economy areas (fisheries, agriculture and some aspects of tourism). Currently a FCO and JNCC-funded pilot project assessing ecosystem services in the Falklands which may lead to a National Ecosystem Assessment exercise. So some progress in this area. Support for this work is mixed at all levels.

What scrutiny mechanisms are in place in your territory to hold the territory government to account for their environmental practices?

The committee system within FIG committees is generally transparent and allows public and NGOs to see what is planned and taking place and to advise and comment.

Environmental Mainstreaming Project is attempting to better “green” business, as there is a poor approach to environmental thinking in government departments and much of the private sector.

Falklands Conservation provide independent scrutiny to FIG on environmental issues. Even with links to Birdlife International, FC are fully occupied implementing their own research and conservation priorities and do not have sufficient resources to undertake this as well as they might.

18 April 2013

Written evidence submitted by Mr Karim V D Hodge, Director, Environment: Anguilla Department of Environment

What particular aspects of environmental support/admin/funding from the UK Government is welcomed?

Support funding and technical assistance is welcomed and will be for the foreseeable future, until the required skills and the means to continue the development of such are retained locally.

Support is needed for some infrastructure, and continued research into areas of the environment from which Anguilla can have appropriate environmental management that can lead to a sustainable economy. Potential research areas include but not limited to biotechnology, habitat restoration, protected areas management (terrestrial and marine) integrated coastal management, climate change adaptation and mitigation (specifically renewable energy), waste management, fisheries development and management, agriculture improvement and development etc. The development of a Sustainable National Development Plan (for the next 20–25 years) along with a robust but realistic economic strategy is needed to provide vision, purpose and measurable targets. Therefore, environmental research will play a pivotal role in the development of both the plan and strategy. This will require commitment of capital investment and continued technical and financial support beyond the original investment to ensure sustainability. Perhaps the UK Department Commerce, Investment and Trade
(UKDCIT) can assists in various ways other than monetary, for example, network current innovators, potential investors and legitimate business initiatives. OT’s must be a part of the UKDCIT’s mandate. In order for the abovementioned to be achieved, the appropriate and affordable legal and institutional changes that can effectively and efficiently manage such actual realities on the ground must be implemented.

The Department of Environment (DOE) Anguilla has championed and implemented some relevant supportive policy documents related to the environment that should be integrated into both the National Development Plan and Economic Strategy. This can also be further facilitated by the UK Government extending their existing funding arrangements to the OT’s, specifically along the Environment and Natural Resources theme. For example UN-FAO, GEF, UNDP and UNEP granting schemes.

What environmental support/admin/funding is not welcomed?

Initiatives and collaborations of external parties (ie NGO’s, Universities and Research Agencies) are often welcomed. However, the projects that are not national priorities or supportive of national policy although supported by the UK Government or any other donor agencies, should not be considered.

This form of support should be innovative and have comprehensive national government support if the end products are to be useful. The UK HMG needs to rethink whether the support for projects by external parties are synonymous with national policy aligned with current medium term strategies, critically making national impact or contrarily, are they only really addressing academic and scientific purpose.

These projects should have national support by local government at the highest level so that they can be appropriately be integrated into national plans, programmes and Ministries mandates.

Would the Governor taking a closer interest in environmental protection be appropriate?

It is strongly believed that the Governor should take a closer interest in environmental management and biodiversity conservation, especially where the UK has international obligations.

In the past, the Governor’s intervention (even if subtle) has influenced positive strides for instance, the sea turtle moratorium; legislation—BHCA, TESA EPA ANT and more.

Having the Governor take a more pronounced stance on the environment will enable the environment to be seriously considered at the highest levels whereby in some instances crucial environmentally related matters are not thoroughly disseminated and thought of prior to a final decision being made.

What more should the UK Government be doing to support environmental protection in the overseas territories?

As highlighted by a number of UK and international reports, it is clear that the United Kingdom Overseas Territories (UKOTs) and Crown Dependencies (CDs) represent the majority of the UK’s biodiversity and environmental assets globally.

The UK should develop with OT’s and CD’s input two documents for which annual reporting will be required at the UK OT/CD Consultative Council Meetings. These two documents can be as follows; A UKOT/CD Biodiversity Strategy and Action Plan and A UKOT Environmental Management Strategy and Action Plan. These two documents should mirror the process, concept, content, and design layout of the St. Georges Declaration of Principles for Environmental Sustainability in the OECS (In which Anguilla, BVI and Montserrat holds membership) as well as the reporting template for the same. The UKOT/CD Biodiversity Strategy and Action Plan online should be along the format and layout, with the ACHI Targets of the Convention of Biological Diversity being the main goals, but design with OTs realities.

DEFRA and its many units specialised or not, needs to have OT’s as part of their mandate, work plan or programme. These services can range from technical attachments, training, advice and offer direct services in marine, terrestrial, pollution, air quality, pesticides, biodiversity, etc. Other relevant UK Environment agencies should also provide similar services.

Does the 2012 White Paper, which sets out the UK Government’s strategy, meet your expectations?

The White Paper meets my expectations. However, the HMG needs to execute more meaningful and clear action to illustrate to OT Governments that they are serious about the environment and biodiversity. The development of a UKOT (individual OT’s) agreed UKOTs Environmental Management Strategy with a component to allow annual reporting at the UKOT Consultative Council Meeting in paramount, for transparency. It needs a general document addressing environmental management and biodiversity in the OTs which can consequently form the basis for developing national environmental management strategies. This means there will be a similar strategy for all OTs and specific targets to be developed given the various OT environmental contexts.
To what extent is the UK Government discharging its international responsibilities concerning the environment and biodiversity?

Through the JNCC/DEFRA, FCO, DFID and FERA, the UK Government has been ensuring that some of its international obligations concerning biodiversity conservation and environmental management are discharged. The Biodiversity Strategy developed by DEFRA, JNCC, FCO and DFID is an excellent start. A revision of this document is needed and could take the approach used by OTs, Anguilla, Montserrat and BVI in developing their National Environmental Management Strategy. The UK Government needs to ensure that the local legislation is in place prior to extending international conventions. It is also important that the UK Government examine the practicality of the Convention in that OT.

Do UK government departments work effectively together on overseas territory issues?

There is room for improvement or rather widening the involvement of other agencies which should and must have an input on overseas territories. There is obviously great cohesion between DEFRA, DFID, JNCC and the FCO. However, there has to be a larger role for the involvement of DECC, given that the biodiversity and the environment on which the UK holds in high esteem is under threat from climate change realities. Also, the role of the DMSC is also needed where heritage issues are of utmost importance.

Would you welcome stronger support from any UK departments in particular?

Stronger support is required especially from DMSC with regard to Culture/World Heritage and DECC to ensure that OTs become part of their mandate and work plan programme annually and that OTs are streamlined across the units of Energy and Climate Change of the Agency. DFID, DEFRA, JNCC and FCO have been excellent partners in ensuring that the environment and development is supported especially the element of livelihoods and sustainability. However, the relationship between the OTs, DEFRA, JNCC, FCO and DFID can be strengthened.

The UK Government has consolidated its environmental protection funding for the overseas territories into the “Darwin Plus” Fund

Is this a positive development and is the Fund big enough to support the work that is needed? While it is a positive development, the fund is not large enough to make a medium-term (Short term one to two years, Medium term three to five years) meaningful impact as is needed to ensure continued sustainable ecosystem functioning in OT’s given the challenges of trade, development and climate invariabilities. As a condition of granting support under the fund, OT governments (Finance Ministries) should be made to support in writing that they will ensure sustainability through providing the adequate financial commitment.

Do your environmental departments have enough staff and the technical expertise you need?

Anguilla is not in a unique position, like all OTs we need additional hands to effectively carry out the work that needs to be done. Additional skill sets, equipment and resources need to be added, however the realities of the local economy do not allow for this to occur normally. Alternatives, such as attachments with other agencies in the UK or other OTs to build technical skill sets must be explored and are needed.

What pieces of environmental protection legislation remain in draft form in the territory?


Is there a role for the UK Government to ensure that this legislation is enacted?

Yes there is a role. The portfolio for biodiversity and environmental management should remain with the OT governments, however, where there are international obligations the Governor and HM Government should ensure that the proper environmental and biodiversity legislation are implemented within each OT.

What estimates have the territory’s government made of the value of natural resources and ecosystem services to the economy of the territory?

The Department of Environment has embarked on the first stage (Scoping exercise) of conducting a National Ecosystem Assessment which involves an economic valuation, scoping exercise and study. On completion of this stage a full proposal will be developed to actually conduct Anguilla’s first National Ecosystem Assessment for any UK OT, which will have significant lessons learnt.
What scrutiny mechanisms are in place in your territory to hold the territory government to account for their environmental practices?

The scrutiny mechanisms exist in the draft legislation mentioned above, hence at present, the level of meaningful scrutiny is non-existent. This does not mean that a stand-alone piece of legislation that would assist in scrutiny and holding OT governments accountable is not needed.

18 April 2013

Written evidence submitted by Damian Todd, Governor of the Turks and Caicos Islands

What role do you have in regards to the environment in your territory, both in terms of overall strategy and on particular developments/projects in the territory?

The environment is not one of the reserved areas for the Governor; it is the responsibility of the Turks and Caicos Islands Government (TCIG). My role, therefore, is to work to ensure that the Constitution, law and proper process are followed. As Chair of the Cabinet I would also be part of any collective Cabinet discussions on issues of the environment and development. It is the Governor’s responsibility to approve development agreements on the advice of the Cabinet. Cabinet is well aware of, and sensitive to, environmental issues, not least because of the importance of TCI’s environment to the tourist industry.

How much of a priority is the environment and sustainable development to the government of the territory?

Given the environment is the responsibility of TCIG, this question was referred to the Ministry of the Environment and Home Affairs and the Department of the Environment and Maritime Affairs. The joint response is set out below:

“In the recent election, candidates did not set the environment as a priority. This may be as a result of the situation during the period of the Interim Administration [where the focus was on solving financial and political emergencies rather than the environment.] However, within the relevant departments in TCIG (DEMA, Department of Agriculture, Environmental Health) I believe there is high priority and even passionate consideration for the environment and sustainable development. However, the political will at the moment is focused on economic considerations. Unfortunately, this current attitude fails to recognize that the entire TCI economy is based on the maintaining a baseline of environmental integrity.”

How do you engage with the territory's government on these issues?

Engagement in this area is primarily driven by regular dialogue between the Governor’s Office (GO) and the Ministry of the Environment and Home Affairs; there is a good working relationship in place. As Chair of the Cabinet I will be involved in any Cabinet discussions on environmental and sustainable development issues.

The GO will contact (or be contacted by) developers and stakeholders on environmental and sustainable development matters as required, and will, where appropriate, draw on the technical expertise within the Overseas Territories Directorate (OTD) to assist. The GO also acts as a conduit between TCIG and OTD (as well as other UK Government departments) to identify and secure funding for suitable environmental projects.

Are there any particular examples of where developments/projects have proceeded which would damage the environment, and what if any input did you make in such cases?

There are no examples of where developments or projects proceeded which would have damaged the environment under the Interim Administration, and none so far under the elected Government. The Interim Administration worked to ensure that environmental issues were fully taken into account.

What pieces of environmental protection legislation remain in draft form in your territory? Is there any draft environmental legislation that has stalled?

Given that the formulation of environmental protection legislation is the responsibility of TCIG, this question was referred to the Ministry of the Environment and Home Affairs, the Department of the Environment and Maritime Affairs and the Attorney General’s Chambers. Responses are set out below:

“The draft Endangered Species Act is still being vetted in the CITES Secretariat and will need to be finalized through the AG’s Chambers.

The Wildlife and Biodiversity Protection Bill is in a nearly complete state and would replace other legislation that is in need of updating. The Bill needs further work in protections for endemic species. A new Protected Areas Policy and Regulations (2010) was drafted and is with the AGs chambers. This legislation improves upon the existing National Parks Ordinance and should be pushed as a priority.”
Have you declined previously to enact any environmental legislation and what were the reasons behind that decision(s)?

As Governor I have not declined to enact any environmental legislation.

What is the nature and frequency of your contact with UK government departments and UK Ministers on environmental or economic development issues in the territory?

Environment and development issues are discussed formally at the annual Overseas Territories’ Joint Ministerial Council (JMC) this takes place in December in London each year and is attended by UK Ministers, Governors and Overseas Territories’ leaders.

Governors also meet UK Ministers twice a year (i) prior to the JMC and (ii) during the week of the FCO’s annual meeting of senior civil servants at the FCO Leadership Conference.

Other than the above, interaction on environmental or economic development issues in the territory is limited to specific projects that require contact.

What scrutiny mechanisms are in place in your territory to hold the territory Government to account for their environmental practices?

Aside from the House of Assembly, as Governor I can directly intervene if the Constitution, law or proper processes are not being followed. This applies for all areas, not just environmental.

Given your role in regards to standards in public office, on what environmental grounds would you seek to remove territory government officials from office?

In all cases, the removal of territory government officials from office would be in line with the law and the Public Service Ordinance.

Thank you for giving the Governor’s Office the opportunity to participate in this important exercise.

18 April 2013

Written evidenced submitted by the World Society for the protection of Animals (WSPA)

Background

For centuries turtle meat was consumed in the Caribbean region as part of the local diet. However over time attitudes towards turtles and their meat have shifted in the region, due in part to the green turtles’ status as an endangered animal, and subsequent international legislation which seeks to protect it. However, instead of moving away from turtle meat consumption, a farm was founded in 1968, in the Cayman Islands which sought to meet the demand for turtle meat. This facility still remains today and is known as the Cayman Turtle Farm (CTF).

Whilst some may view a farm of this sort as a solution to the conservation crisis by providing legitimate source of meat for those who wish to consume it, the World Society for the Protection of Animals (WSPA) argues that the existence of this facility could actually artificially stimulate demand. WSPA would maintain that the same arguments that are applied to the sale of rhino and ivory, which is said to increase demand for these types of products (where previously this type of demand may not have existed), can also be applied to the sale of turtle meat. Whereas the demand for this meat has diminished within other populations, a legal source of turtle meat in Cayman means this demand has remained on this British Overseas Territory. Furthermore the sale of turtle meat to tourists via restaurants on the island could be artificially inflating the numbers of turtles slaughtered per year and as a result enable the Farm to claim that there is a demand for this meat.

Hypothetically it could also be possible that the existence of a facility which sells turtle meat at a cost which is higher than most other forms of meat on the island stimulates a demand for this sort of meat, and in turn an increase in poaching activities, amongst populations which are unable to afford these high prices. The CTF was also recently broken into with a quantity of turtle meat stolen; there is obviously a police investigation currently underway but it would seem evident that the vast quantities of an expensive meat were too irresistible for thieves.

The fragile biodiversity of the Cayman Islands is also affected by the presence of the CTF, and WSPA has exposed shocking instances of mistreatment of the turtles in their care, as well as a lack of understanding surrounding the welfare needs of these animals.

WSPA has proposed to both to the CTF and the Cayman Islands Government (CIG) that a gradual transition away from turtle meat production is needed—into a rehabilitation and release facility for turtles. This has been done before; a sea turtle farm in the Réunion Islands known as Ferme Corail, made the transition away from

Biodiversity

The existence of the CTF threatens the unique biodiversity of Cayman in a number of ways. Firstly the CTF facility does not comply with the legal requirements to carry permits for water discharge. The waste water from over 9,500 turtles is pumped out from the facility directly into the sea. This includes waste water, normal water, food and even particulate matter such as soil and dust.

Whilst the Cayman Water Board has required the CTF to reduce the amount of effluent it discharges, and to obtain the necessary permits—in 2012—they had not yet done so.

It is believed that this waste water has an impact on the delicate biodiversity of the marine environment on the side of the island where the CTF is located. A report in 2008 from then-Complaints Commissioner John Epp revealed “It is argued that effluent ... may have interfered with the attractiveness to the water tourism industry of Cayman’s well-known surrounding reefs and contributed to the reduction in the production of beach sand”.32

The report also cited anecdotal observations by the Cayman Islands’ Department of Environment of a stunting of coral growth in the immediate area surrounding the facility, although it said no recent environmental study had been done to quantify the effects of the effluent discharge.33 WSPA has also seen photographic evidence which suggests that the coral reef around the Farm outflow pipes has died, and WSPA does not believe the CTF currently mitigates the effect that this pollution has on the delicate marine environment.

<table>
<thead>
<tr>
<th>Year of release</th>
<th>Number of turtles released</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>150—this was after (and thought to be in response to) WSPA's launch of the ‘Stop Sea Turtle Farming’ campaign</td>
</tr>
<tr>
<td>2011</td>
<td>61</td>
</tr>
<tr>
<td>2010</td>
<td>22</td>
</tr>
<tr>
<td>2009</td>
<td>30</td>
</tr>
<tr>
<td>2008</td>
<td>0</td>
</tr>
<tr>
<td>2007</td>
<td>20</td>
</tr>
</tbody>
</table>

There is also concern surrounding disease and genetic pollution from turtles released into the wild. Since the Farm’s inception they have released over 31,000 turtles (although can only account for the whereabouts of approximately 13 of these animals now), although in recent years this number has drastically declined, as can be seen in the table below;

When the Farm was first established the method of breeding turtles in captivity for release, or ‘headstarting’ was considered appropriate and necessary to help increase turtle numbers in the wild. This method involves maintaining individuals in captivity until they have reached a size which it is believed will make them less subject to predation. However, thinking has moved on, and experts maintain that this is no longer the method of choice. Instead better protection for nesting turtles, their eggs, and properly resourced anti-poaching initiatives are believed to have better results.

It is also argued that headstarting can cause aberrant behaviour and movement patterns which compromise the complex migratory movements of sea turtles in their sub-adult years. In addition, there are serious concerns regarding the potential introduction of disease and parasites from these captive bred animals into wild populations.

It remains unclear as to whether a thorough and robust quarantine procedure has been in place for those turtles selected for release which would screen for disease and genetic abnormalities. In a recent ‘Independent Assessment’ conducted by researchers appointed by the CTF it was concluded that ‘although no evidence of deleterious effects have been documented in wild turtles, we recommend that, in future, all animals released into the wild receive a veterinary certificate of health’34. This clearly suggests that up until this point such checks and certificates were not in place.

It is known that many different types of disease are present at CTF, and are spread from turtle to turtle. These include: grey patch disease, chlamdiosis, fibropapillomatosis and lung-eye-trachea disease. If inadequate screening of diseased turtles meant that individuals with these conditions were exposed to the wild population, disease could have been spread. However, as the CTF does not appear to monitor the turtles it releases it is unclear what effect may have resulted from this sort of release.

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32 CayCompass, June 2012 http://www.compasscayman.com/caycompass/2012/06/20/Turtle-Farm—monitors—discharge/
33 CayCompass, June 2012 http://www.compasscayman.com/caycompass/2012/06/20/Turtle-Farm—monitors—discharge/
34 Cayman Turtle Farm, January 2013, http://www.turtle.ky/mediareleaseinspectionfindings
The impacts of genetic pollution, which refers to releasing turtles from unknown and/or different genetic stocks into wild populations, are also a major concern. WSPA has found evidence of turtles in the care of the CTF which had genetic deformities, including missing eyes and deformed skeletons. Via a Freedom of Information (FOI) request WSPA has also learned that the number of turtles which are breeding and producing viable eggs is very limited, which could suggest that in-breeding of some sort is occurring at the CTF. The figures below show the number of breeding turtles over the last ten years. It is worth bearing in mind that CTF is currently home to over 9,500 which would have been produced over time, solely as a result of the turtles detailed below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Wild caught turtles producing eggs</th>
<th>Captive bred turtles producing offspring</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2003</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>2004</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>2005</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>2006</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>2007</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>2008</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>2009</td>
<td>7</td>
<td>27</td>
</tr>
<tr>
<td>2010</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>2011</td>
<td>8</td>
<td>25</td>
</tr>
<tr>
<td>2012</td>
<td>12</td>
<td>31</td>
</tr>
</tbody>
</table>

The CTF is also home to the world’s most endangered turtle, the Kemp’s Ridley. The facility collaborated with the Mexican Government and the US National Marine Fisheries Laboratory, and in 1968 they were given 177 of these turtles. Today the CTF have 27 Kemp’s Ridley turtles remaining in their care, and they have never released any of these turtles into the wild. Ineffective record-keeping by the CTF means that they cannot be sure of the numbers which were shipped abroad; however, it is likely to have been in the region of 10 individuals. Although it is believed that these turtles were donated to the CTF in order to establish a breeding programme for them, breeding ceased in the mid-nineties, however, before this time the Farm managed to breed 3049 hatchlings.

It is extremely concerning to think that a breeding programme which produced 3049 hatchlings, from approximately 167 turtles (minus the 10 shipped abroad), has ended up with just 27 turtles surviving in their care.

Worldwide it is estimated that there is a total female nesting population of just 1,000 Kemp’s Ridley turtles\(^35\), and so whilst it is unlikely that all of these turtles in the care of the CTF were female, it is possible to compare the number in the wild versus the numbers donated to the CTF and the number which remain to infer the extremely detrimental cost of allowing these animals to remain at this facility.

This collaboration project between governments and the CTF could have resulted in a significant increase in the total number of Kemp’s Ridley turtle in the world today, which would have aided biodiversity in the Caribbean and South American region. Yet actually this project has had seemingly no positive impact on biodiversity whatsoever.

Consumption of Turtle Meat

Whilst the CTF may claim that they need to meet the local demand for turtle meat which otherwise would be satisfied by individuals poaching turtles from the wild, the actual demand for turtle meat among the local Caymanian population appears to be unknown. Via a FOI request WSPA has ascertained data on the number of turtles slaughtered for meat over the last five years. The number of turtles sold for consumption in 2011 (762) is less than half that sold in 2007 (1632). Via the media, WSPA has also learnt that the figure for turtles sold for meat in 2012 was over 900\(^36\). These figures strongly suggest that there has been a significant decline in the number of turtles consumed over the last 6 years, which could suggest that local demand for this meat is also declining. Even this slight increase from 2011 to 2012 of around 140 does not show that demand is anywhere near the levels seen in 2007.

It appears that the UK Government is unwilling to tackle what is perceived to be a cultural issue—this is despite their willingness to tackle other culturally sensitive concerns such as rhino horn, ivory, shark-finning and whaling. The Environment Minister Richard Benyon MP upholds a ban on shark finning in British waters; this prevents sharks dying a painful death at sea after the removal of their fins. The demand for shark fins is fuelled by the desire by some to eat shark fin soup, whilst others maintain that the fins have medicinal purposes. Whilst Ministers feel able to comment on the cultural issues surrounding shark finning, the same cannot be said for the consumption of turtle meat. In a recent communication to WSPA, dated 14\(^{th}\) March 2013, Richard Benyon MP said “The Cayman Turtle Farm is… the responsibility of the Cayman Islands Government (CIG).

\(^35\) National Geographic, [http://animals.nationalgeographic.co.uk/animals/reptiles/kemps-ridley-sea-turtle](http://animals.nationalgeographic.co.uk/animals/reptiles/kemps-ridley-sea-turtle)

\(^36\) CayCompass February 2013 www.caymannewsservice.com/science-and-nature/2013/02/12/900-turtles-killed-meat-2012-ctf-reveals
The fundamental issue of whether the Farm should continue to farm turtles for their meat is one for the CIG to consider.39

Whilst there is no doubt that the consumption of turtle meat is a cultural issue, there is concern that the slaughter figures do not provide a clear picture as to what quantity is actually consumed by local people, as opposed to tourists who eat it as a ‘cultural dish’ or something exotic to try when on holiday. In 2012 WSPA commissioned an independent poll of 400 people who went to the CTF as part of a cruise ship tour to the island. Out of these 400 people, 21% claimed to have consumed turtle meat whilst on holiday. This clearly demonstrates that this meat is being eaten by a group of people for whom it should not be intended.

Turtle meat is clearly on sale in restaurants around the island which are primarily aimed at tourists. For example the Paradise Bar and Grill37 is situated next to the area of the port where cruise ship passengers alight onto the island, and they sell dishes made from green turtle meat sourced from the CTF. Selling turtle meat to tourists is effectively a subsidisation mechanism for the CTF. This entirely artificially created market for turtle meat helps perpetuate the Farm’s existence and even keeps afloat what appears to be a diminishing demand for the meat amongst Caymanians.

The artificial stimulation of demand for turtle meat can also be compared to the artificial demand for goods made from other endangered animals including rhino horn and elephant ivory. The UK Government have stated previously that they would call for ‘future sales of legally sourced ivory—designed to undermine the illegal ivory market—to be stopped unless it can be clearly shown that such sales reduce poaching levels.’38 WSPA understands that despite the Farm’s existence poaching still continues in the Cayman Islands, and this could perhaps be because people are encouraged to eat turtle meat, but are unable to afford the prices charged by CTF.

The fact is that the CTF perpetuates a demand for turtle meat in the Cayman Islands, when in fact the pragmatic solution would be to find ways in which that demand as a whole could be diminished over time. In the same way that any legal trade in ivory creates a demand that supply cannot fulfil, the only ultimate solution is to find ways in which that demand ceases altogether.

WSPA would like to see the CTF and CIG commit to undertaking research into the true local demand for turtle meat and commit to meet only this—whilst introducing initiatives to reduce the demand for meat over time. An initial first step which can easily be made is for the CTF to cease selling the meat to restaurants, especially those which cater primarily for the tourist market—and instead only supply to local people who truly do demand access to the meat source. This would allow for the true demand for meat to be established fairly quickly.

**ECONOMICS**

Every known attempt to farm sea turtles commercially has failed on economic grounds. The CTF is no exception: its meat production is not profitable, and the tourist facing facility has never been able to compensate for this. Historically, there might have been one or two years when a profit can claim to have been made, but ultimately the CTF has declared itself bankrupt on two separate occasions, long before the large tourist development, known as Boatswain’s Beach was created. This required the CIG to step in and run the facility as a Government owned company. A historical timeline of the CTF and its economic issues can be seen below;

CTF Timeline:

- 1968—Mariculture Ltd. was established.
- 1975—Mariculture Ltd. went bankrupt and was put into receivership.
- 1975—Mariculture Ltd (receivership) was purchased by German investors who renamed it the Cayman Turtle Farm. Conditions were placed on this sale which meant that the Cayman Islands Government held a 2.5% stake in the company.
- 1979—CITES changed the interpretation of its exemption of “bred in captivity” animals. This excluded the first generation of turtles born in captivity and occurred just as the Farm announced that its captive breeding program had successfully produced its first generation of turtles.
- 1982—The new Cayman Turtle Farm owners gave up trying to farm turtles and brought numbers to a minimum with the intention of closing the facility.
- 1983—The Cayman Islands Government purchased the Farm for US$1.5 million; the previous owners had invested over ten times this amount.

By the end of the current fiscal year the CTF is set to have received a total of just over $30 million in ‘equity injections’ since mid-2010. The CTF auditors, KPMG have noted that the massive amount of Government funding required to sustain operations is of “growing concern”39. Whilst the CFT might claim that their total cost of sales-to-revenue ratio has improved in 2012 and progress is being made because the borrowings, once totalling around US$54 million, have been reduced to CI$24 million in the 2011/12 fiscal three-years/
year\(^{40}\)—it is difficult to see how the CTF can ever turn a profit or even break even when they are farming an animal which is so completely unsuitable for this purpose.

Under the FOI Act the CTF have stated that they have received the following amounts in funding from the CIG, as well as the following amounts in debt servicing, over the last five years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total funding in CI$</th>
<th>Debt servicing in CI$</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006–7</td>
<td>5,824,104</td>
<td>3,578,464</td>
</tr>
<tr>
<td>2007–8</td>
<td>8,451,967</td>
<td>5,966,465</td>
</tr>
<tr>
<td>2008–9</td>
<td>10,554,818</td>
<td>5,867,789</td>
</tr>
<tr>
<td>2009–10</td>
<td>9,555,610</td>
<td>6,021,498</td>
</tr>
<tr>
<td>2010–11</td>
<td>9,852,569</td>
<td>6,102,434</td>
</tr>
</tbody>
</table>

The CIG have also just submitted their budget (which was discussed and agreed with the UK Government this month) which states that for the period between July and October of this year they will be spending CI$2,500,000 on the Cayman Turtle Farm.

That’s more than:

- Emergency Fire Services—CI$1,797,019.
- Public Education Programmes—CI$84,828.
- Cayman Airways Limited—CI$1,700,000.
- Children and Youth Services (CAYS) Foundation—CI$726,000.
- Care of the Indigent, Elderly and Disabled Persons—CI$440,173.
- Ambulance Services—CI$743,375.
- School Health Services—CI$637,925.
- Environmental Services and Research—CI$877,394.

In order to understand why the CTF is unable to make a profit, it is important to look past the debt incurred and instead look at the underlying reasons that have caused the CTF to go bankrupt twice, and remain financially supported by the CIG. Sea turtles simply are not biologically appropriate for commercial farming. These are wild animals, unsuitable for domestication for farming purposes. They take years to reach a size where they are suitable for slaughter, prefer to live in solitary conditions in the wild unless mating, require a food source which is not available to farmed animals meaning that a synthetic replacement, not produced in the Cayman Islands has to be sourced. Furthermore keeping mortality rates down is both technically challenging and extremely expensive.

It is not only WSPA which upholds this position, CITES officials state that sea turtle farms “are very expensive, require advanced technical knowledge, and are, to date, of unproved economic viability.”\(^{41}\)

It has been suggested that the CTF managers may be holding out hope that international CITES legislation will eventually be altered to allow for international trade in green sea turtles. They may believe that this would open up international markets and provide a new source of revenue as turtles could be traded between countries. But the reality is if this change were ever to occur it would take decades before a decision was made. In the meantime the CTF would need to remain operational and would continue to function at unsustainable levels of debt.

It is not only the cost of producing turtle meat which is of concern when considering the CTF’s business model. This model is currently based on the assumption that the CTF will ‘break even’ if it can double the number of tourists per year. The Current CTF Manager, Tim Adam has said “...when the Turtle Farm was expanded in the early part of last decade, the business model called for the construction of a cruise dock at the public beach”\(^{42}\). To just “break even” at the CTF Tim Adam estimates the facility would have to draw twice the number of visitors it draws now per year—460,000 people—or about one quarter of the Cayman’ Island’s yearly total visitors, counting both cruise ship and stay-over tourists.\(^{43}\)

The only way for this to happen is via the introduction of a potential and controversial new dock for cruise liners—something which is far from certain, and so should not be relied upon in terms of business projections. This would also have serious consequences for biodiversity in the region as it would require the destruction of coral reefs to double the number of polluting cruise vessels which could dock on the island.

The Cayman Islands needs a new facility which takes the actuality of the current situation into account and builds a business model around realistic projected growth of tourism. A new rehabilitation and research facility would not be reliant upon a dock of this sort, or on the doubling of visitor numbers, and so would be starting at a much more realistic number when it came to economic stability.

\(^{40}\) CayCompass, April 2013 http://www.compasscayman.com/story.aspx?id=120091
\(^{42}\) CayCompass, April 2013 http://compasscayman.com/caycompass/2013/04/09/Farm-finance-not-getting-better/
\(^{43}\) CayCompass, April 2013 http://compasscayman.com/caycompass/2013/04/09/Farm-finance-not-getting-better/
ANIMAL WELFARE

WSPA conducted an investigation into the animal welfare failings of the CTF over a year ago. Details of what the investigators found are detailed in WSPA’s publication entitled ‘The Cayman Turtle Farm; A case for change’.

However, since this report was publicised and its findings presented to the CTF and CIG very little has changed for the 9,500 turtles in the care of the CTF. In fact in some cases the situation has worsened. In July of last year, staff negligence resulted in the death of 299 turtles at the CTF. Under the FOI Act WSPA has received images which show the number of turtles which died, as well as the conditions they endured before their death. It is worth remembering that in 2011 the CTF released into the wild 150 turtles, yet managed to accidentally kill 300.

The death of these animals is shocking, as it is likely these animals suffered before they died. Further documentation obtained via the FOI Act showed that the CTF believed these animals died from heat exhaustion as a result of a lack of water.

As a result of the WSPA campaign the CTF commission an ‘Independent Investigation’ of their own facilities, the results of which were published in January 2013. Despite WSPA having reservations about the impartiality of this report, the investigators did find that “a notable proportion of animals had quite severe skin lesions that included deep ulceration to the shoulder, forelimbs, head and hind limbs.” The investigators also noted that “although there are processes in place to address existing lesions and on-going mortality, they need to be intensified, enhanced and their efficacy assessed”. The panel also noted that, “based on visual examination of body profile, a notable proportion of animals appeared moderately emaciated.”

In response to this report, the current CTF Manager Tim Adam said “recent experimental pre-clinical trials conducted by Dr. Carlos E. Crocker (St. Matthew’s University School of Veterinary Medicine) and Dr Walter Mustin of CTF have enabled the Cayman Turtle Farm to develop effective medication protocols for the treatment of skin lesions and, as a result, the Farm has subsequently expanded and intensified these treatments to include the aggressive treatment of all affected turtles in its care”. However, what is sadly missing from this explanation is an understanding of what causes the lesions on turtles in the first place, and that is that sea turtles are not suitable for farming. CTF should not be keeping 299 solitary animals in a shallow cramped tank, as it is clear that lesions could, and currently do, result from this.

A SOLUTION FOR CHANGE

WSPA proposes that a transition away from meat production and towards a rehabilitation and release facility is necessary. This would allow for the current levels of debt to be properly managed because the main focus of the facility would no longer be the costly production of turtles for meat. By gradually downscaling meat production at the CTF an end would be in sight to the annual bailout required in order to ensure that turtle meat can be consumed by perhaps only a small proportion of Caymanians. WSPA suggests that this transition process should be phased over several years, during which time the current staff employed at the CTF could be re-trained, to ensure that jobs for current staff remain.

A transition of this sort could also significantly benefit the territories natural biodiversity, waste water would no longer be pumped into the sea in such large amounts, and turtle releases would cease which could prevent the spread of diseases from farmed turtles to wild populations.

A properly conducted transition, which could be funded by sources including DEFRA’s Darwin Plus Initiative, would result in a positive change for the Caymanian taxpayer, the UK Government and the 9500 turtles in the care of the CTF.

2 July 2013

Written evidence submitted by BioDiplomacy

1. This submission argues that the evidence given to the Environmental Audit Committee on 9 July by FCO, DEFRA and DFID was inaccurate in respect of the differing and complementary responsibilities of HMG and the governments of overseas territories concerning environmental issues. The fundamental problem is that the 2012 White Paper’s vision of “natural environments managed to the highest international standards” is not matched by adequate attention to policy detail. This is shown in the patchy and unsatisfactory record over the extension of multilateral environmental agreements (MEAs) to the overseas territories. The defects in delivering adequate results are shown in the case of the flagship environmental agreement, the Convention on Biological Diversity (CBD). Excessive ministerial and official time has been wasted on misconceived and ill-founded arguments about where responsibilities lie, both between HMG and the territories and amongst Whitehall departments. It is a symptomatic result of these misdirected efforts that in the UK’s Fourth National Report to the CBD information was only provided on two of the UK’s 14 overseas territories.

INTRODUCTION

2. This BioDiplomacy submission is written largely in my personal capacity as a former member of the UK Diplomatic Service (1968–2002). I had experience in several postings, in London and overseas, of treaty negotiations and of the UK’s instruments of ratification being extended (or not) to the overseas territories. That included being seconded to the Government of Hong Kong (when it was still a UK Dependent Territory), negotiating the agreement for Gibraltar to establish a Red Ensign Shipping Register, and, in my final post, negotiating the series of Environmental Charters between the UK and the overseas territories. However, the BioDiplomacy network which I set up on retirement includes a wide range of people with shared interests in environmental sciences and politics, conservation and human rights, with a strong interest in island communities, especially in the UKs Overseas Territories and Crown Dependencies. Without their support, I would not have been able to prepare this submission and earlier ones to this Committee and the Foreign Affairs Select Committee.

MINISTERIAL VIEWS

3. In the oral evidence session on 9 July 2013 the following points were made (bold text is my emphasis):

Mark Simmonds[FCO Minister of State]: …We have a significant commitment to the Overseas Territories to support them in their work as it relates to the environment. I just need to say upfront, if I may, Madam Chairman, that territory governments are constitutionally responsible for the environment, for environmental protection and for conservation of their natural environments. While each constitution is different, in all cases in all inhabited Overseas Territories they are responsible. As it relates to uninhabited Overseas Territories, then we are responsible, but we do work in partnership providing technical advice and support as they need to make the importance of the environment a priority.

As I will argue, this defensive presentation ignores the fact that only one government is responsible for multilateral international environmental agreements applying to the UK’s overseas territories—HMG….

THE LEGAL POSITION

4. The following more accurate summary of the law covering treaties being extended to the territories, is worth quoting fully (the bold text adds my emphasis):

“As a matter of constitutional law, it is open to the United Kingdom to apply treaties to (or to withdraw their application from) the territories without any consultation with them because the application of treaties falls wholly within the responsibilities of the Government of the United Kingdom, not those of the territory Governments. This is the case whether or not the subject-matter of the treaty has been devolved to the territory Government. However, it has long been the practice of the United Kingdom Government to consult territory Governments before taking a decision on extending the application of a treaty to them and, certainly nowadays, it would only be in an exceptional case that the United Kingdom would act against the wishes of a territory government. This can be seen from the fact that there are many treaties which apply to some territories but not others, even if one looks at older treaties. The Cayman Islands Constitution is unique in addressing this issue by making it a constitutional requirement that the Governor, unless instructed otherwise by a Secretary of State, obtain the agreement of the Cabinet before he or she enters into, agrees or gives final approval to any international agreement, treaty or instrument that would affect internal policy or require implementation by legislation in the Cayman Islands.


5. However, the scope of the UK Government’s legislative authority in relation to the overseas territories goes far beyond the power to ratify and extend treaties: “There is no limit to the power of Parliament to enact legislation for any of the overseas territories” (op. cit p 61). The ways in which that power can be exercised is a matter of great legal complexity (op.cit. Chapter 4 passim Legislative Authority and Controls pp 55–78) which need not be examined here except to note that it has also been a matter of legal and political controversy, extensively debated in the courts over several decades in the case of the forcibly displaced Chagosians.

6. That the jurisprudential arguments are far from being resolved is in part due to the conceptual incompatibility of trying to treat the overseas territories as “partners” while relying on a legal framework with deep roots in colonial distinctions between settled ceded or conquered territories. As well as the power to legislate for specific purposes, “there is also a general power to legislate by Order in Council for all of the overseas territories except Bermuda” (op. cit p 61). The legal basis for this general power is exclusively the Royal prerogative for Gibraltar and British Indian Ocean Territory, and for the other 11 territories it derives, at least in part, from an Act of Parliament. Furthermore, the Orders in Council making constitutions for all of the territories except Bermuda and the Sovereign Base Areas expressly reserve to Her Majesty power to make laws for the peace, order and good government of the territory in question. There are historical reasons behind this practice.” (op. cit p 61).

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47 See eg the Convention relating to the Status of Refugees, UKTS No 39 (1954); Cmd 9171, which was extended to certain overseas territories at different times but which at the time of writing had not been extended to all of them.

48 Cayman Islands Constitution s 55 (3)
cit. p 57). We do not need to go into them, but we do need to go into the resultant politics, first in general and then in relation to treaties, especially, for the Committee’s purposes, environmental ones.

THE POLITICS OF TREATY EXTENSION

7. Considerable confusion arises from Ministers and officials using “devolved” in relation to the Overseas Territories. The analogy that this implies with the devolved administrations of Scotland, Wales and Northern Ireland (and, indeed, matters “devolved” to local authorities) is misleading because in these cases, as well as roles being devolved, so too are budgets and legislative powers that were formerly reserved for the Westminster Parliament. Note, too, that in the matter of international agreements, whether environmental or not, national powers to sign them and to determine their geographical scope are no more devolved than they are in the case of the overseas territories. The more important concept concerning the overseas territories is that of “reserved powers”. These essentially concern defence, foreign policy and internal security. These powers are generally exercised by the Governor on his own (ie not in Executive Council/Cabinet and following the advice of local ministers), though sometimes with an obligation to consult and to inform local institutions of his/her reasons for exercising the powers in this way.

8. When it comes to MEAs such as the CBD, the Ramsar Convention on Wetlands of International Importance (Ramsar), the Convention on Migratory Species (CMS) or the Convention on International Trade in Endangered Species (CITES), the UK Government’s general practice of consulting the governments of territories before extending the UK’s ratification of a treaty to them—see the passage quoted in paragraph 4 above—makes perfectly good sense, since complying with the objectives of these MEAs often requires local institutional changes, including legislation and administrative arrangements (eg to have scientific and administrative bodies able to authorise export licences under CITES). The UK territories often share the UK’s admirable practice of not undertaking new responsibilities until being in a position to meet them. What an effective sharing of responsibilities between HMG and overseas territories governments does require, however, is an active disposition on the part of HMG to explain why the UK regards these MEAs as important and what actions will be needed in order to implement them effectively. As a key UK commitment under the 2001 Environment Charters acknowledges, this includes helping each territory “ensure that it has the legislation, institutional capacity and mechanisms it needs to meet international obligations”. We now need to see how this currently plays out in a specific example—the CBD.

BIODIVERSITY IN THE UKOTS: CBD AS AN EXAMPLE OF TREATY EXTENSION

9. A key document emerging from the 1992 Rio Earth Summit was the CBD. The UK was one of the prime contributors to the international negotiations leading to its coming into force in 1994. This is not surprising, since the UK takes pride in the contribution that amateur and professional natural scientists and conservationists have made, over the past millennium, to a greater knowledge of global biodiversity of species and ecosystems and of the importance of protecting them. HMG has also long been aware of the huge contribution of its overseas territories. Indeed, the works of scientists and conservationists, past—like Darwin, Wallace, Hooker and Banks— and present, like Sir David Attenborough and many other distinguished members of the Royal Society—are full of references to St Helena, the Falklands, the Caribbean territories, Bermuda, the Chagos Archipelago, and the Pitcairn Islands. But what is the record?

10. As far as I know, not one UK overseas territory has ever said that it does not share the objectives of the CBD. Several have said, with good reason, that they need time and help to put in place the right institutional arrangements to help it meet these objectives (for instance, having in place a system for designating areas needing protection). But in the almost twenty years since the CBD entered into force, to how many territories has the UK’s ratification been extended? Just four—Cayman, Gibraltar, St Helena and the Virgin Islands. Note that the CBD has not yet been extended to the two territories with currently no resident population—South Georgia and the South Sandwich Islands and British Indian Ocean Territory—despite HMG having acknowledged for many years that both ought to be treated as if they had the status of world heritage sites because of their biodiversity.

11. Even more telling is that in the UK’s Fourth National Report to the CBD of 20 May 2009, there was no mention of the biodiversity of the overseas territories in the main body of the text. Information was included in notes, following the main Annexes to the report, on just two territories, Bermuda and St Helena. Note also that the information concerning Bermuda was included even though the UK’s ratification of the CBD has not yet been extended to Bermuda; and that the information on St Helena does not include any mention of the hugely important biodiversity of Ascension and of Tristan da Cunha. The extension of the CBD applies equally to the three parts of the territory of “St Helena, Ascension and Tristan da Cunha” even though each part has its own constitution.

12. The obvious conclusion to be drawn is that, as of now, the UK Government lacks the institutional capacity and mechanisms properly to meet its international biodiversity obligations. Perhaps the Committee will wish to consider assisting HMG by recommending the following steps:

(a) That it improves its own policy capacity to engage actively with promoting the objectives of the CBD in all the overseas territories;
(b) That in its Fifth National Report to the CBD, due to be submitted by 31 May 2014, a substantial part of the main body of the UK report is devoted to the Overseas Territories (and the Crown Dependencies); and

(c) That an annex is included to the report to cover the current position regarding the objectives of the convention in respect of each territory and crown dependency, including the progress needed in order to extend the UK’s ratification to it—where that has not yet been possible.

13. If HMG lacks the capacity to undertake this work, BioDiplomacy is ready to offer its services to do so, as, I am sure would bodies with wide experience and skills in this area such as the UK Overseas Territories Conservation Forum network (in which I have to declare an interest as a Forum Council Member). If, however, what is lacking is the political will to value and protect the biodiversity of the UKOTs, can HMG please refrain from claiming that it seriously intends that the natural environment of all the overseas territories should be managed to the highest international standards?

21 August 2013

Written evidence submitted by Edison Baird

On the 25th March 2013, Ms. Joan Walley MP, Chair of the Environmental Audit Committee, wrote to the then Governor of Anguilla, Mr Alistair Harrison, in part:

Although the environment is a devolved matter, our Committee is keen to explore whether the UK Government is providing enough support to the Overseas Territories and fulfilling its international obligations concerning the environment and biodiversity.

A key part of our evidence gathering will be to seek the views of the territories themselves.

It is against this backdrop that I write to the Environmental Audit Committee to avert a potential environmental disaster in respect of the Road Salt Pond, an important bird area (IBA). The Government of Anguilla intends to approve a salt works project for this pond that would undoubtedly give rise to a host of environmental difficulties.

The proposed Road Bay salt works project will include extensive engineering works that will exclude the inflow of fresh water, the building of walls to subdivide the pond and facilitate the inflow of seawater. I believe that this proposal will cause irreparable damage to the pond, its bird interest and will cause extensive damage to the village of Sandy Ground which is located on a sand bar.

The Road Bay Salt Pond plays a critical role in the flight path of birds from the American east coast on their way to South America when winter sets in. This pond acts as a resting, breathing and feeding area for these migrant and other birds. The salt works project will disrupt and eventually destroy the pond as a way station.

The British Government is fully aware, too, of the weak legal instruments to protect the environment in Anguilla, in general, and the Road Bay Salt Pond, and the Village, in particular.

For example, the Biodiversity and Heritage Act was enacted in 2009. One of its main objectives was to protect wild, and endangered birds and their habitat. This Law, however, affords no legal protection to the Road Bay Salt Pond and its birds as no regulation exists. This Act, to put it bluntly, is toothless.

On the 20th September 2001, in order to provide environmental protection for Anguilla, the UK Government and the Anguilla Government signed the Environment Charter for the Overseas Territories. This is regularly ignored by the Hubert Hughes Government. Several Memorandum of Understandings have been signed in defiance of the Charter which clearly states that Anguilla must ensure that environmental impact assessments are undertaken before approving major projects and while developing our growth management strategies.

It is said that an Environment impact Assessment (EIA) has been done in respect of the Road Bay salt works project. If this is true, it is clear that it has not been discussed with the Anguillan people, especially those living in the village of Sandy Ground, a vulnerable area.

Sandy Ground village is a sand bar that lies between the Road Salt Pond to its east and the sea to its west. The pond is connected to the sea by a canal. In 1999, Hurricane Lenny struck Anguilla. The pond overflowed and caused extensive damage to the sand bar and village. The horror of this event was captured in a flood study done by Hallcrow Water, a British Company. The study was entitled Department for International Development Anguilla Drainage Study Final Report, August 2000. The study stated:

If the sand bar is overtopped then a breach will normally form and the rapid release of water from the pond can pose a significant risk to life for any inhabitants living at the position of the breach. The breach channel formed during Lenny (1999) occurred away from residential properties, but there is no guarantee that the inhabitants would be so lucky in the course of the next hurricane.

Despite this obvious threat to the environment and the village of Sandy Ground and its inhabitants, the Chief Minister, the other Ministers and the Parliamentary Secretary show little or no regard for following procedure and rules as they relate to the environment. On the 20th February 2013, the Land Development Control
Committee met to discuss the proposed salt works project. Uninvited, the Chief Minister and the Parliamentary Secretary, Mr Hadyn Hughes, barged into the room, disrupted the meeting, making it clear that the salt works project was good for Anguilla and there was no need for an EIA study. They accused certain members of the committee of holding up progress. The meeting became chaotic.

As the Elected Representative of the Road North Constituency in which the Road Salt pond is located, I was shocked when, on the 20th December 2011, in the Anguilla House of Assembly, the said Parliamentary Secretary stated that there was no need for an EIA. He said the salt works project was good for Anguilla. He made use of the following words:

> God made seawater, God caused the condensation, and God caused the salt to be formed and people went and take out the salt. So tell me, how is that detrimental to the Sandy Ground Salt Pond or the surrounding area? You are not putting any chemicals in it, you are not digging any holes, you are not mining. So where is it, so why is it so important to do environmental impact assessment for the Sandy Ground Salt Pond?

In conclusion, I ask the following of the British Government:

1. Ensure that an authentic EIA study is done of the salt works project.
2. Ensure that it is widely disseminated and discussed with the Anguillan people, especially those living in the village of Sandy Ground.
3. Ensure that the EIA is reviewed by an independent and reputable company. In this regard, I hope that the British Government will finance this review.

I am hopeful too, that the British Government will take seriously its international responsibility to protect the environment in Anguilla—a British Overseas Territory.

_10 September 2013_