



# **Report on UKOTCF workshop on the House of Commons Environmental Audit Committee report on Sustainability in the UK Overseas Territories**

**Thursday 16<sup>th</sup> January 2014, Gibraltar House, The Strand, London**

## **Introduction**

In June 2012, the UK Government (UKG) issued a White Paper *The Overseas Territories Security, Success and Sustainability*<sup>1</sup>. The UK Overseas Territories Conservation Forum (UKOTCF) and others welcomed the strong statements of the Prime Minister and Foreign Secretary in respect of the importance of conserving the globally important biodiversity in UK's Overseas Territories and UK Government's shared responsibility for this. However, there were concerns about whether the content of the White Paper provided a route to achieve these laudable aspirations<sup>2</sup>. To help promote constructive discussion on the report, UKOTCF organised a widely drawn workshop on 2 October 2012<sup>3</sup>. UKOTCF was delighted that Mrs Joan Walley MP, Chair of the House of Commons Environmental Audit Committee (EAC), sent the Committee's Second Clerk to attend that workshop.

On 26 September 2012, EAC announced its inquiry *Sustainability in the UK Overseas Territories*, which would centre on the new White Paper. In the months since then, EAC has undertaken a thorough investigation, taking evidence (both written and in session) from many bodies. This evidence is included in its report, published on 16 January 2014<sup>4</sup>.

Both the EAC and UKOTCF (as well as other bodies) are keen that the Committee's report serves as a starting point to improve support for conservation in the UKOTs. Accordingly, they agreed that UKOTCF would organise another workshop on the day of the publication of the Committee's report. This would let a varied group of those who had submitted evidence or had a strong interest in the report to discuss it informally and to seek clarification about the committee's conclusions and recommendations. The hope was that this would identify positive ways to help conservation and sustainable use of the natural environment in the UK Overseas Territories and to provide constructive feedback to UKG while it prepares its response to the report. In common with witnesses and the press, workshop participants were provided with embargoed copies of the report two days before the workshop, to allow preparation for the discussions. The workshop was designed as a contribution to the process whereby aspects of UKG's policies and their implementation are the subject of inquiries

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<sup>1</sup> Foreign and Commonwealth Office, *The Overseas Territories: Security, Success and Sustainability*, CM 8374, June 2012

<sup>2</sup> <http://www.ukotcf.org/pdf/Consultations/WP2012comments.pdf>

<sup>3</sup> *Environmental Conservation and UK Government's June 2012 White Paper The Overseas Territories: Security, Success and Sustainability (Cm 8374) - Proceedings of a workshop on 2nd October 2012 at Gibraltar House, the Strand, London, organised by the UK Overseas Territories Conservation Forum*  
(<http://www.ukotcf.org/pdf/Consultations/Workshop2012Proceedings05.pdf>)

<sup>4</sup> The EAC's announcement, with links to the full text of Parts 1 and 2 of HC 332 are at:  
<http://www.parliament.uk/business/committees/committees-a-z/commons-select/environmental-audit-committee/news/publication-of-ukots-report/> .

by cross-party select committees of backbench MPs. The standard procedure is that a formal response from UKG to the report of each inquiry is submitted to the committee within 60 calendar days after publication and is then published by the committee, sometimes with further comments by the committee.

UKOTCF is grateful to the Government of Gibraltar for again making its London offices available to host the workshop. The Hon Dr John Cortés, Minister for Health and the Environment, HM Government of Gibraltar, supplied a welcoming message, which is included after this introduction.

The workshop was chaired by Dr Mike Pienkowski, UKOTCF's Honorary Executive Director, and Bruce Dinwiddy, UKOTCF Council Member, Chairman of its Wider Caribbean Working Group and former Governor of the Cayman Islands.

UKOTCF was particularly honoured that the EAC Chair (Mrs Joan Walley MP), members (Dr Matthew Offord MP and Rt Hon Mrs Caroline Spelman MP), Second Clerk (Mr Nick Beech) and Media Officer (Mr Nick Davies) participated in the workshop. Mrs Walley and her colleagues started the programme by presenting aspects of their Report and its context, before answering questions and participating in further discussions. The full programme is included at Annex A and the list of participants at Annex B.

During recent months, UKOTCF has enjoyed constructive discussions with new officials in several government departments. Workshop participants welcomed the presence of Mr Siôn Griffiths (Desk Officer for Environment & Climate Change Issues, Overseas Directorate, Foreign and Commonwealth Office) on behalf of Dr Peter Hayes, Director UK Overseas Directorate, Foreign and Commonwealth Office.

Mrs Clare Hamilton (Head of International Biodiversity Policy, UK Department for Environment, Food and Rural Affairs) had planned to participate but was prevented by illness. Mr Razi Latif (Climate & Environment Adviser to Overseas Territories Department, Department for International Development) was unable to attend because of a prior overseas commitment. However, both sent their best wishes for the workshop and requested copies of the outputs.

Government officials present were not, of course, expected to respond to the report as there had not been time to consult their Ministers and develop a collective Government response – which comes later. However, all participants believed that a constructive discussion would be helpful to all parties, including Government, in planning their future policies and activities to build on the Report. To help such constructive discussion, it was agreed that this report of the workshop would include ideas emerging from the workshop but would not attribute points made during the discussion to individuals or organisations (unless it was evident that the individual or organisation wished the comments to be attributed) – an approach generally referred to as Chatham House Rules.

UKOTCF was particularly pleased to have been able to arrange for several key environmental workers (both official and NGO) in the UKOTs to participate in the workshop. This was achieved using real-time sound and text transmissions via Skype. The other participants greatly appreciated these personnel making their time available and, in the case of the Caribbean participants, being at their desks at 04:30am local! In addition, UKOTCF welcomed in the room three of the UKOT Government representatives in the UK, also representing the UK Overseas Territories Association.

UKOTCF thanks all participants and others who prepared material, the Environmental Audit Committee Chair and Members for their report and the participation of such a strong team in the workshop, their Second Clerk for liaison and help throughout, the Government of Gibraltar for its hospitality, and UKOTCF's personnel for their efforts, almost entirely on a voluntary basis.

There are huge differences of scale, geographical location, constitutional responsibilities and human resources between Britain and its Overseas Territories. The population of all the overseas territories is

0.4% of that of the UK. Over 90% of the terrestrial and marine biodiversity over which UKG exercises sovereignty is found in the Overseas Territories. Although much further from Britain than the Crown Dependencies and the devolved administrations, all of these participate in international treaties and agreements only as parts of the UK. When issues concerning the Overseas Territories hit the headlines – individually (UK Government suspending the constitution of the Turks and Caicos Islands, the Air Access project in St Helena, incursions into Gibraltar’s waters by Spanish vessels), or collectively, as with this report – it is not easy for UK ministers and officials, parliamentarians, civil society and the UK media to take on board or to convey to others the significant special features of each Territory and its people. Nor is it easy for those in the UKOTs to deal with the lack of awareness and the misunderstandings that they often encounter when dealing with government departments, civil society and the news media in the UK. These comments are in part an attempt to minimize the danger of confusion that may occur when Parliament, Government and NGOs in the UK engage with each other over Overseas Territories issues.

UKOTCF suggested that the overall framework in which all concerned are working should be one of ministers, officials, parliamentarians, civil society and commercial interests, in Britain and in the overseas territories, co-operating to make the select committee system work to mutual and collective benefit. The outcome should ideally be improved policies and implementation enjoying widespread support.

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## **Welcoming remarks by Hon Dr John Cortés, Minister for Health and the Environment, HM Government of Gibraltar**

On behalf of the Government of Gibraltar, welcome to Gibraltar House. I am very sorry not to be able to join you in person today, due to prior engagements elsewhere in the United Kingdom. The absolute commitment of Her Majesty's Government of Gibraltar to the protection and sustainable use of the environment makes me particularly pleased that we can assist this process by making this venue available. You are all very welcome at Gibraltar House.

I have had a long association with the UK Overseas Territories Conservation Forum, both previously in my then role with the Gibraltar Ornithological and Natural History Society and more recently in Government. I greatly admire its work in helping both governmental and non-governmental bodies in territories conserve their heritage, and its support of this including by facilitating links between them. This has been done by its series of workshop-conferences for conservation practitioners and several other means. I am delighted that UKOTCF has been able to provide help to us recently by independent research and other assistance.

We are proud of Gibraltar's environmental record in recent years. Our full compliance with international legislation, including European Union Directives, advances in energy and sustainability policies, full transparency and public participation in planning, and improvements in nature reserve management, all reflected in part in increased resources to our Environment Ministry, are a testament to the importance this overseas territory Government places in the environment. In achieving this, we value partnerships between Government, local civil society bodies and the links with others, which is one of the strengths of the Forum.

I would like to pay tribute to the Environmental Audit Committee's keen interest in UK Overseas Territories. I enjoyed, and greatly valued the meeting that I and colleagues from other UK Overseas Territories had with EAC in November. I have followed also the interest the Committee has had in Gibraltar. We in Gibraltar are very pleased to be able to address successfully many of the conservation issues that we face. However, some have a particular international element, where constitutionally we look to UK Government for support. A particular example concerns our work in conserving the rich marine environment in Gibraltar's territorial waters. In this context, we welcome particularly the assurances of support in this regard made by UK Government Ministers in speeches at the Reception for the Joint Ministerial Council a few weeks ago.

I am very pleased that UKOTCF has worked with EAC to set up this workshop. This is very timely just after the publication of the Committee's report, and as UK Government starts to consider its response. There are real opportunities here and I encourage my colleagues in UK Government to make good use of the ideas of the Parliamentary Committee, and the ideas of NGOs and others brought together here. The last few years show that we all do best in conservation and sustainable uses of resources if we pool our expertise.

I wish you a good meeting, and look forward to seeing the report of it.

## **Key Points from the workshop for UK Government action**

### **Environment and the UKOTs as a shared responsibility**

(i) The environment is an area of shared responsibility precisely because only UKG has the authority to negotiate, sign and ratify international treaties and conventions. These are where authoritative expression is given to UKG's vision of "natural environments protected and managed to the highest international standards (White Paper 2012)"<sup>5</sup>

(ii) Under inhabited territories' constitutions, it is for their elected governments to draft and implement local environmental legislation, as it is for legislation governing local financial institutions, taxation etc. It is precisely because of shared responsibilities that the 2001 Environment Charters express common principles and global values (e.g. the Rio Declaration) but differentiated commitments by UKG and each UKOT government. Without clarity over responsibilities, there will be confusion and neglect. It is not for UKG to impose environmental policies; but it has the responsibility to make sure that structures of good governance are in place in all the territories so that economic, environmental and social decisions are reached through fair, open and accountable processes. For projects with significant environmental impacts that means proper access to information, objective EIAs, safeguards and mitigation, in line with international standards and the Environment Charters.

(iii) No territory has expressed antipathy to the principles of the Convention on Biological Diversity (CBD). There is every reason for UKG actively to help territories to which the UK's ratification has not yet been extended to complete these procedures (and to offer drafting support where needed). Extensions to uninhabited territories, which are directly run by UKG ministers and officials, could and should be completed within a few months. That would be timely evidence to the EAC that UKG recognizes the importance of the territories' biodiversity.

(iv) UKG has greater responsibilities towards territories with very small populations, those where it has been necessary to suspend the local constitution, and those where there have been major projects directly funded by UKG. We hope that the Government will reflect on the evidence submitted to the EAC of cases where UKG's focus has been on immediate investment and development, with long-term environmental sustainability treated as an option to be put on one side or delayed.

(v) UKG still needs to develop a coherent sustainability strategy in relation to the territories; and staffing levels (especially in Defra) and UK departmental policy documents need to reflect the global importance of their biodiversity.

### **The Marine Environment**

(vi) UKG is already aware in the EU context<sup>6</sup> of the importance of responsible management of the marine environment. The marine environment is widely recognized to be a huge resource for biodiversity and global ecosystem services; but also to be under huge pressures, from coastal developments, pollution, invasive species, IUU fishing and climate change. Encompassing coastal and oceanic areas ten times greater than that around the UK, the overseas territories' marine environment is rightly recognized as being of global significance and fully deserves the attention given to it by the EAC. UKG should make a positive early response to the proposed marine reserve around Pitcairn, even if this is initially without financial commitments. The designation itself would assist securing contributions from elsewhere. In several other territories, UKG needs to assist (in some cases using Royal Navy capacity) with enforcement of marine protection especially where foreign vessels are involved.

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<sup>5</sup> DFID Overseas Territories Department Operational Plan 2011-15, Updated June 2013

<sup>6</sup> See the open consultation launched on 8 January by UKG on the Marine Strategy Framework Directive

## **Environmental Co-operation between UKG and Civil Society**

(vii) The civil society networks with the territories maintained by UKOTCF, RSPB, the Pew Foundation and other NGOs bring together people with considerable experience of working with government departments in both London and the territories. They would function all the more effectively with the resumption of the cross-territories three-yearly conferences which have been crucial to developing conservation projects and improved environmental policies in several territories. If UKG can give early support to another such conference in 2015, that will make it far easier to secure other funding (and enable UKG all the better to meet some key commitments under the Environment Charters).

## **UKG and Fundraising for Environmental Projects in the UKOTs**

(viii) The EAC report points to a long-term solution on the National Lottery by opening both ticket-purchase and grant-funding to the Overseas Territories. This might take a long time, and there are shorter term partial solutions which Ministers should use in the interim to meet some of the most urgent needs without legislative changes. These include directing the Lottery bodies to give equal priority as for applications for work in Britain to projects involving UK-based bodies which support projects in the UKOTs.

(ix) UK Ministers and officials need to be as prepared as those of other Member States to lobby EU institutions in order to secure EU funding for UKOT projects, including the new opportunities discussed. Work is needed also to overcome at least two obstacles to securing opportunities for UKOT projects in LIFE+: an apparent requirement that projects assist the implementation of EU environmental legislation (which does not apply to UKOTs, except Gibraltar); and the possibility that the large amounts of time contributed by NGOs may not count towards the proportions of matching funds required for successful applications.

## **Summary of workshop discussions**

The report of the workshop discussions is structured to correspond approximately with sections of the EAC's report. In this summary preceding the main sections of the report, we emphasise the actions and approaches that arose from the workshop with a view to how UK Government, supported by other stakeholders, could best address the conclusions, recommendations and other material in the EAC's report. To keep this as concise as possible, we regroup these points from the main sections. The paragraphs of the main sections of the report below on which these are based are indicated in parentheses after each summary point.

a) The unacceptable attitude of the British public service and news media towards overseas travel which impede travel by officials and parliamentarians to the parts of UK territory which are overseas, needs to be changed. It would be eye-opening for the Committee also to visit some of the other UKOTs, and this is recommended for the future. (3, 5, 6)

b) The Joint Ministerial Council provides an opportunity for a valuable dialogue at decision-maker level. Sustainable development will not be reached fully overnight, but over several years. It was suggested that, to aid reaching sustainable development, the EAC report follow-up should be a central theme of the 2014 JMC and of subsequent meetings. The JMC meetings need to be complemented by co-operation at more operational levels, within UK Government as well as through the valuable NGO/governmental networks noted. UK Governmental structures need to be better designed to take the interests of the territories into account at the highest levels. Staffing levels and Departmental policy documents need to reflect the global importance of the biodiversity for which UKG is responsible in its overseas territories. (12, 13, 14, 15, 21, 37, 52, 55, 60)

c) Whilst not removing the above needs, some of the problems could be addressed cost-effectively if UKG supported more of the sort of actions by NGOs experienced (and active within resource limits) in this area. Continuous long-term support is needed, as indicated in the UK commitments under the Environment Charters. Several participants in the UKOTs noted the successful linkages with several British-based NGOs over the years, many originally facilitated via UKOTCF, which has continued the approach of asking UKOTs what help they might need and finding ways to supply it. They pointed out that, in addition to providing help with implementation, monitoring of implementation is required. They suggested that NGOs would be good watchdogs, provided that they were supplied with modest funding to cover this function. (7, 8, 9, 10, 13, 14, 22, 25, 48, 60)

d) Both UKG and UKOT governments sometimes forget that the environment is an area of shared responsibilities precisely because only UKG has the authority to negotiate, sign and ratify international treaties and conventions, this being part of UKG's reserved powers, while under the constitutions of most territories it is for the elected government of the territory – not UKG – to formulate and agree local environmental legislation, just as is the case with local legislation governing financial institutions, taxation etc. The Environment Charters make this clear. It is precisely why they were prepared and agreed. Some in UKOTs remarked that UKG seems to be shy about making clear to UKOTs the needs that they should fulfil. Without clarity, there is confusion. The result is neglect. UKOTs would welcome access to reliable and readily available advice and expertise. UKG should not be imposing decisions but should insist on (and, if necessary, offer help in putting in place) structures to make rational and evidence-supported decisions in open and accountable processes. (28, 33, 34, 35, 37, 52, 55)

e) There are situations in which UKG has a more direct management role in aspects of a UKOT than is the norm. These can include UKOTs with no or very small human populations, temporary direct rule, direct responsibility for some aspect such as foreign relations, or cases where very large projects are being funded by UKG. There was concern at some recent examples of UKG focussing too narrowly on investment and development, sometimes to the exclusion of other aspects. UK Government messages should revert to their previous line in support of environmentally sustainable approaches (as in the Environment Charters to which it is committed). Where practicable, UKG should seek to reverse the environmental damage that its actions have caused or actively encourage UKOT governments to do so. (28, 39, 40, 41)

f) The House of Commons Foreign Affairs Select Committee (FAC) is encouraged to complement the EAC Report, by looking at issues relating to transparency, accountability and scrutiny and, in view of recent issues, to look again at Gibraltar, last reviewed in 1999. (41, 42, 52)

g) Re-iterating support for the Environment Charters would present few, if any, problems, some moves in this direction having already been made by UKG. (32, 43, 52)

h) The extensions of the CBD to uninhabited territories should be achievable within a few months, because UK Government also effectively governs the uninhabited UKOTs and UKG statements make clear that requirements are met. (29, 44, 52)

i) A more proactive role by UKG than has been evident would be useful in the case of encouraging inhabited UKOTs to join UK's ratification of CBD, including provision of more drafting capacity. The NGO community can help to fill gaps with regard to international conventions, as was done by UKOTCF in the 1990s in respect of the Ramsar Convention on Wetlands. (28, 29, 30, 45, 46, 47, 51, 52)

j) The workshop strongly supported the EAC's recommendation of a pro-active approach to encouraging UKOTs to confirm their support to the Aarhus Convention, not just to rectify the failure to involve them earlier but because this convention would address urgent needs of the UKOTs (and would essentially fall within what they have already agreed in the Environment Charters). (28, 31, 46, 52)

k) The meeting noted the continuing value in multi-way communications of the UKOTCF networks such as the regional working groups and newsletters, welcomed attempts to reinstate the previously 3-yearly workshop-conferences by one in 2015, and encouraged funding of this by UKG and other parties. There were several reminders of how earlier conferences had been crucial to developing conservation projects and improved environmental policies in several territories. (11, 27, 50)

l) There is a need to develop by UKG, NGOs and UKOTs a framework of priorities to complement the UK Government's inter-departmental "UKOT Biodiversity Strategy." This would not seek to impose priorities on UKOTs, but would be informed by their views. Its aim would be to provide a framework of priorities for UK Government (including Darwin Plus) and NGOs to deploy their limited resources in support of UKOTs and their conservation, and to help secure further resources. In addition, Defra should engage other interested stakeholders, including NGOs, in researching and disseminating information on the extent of UKOTs' biodiversity. Better baseline data are fundamental to framing conservation strategies and assessing progress in pursuing them. (25, 32, 51, 52, 54, 55)

m) The EAC report reiterated that FCO cannot abnegate its constitutional responsibility to ensure that good governance arrangements are introduced in the UKOTs. This needs to be addressed by inclusion of relevant policies and actions in policy papers and work-plans of UKG Departments and agencies which FCO has agreed to involve in its role. There is great potential for better coordination between UKG departments and inclusion of support and funding for UKOTs in their diverse programmes. In addition to FCO, Defra and DFID, these include (but are not limited to) the Department of Energy and Climate Change (DECC), Ministry of Defence, Department of Education, Department of Communities and Local Government, Department of Culture, Media and Sport, and Ministry of Justice. Advice and action from UKG is needed (in addition to the existing efforts of UK NGOs) when UKOTs need to address inappropriate decisions relating to unsustainable developments which would breach good governance in respect of international commitments or domestic procedures. The need for better information flow between ministries and departments in UKOT governments was noted also. (8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 28, 49, 52, 55, 77, 78)

n) UKG still needs to develop a coherent sustainability strategy in relation to the territories. Whether fiscal or physical, planning has to be done locally but more help and guidance should be provided from UK, whether by government bodies or NGOs with UK Government support. There is a need to look at the totality of each territory, including environment, social aspects, economic development etc. We need education on sustainable development for finance directors, designers of big development schemes etc, and sustainable development needs to be embedded in every university course. (52, 58, 59, 60, 62, 63, 92)

o) UKG, in consultation with UKOT governments and the NGOs which can help, must provide support and monitoring to ensure that effective EIAs are conducted, decisions take full and open account of these and, where development goes ahead, proper safeguards and mitigation are required and implemented – in accordance with good governance, international law, and the Environment Charters. (28, 52, 64, 65, 66, 67)

p) Defra needs to spearhead a comprehensive programme with UKOTGs, NGOs et al to identify the extent of UKOTs' biodiversity. (51, 52, 57, 61)

q) The valuable projects on schools curricula and courses organised as a collaboration between UKOT Governments and UKOTCF should be extended, as should collaborations with universities. More education is needed in Britain about UKOTs, so that people in Britain feel shared "ownership" and pride about the UKOTs' 90+% of globally important UK biodiversity, as well as of a lot of shared history. The BBC and its Natural History Unit could speak to the general public on wildlife and other aspects. Work in hand by UKOTs and NGOs on other media, including web-based ones, should be developed further. (20, 22, 23, 24, 91)



r) Many low-lying UKOTs are likely to be very seriously affected by rising sea-levels and increasing incidences of storms, so the question was raised as to whether, with current international developments, they might be eligible for compensation from countries which have benefited from the actions giving rise to climate-change. (92)

s) Notwithstanding attempts to secure complementary funding from elsewhere (see below), UK Government cannot abrogate its responsibilities and more UKG funding needs to be found. Darwin Plus is not itself adequate, and it needs to be within a more strategic framework of other funding at different levels and over different time-periods, addressing for example development of institutional capacity both in government departments and in civil society, establishing the right legal framework and the readiness and ability to use it, for projects with widely different timescales and resource implications, and for assistance to UKOTs where lack of local resources are preventing even basic conservation duties. Ministers need to be motivated to take on UK's international responsibilities and champion what could also be a series of good-news stories. Officials need to be given the budgets and authority to deploy such funds directly or via partners such as experienced NGOs (which provide major contributions of time by experienced personnel to UKOTs, including for capacity building, and at a much cheaper rate than consultant support, in some cases without payment). (28, 56, 57, 68, 72, 73, 76, 77, 78, 83)

t) When addressing UK's own responsibilities within its Overseas Territories, the Darwin Initiative model (appropriate to support for foreign countries) of excellence of bid is not an adequate criterion alone; in Darwin Plus, a proposed project's relevance to priorities needs to be taken into account. Capacity building, sharing of ideas, experience and best practice, education and other aspects need to be addressed as well as scientific interest. This underlines the need for a framework of priorities, agreed by governments and NGOs (see (l)), within which funding mechanisms such as Darwin Plus should take funding decisions. There is a need for appropriate funding mechanisms for small, medium and large projects. (68, 74, 75)

u) The EAC report points to a long-term solution on the National Lottery by opening both ticket-purchase and grant-funding to the Overseas Territories. This might take a long time, and there are shorter term partial solutions which Ministers should use in the interim to meet some of the most urgent needs without legislative changes. These include directions to the Lottery bodies to stop allocating low priority to projects (allowed under existing legislation) supporting UKOT work via British-based bodies, and remove also the administrative block to success of such proposals. (71, 79)

v) Whether or not one wishes to change UK's relationship with the EU, in the present situation UK Ministers need to be as prepared as those of other Member States to engage with EU institutions, to maximise the prospects of UKOT projects securing EU funding. (69, 70, 80, 81)

w) More work is still needed by UK Government to secure reasonable opportunities for UKOT projects in LIFE+, to overcome at least two problems: an apparent requirement that projects assist the implementation of EU environmental legislation (which does not relate to UKOTs); and the possibility that the large amounts of time contributed by NGOs may not count towards the big proportions of matching funds required for successful applications. (69, 82)

x) UKG should make a positive early response on the proposed marine reserve around Pitcairn, even if this is initially without financial commitments. The designation itself would assist securing contributions from elsewhere. (84, 86, 88)

y) UKG should support the territories, both over the proposed Marine Protected Areas (including designations and legislation required) and over considerably wider marine and coastal sustainability issues, including fisheries, climate change and the protective ecosystem services of coral reefs, mangroves and other wetlands. A different model is required for marine protection in the Caribbean and some other territories, including zones of both no-take and managed usage of various kinds, and UKG (as well as NGOs) should support UKOTs. (52, 84, 85, 87, 89, 92)

z) UKG should investigate options (such as a further task for Royal Navy and support vessels in the Caribbean and other areas, use of remote sensing etc) and provide support for patrolling and enforcement in all UKOT marine areas, especially as this is part of international relations. (28, 90)

## **General – supporting the UKOTs**

1. We have re-sorted the discussions in the workshop to correspond approximately to sections of the EAC’s report. In this and each other section below, we start by quoting the conclusions and recommendations from that section, using bold type. Below that, we report relevant parts of the workshop discussions.

**2. Considering the environment alone—defence, development, communities and governance are also important—the international significance of the biodiversity in the UKOTs means that 13 years is too long a gap between Overseas Territories White Papers and indicates policy drift by successive UK Governments. We therefore welcome the publication of the 2012 White Paper.** [Paragraph 4, Conclusion 1]

**3. Defra must empower its staff to visit the UKOTs to meet elected representatives and civil servants and to examine environmental issues in person in order effectively to discharge their responsibilities.** [Paragraph 9, Recommendation 8]

**4. The FCO must prioritise greater involvement by representatives from the UKOTs in setting the agenda at future JMCs.** [Paragraph 10, Recommendation 9]

5. The workshop noted the unacceptable attitude of the British public service and news media towards overseas travel which impeded travel by officials and parliamentarians to the parts of UK territory which are overseas. This needs to be changed. The workshop considered that it is almost impossible to understand UKOT issues without some experience of these places. The workshop welcomed the fact that the current FCO Director Overseas Territories, in his first year in post, had been wisely trying to visit all territories. Such visits should be taken by relevant personnel from all relevant departments and others whose role involves assisting UKOTs.

6. The workshop welcomed the fact that EAC members had visited the Cayman Islands, but noted that Cayman is possibly the best resourced all the UKOTs in terms of conservation. It would be eye-opening for the Committee also to visit some of the other UKOTs. Some of the rather less resourced are, like Cayman, relatively accessible.

7. The EAC had been struck by the whole issue of capacity in the UKOTs. Participants in the UKOTs identified the need for continuous long term support as indicated in the UK commitments under the Environment Charters. The rare presence of a DFID-funded advisor for two years several years ago in one UKOT had been highly valued. So was the contribution of continuous UKOTCF involvement over several years; this had been enabled in part by some funding from UK Government, but this had been lacking in recent years, and it would be worth reinstating this.

8. As seen from the UKOTs, their needs tend to be an afterthought in the day-to-day activities of UKG, including Defra and JNCC. The regular contact with JNCC is appreciated but some noted that this tends to be on a project-by-project basis, together with some training and does not fulfil JNCC’s core remit of being a scientific advisor. Much of this work is regionally directed, rather than territory-specific. However, the UKOT personnel ask “who do we contact when we want to say, ‘Help! our government is trying to allow unsustainable developments in our protected areas.’?” NGOs such as

UKOTCF have been indispensable in this regard. The problem is that such cries for help seem to have nowhere to go other than to NGOs, which can pass them on but have no power to act on them.

9. UKOT personnel welcomed also the involvement over the years of bodies such as RSPB, Durrell, Zoological Society of London, and Royal Botanic Gardens Kew. The need was recognised to ensure dialogue between governments and NGOs, and using appropriate language to enhance mutual understanding. The need for engagement of people in territories and for not always seeming in a great rush to meet a deadline were noted – to avoid the risk of bodies alienating themselves locally. Again, appropriate language is important, and UKOTCF experience was recalled in community meetings in territories, speaking not of biodiversity but of storm protection by mangroves, nurseries for fisheries etc.

10. NGOs expressed the hope that UKOT personnel will continue to get in touch with them when they feel they can contribute. Making good use of the EAC's report does not just involve the UK Government, but also civil society in the territories and in the UK as well as supporting British-based NGOs. For example, explaining what is involved in extending the Convention on Biological Diversity to other UKOTs (see below) is a process to which NGOs in the territories and in Britain can contribute.

11. The meeting noted the value in multi-way communications of the UKOTCF networks such as the regional working groups and newsletters, as well as the previously 3-yearly workshop-conferences. It was noted that withdrawal of UK Government financial support had caused the cancellation of the 2012 conference but that UKOTCF was seeking support for one in 2015. This proposed conference was welcomed. There were several reminders of how earlier conferences had been crucial to developing conservation projects and improved environmental policies in several territories.

12. The meeting noted that the Joint Ministerial Council provided opportunity for a valuable dialogue at decision-maker level. This needs to be complemented by co-operation at more operational levels, within UK Government as well as through the valuable NGO/governmental networks noted above.

13. UKOTs noted that UK Governmental structures are not designed to take the interests of the territories into account at the highest levels. The UKOTs do not feature in departmental mission statements, strategies, or key outputs used to justify budgetary bids to the Treasury. At best they feature in the lower-level objectives of departments; and ones which are generally seen as peripheral to the political concerns of the presiding Secretary of State, even in Defra which leads on biodiversity, and although most biodiversity of global significance is in UKOTs. Staffing levels and gaps between appointments in Defra and DFID have not helped. This is illustrated in the attendance at this workshop, where the well respected incumbents of relevant posts wanted to attend but were unable to do so. As these are the only officers in their respective Departments working on environmental aspects of UKOTs – in fact, only half of each post is dedicated to UKOTs – there are no back-ups to stand in for them. Defra has 31 evidence plans and UKOTs are mentioned once, and in only one of them. Defra's agency, JNCC, has 2 staff members (plus a third out-posted on a specific project) working on UKOTs. The current UK Government has told JNCC to keep out of policy discussions. JNCC runs a training and research group for UKOTs and Crown Dependencies, but involves and resources only governmental personnel, so excluding a large proportion of available expertise from advising and contributing to approaches such as Defra's evidence plans.

14. As part of the 1999 White Paper and its follow-up, the FCO argued that other departments needed to take a greater share in the UK's collective responsibilities for supporting the on UKOTs issues. Both DFID and Defra took part in agreeing the texts of the 2001 Environment Charters, but it was only in 2003 that DFID started to provide the extra funding it had promised. Despite the fact that there is a separate clause about the overseas territories having a first call on support from DFID in the DFID's legislation, apart from cross-territory work, DFID still restricts its involvement to what it regards as poorer territories, i.e. those needing budgetary support. It was not until about 2009 that Defra accepted that it had the lead responsibility in relation to international agreements and the

biodiversity of the territories. However, this role is now resourced less well in Defra even than it used to be in FCO. Defra cannot work effectively for the UKOTs without more people, either on its staff or through commissioning help from the NGOs who know the subject. To change the present situation probably needs a champion at ministerial level.

15. It is important to distinguish between joined-up government and monolithic government. For example, Defra needs resources; DFID has them but is working to a different policy agenda. Joined-up government means departments being kept abreast of, and being ready to influence, policy and resource commitments in other departments.

16. The importance of information flow between ministries and departments in UKOT governments was noted also, as this sometimes slips.

17. The potential role of other UK Government departments was noted also. One instance cited was that the Department of Energy and Climate Change (DECC) engaged with biodiversity primarily through a focus on forest protection for climate change mitigation. If forests were subject to specific targets this could be a way forward with biodiversity through resisting deforestation. There was increasing understanding of the need to restore natural vegetation, for example cleared tropical dry forest, and to maintain mangroves, both in part as carbon sinks. It is tough to meet targets with regard to low carbon and the UKOTs could be part of that. It was noted that Turks & Caicos Islands are experiencing rapid deforestation from illegal charcoal manufacturing and illegal development (squatting). This is directly related to a lack of effective border control, which is ultimately an "external" affair and the responsibility of the UK Government. There was concern that, even in areas where UK Government is supposed to take the lead, neglect is resulting in serious harm to biodiversity and sustainability in both environmental and economic terms.

18. There was some discussion of whether the dual role of Whitehall departments (as both the English ministry and the UK one) gave problems, because of the hesitation felt by the English ministry in leading on wider matters. Experience here differed, but with most seeing this as a problem from their viewpoints. A further view was that DECC and Defra are small departments and need to work together so that quality international knowledge and expertise (e.g. in planning) be made available to UKOTs.

19. Those from EAC and NGOs who had experienced the situation over several decades considered that, since the days of the Nature Conservancy Council (the single predecessor of JNCC and the now separate country conservation agencies), over the last 20 years there has not been a proper resolution of how to deal with biodiversity issues. In the same way, many of the discussions relating to UKOT discussions do not look at things in the round. A useful project would be to consider how best to address overarching issues. The importance of a strategic view was noted, and the EAC report was welcomed for providing that. The position of EAC in cutting across government departments, rather than addressing the work of just one, is invaluable. EAC, the NGOs and the UKOTs all want to work with UK Government. Sometimes the comments may appear critical, but the intentions are to be constructive.

20. The importance of expertise in other areas of UK Government, such as local physical planning, was noted also, and there was a good deal of discussion too about education. The valuable projects on schools curricula and courses organised as a collaboration between UKOT Governments and UKOTCF were noted. Generally, the value of starting early was appreciated: as one participant put it, if we start in schools, then we would have less to educate later decision-makers about. At a later stage, collaborations with universities meant that young people made links to last through professional lifetimes.

21. There is a lot of expertise internationally and a lot more could be done to share this. Collaborations with industry and commerce could also be valuable. There was a session with firms at the JMC in November, but some UKOTs felt that this did not seem to have had much of an

environmental agenda. A lot more could be done at JMCs to link UKOTs to the expertise of NGOs, commerce and others.

22. There were remarks about a disconnect between people in Britain and those in UKOTs. The partnerships being developed between UKOTs and local authorities in Britain were one way of addressing this, via visits, attachments and other means. UKOTs noted also the successful linkages with several British-based NGOs over the years, many facilitated via UKOTCF, which has continued the approach of asking UKOTs what help they might need and finding ways to supply it.

23. All need to recognise that the environment in UKOTs is not high on any UK domestic agenda. There are votes in saving badgers or hedgehogs in Britain – but very few in conserving the environment and endangered species in UKOTs. If the Tristan albatross became extinct, it would soon be forgotten. But tiger bones on sale in Britain would create enormous fuss and action would be taken.

24. It would be good to have more support and education in Britain about UKOTs, with people in Britain feeling shared “ownership” of the UKOTs’ 90+% of globally important UK biodiversity. There is a continuing need to make people proud of the UKOTs’ biodiversity, as well as of a lot of shared history. There is much more to be done in Britain on educating people to value UKOTs. The BBC and its Natural History Unit could speak to the general public on wildlife and other aspects. They have been approached unsuccessfully on several occasions in the past, but attempts should continue. Several participants from UKOTs and NGOs discussed successes and potential of other media, including web-based ones.

25. It was noted that each NGO and other body has its own range of strengths, and we should aim to make the best use of these. Ultimately we should all have the same goal. Despite some disagreements in the past, all now want to work together to build on the EAC report. Although JNCC had not accepted the invitation to the present workshop, a constructive meeting had been held the previous week between NGOs and JNCC (and it was planned to include UKOTA in future such meetings). This had agreed the need to develop a framework of priorities to complement the UK Government’s inter-departmental “UKOT Biodiversity Strategy.” This would not seek to impose any priorities on UKOTs, but would be informed by their views. Its aim would be to provide a framework of priorities for UK Government and NGOs to deploy their limited resources in support of UKOTs and their conservation, and to help secure further resources.

26. There was also discussion of the All-Party Parliamentary Group on Biodiversity and its new policy development groups. NGOs working with the APPG indicated that they had suggested that UKOTA be invited to participate, and would repeat this.

27. It was noted that one of the striking aspects of the UK approach to the original Rio Summit was in sending a joint official and civil society delegation. There was much to be said for redeveloping joint approaches in various situations. UKOTs recorded their thanks to UKOTCF for arranging the present workshop, which brought them in and adopted this collaborative approach for the benefit of all territories, species and ecosystems involved.

## **Responsibility**

**28. The UK Government is prepared to exercise hard and soft power in relation to financial matters in the UKOTs, but it is apparently not prepared to exercise those powers to protect biodiversity and to promote environmental sustainability.** [Paragraph 12, Conclusion 2]

**29. The UK must fulfil its core environmental obligations to the UN under the CBD in order to maintain its international reputation as an environmentally responsible nation state. The FCO must agree a timetable to extend ratification of the CBD with all inhabited UKOTs where this has not yet taken place. That may entail preparations in the UKOTs, which must be clearly timetabled. The FCO must immediately extend ratification of the CBD to all uninhabited UKOTs.** [Paragraph 19, Recommendation 10]

**30. The four UKOTs to which the CBD has been extended have not been effectively included in UK biodiversity reporting. Compliance with the stipulations of the CBD is ultimately a UK responsibility. The UK Fifth National Report to the CBD, which must be submitted by 31 May 2014, must include comprehensive entries on biodiversity protection in those UKOTs to which the CBD has been extended—British Virgin Islands, Cayman Islands, Gibraltar and St Helena, Ascension and Tristan da Cunha.** [Paragraph 21, Conclusion 3, Recommendation 11]

**31. The FCO must immediately contact the UNECE to ascertain whether the UNECE believes that the UK has extended ratification of the Aarhus Convention to all the UKOTs. We recommend that the FCO reviews its standard procedure for excluding the UKOTs from the stipulations of international treaties under Article 29 of the Vienna Convention and consider introducing a more transparent procedure.<sup>40</sup> In light of the FCO Minister's commitment to enhanced transparency and the inadequacy of the planning regimes in many UKOTs, the FCO must agree with UKOTs Governments a timetable to extend ratification of the Aarhus Convention.** [Paragraph 25, Recommendations 12 & 13]

**32. Defra must restate its commitment to Environment Charters and use them to deliver its CBD commitments in the UKOTs. Darwin Plus funding should be linked to compliance with the terms of Environment Charters.** [Paragraph 27, Recommendation 14]

33. It is important to understand the constitutional arrangements. EAC did not want to tread on the toes of UKOT governments, but UK government (UKG) cannot abdicate its own responsibilities and commitments. The report gives a framework and we need to give UKG a chance to respond to it. EAC intend to keep a close watch on how this agenda spells out. It was noted that, if a potential extinction in a UKOT were given the same weight as a potential extinction in Britain, UK's responsibility would be recognised and resources would be made available.

34. The EAC's inquiry, as its report makes clear, is into UKG's policies and their implementation, not those of the UKOTs. Nevertheless, misunderstandings can easily arise when the report recommends that "The FCO must agree a timetable to extend ratification of the CBD..." This can easily be misinterpreted as UKG dictating to the UKOTs. Even with the qualification that this timetable is to be agreed "with all inhabited UKOTs where this has not yet taken place", it appears that the pace and direction is being set by UKG. Both UKG and UKOT governments sometimes forget that the environment is an area of shared responsibilities precisely because only UKG has the authority to negotiate, sign and ratify international treaties and conventions, this being part of UKG's reserved powers, while under the constitutions of most territories it is for the elected government of the territory – not UKG – to formulate and agree local environmental legislation, just as is the case with local legislation governing financial institutions, taxation etc. The Environment Charters make this clear. It is precisely why they were prepared and agreed.

35. The views of the UKOTs were very interesting here. There was a clear recognition of the need for balance, and for UK Government to approach this in a fully coherent way. Some in UKOTs remarked that UKG seems to be shy about making clear to UKOTs the needs that they should fulfil. Without clarity, there is confusion. The result is neglect. There is a big difference between authoritarianism

and abject neglect. UKOTs would welcome access to reliable and readily available advice and expertise. UKG should not be imposing decisions but should insist on (and, if necessary, offer help in putting in place) structures to make rational and evidence-supported decisions in open and accountable processes.

36. It was noted that progress often depends on individual personalities but this cannot be depended upon. There need to be policies and structures in place, not least to facilitate the work of such positive individuals.

37. It was noted that a long-term and planned view is required. UKOTs might not have the capacity to meet requirements. FCO needs to consider minimum compliance needs in international treaties and how to help a UKOT government do what it is supposed to do where it currently lacks institutional capacity. Capacity needs higher priority, in a holistic way, to begin transitions to the preferred states. Sustainable development will not be reached fully overnight, but over several years. It was suggested that, to aid this, the EAC report follow-up should be a central theme of the 2014 JMC and of subsequent meetings. The JMC communiqué has some quite clear timetabling commitments for extension of human rights conventions, so would seem that UKG is prepared to develop such a framework in some areas; this needs to be extended to environmental ones.

38. Particularly in this context, it was good to note the progress in Cayman, after some years of difficulty, and following the EAC visit, that the long-awaited conservation law has been passed and, with that, the opportunity to look constructively at the deployment of the environmental fund, built up by part of a tax on tourist visitors.

39. The meeting was concerned at the example which UKG had provided while in direct control of the Government of Turks & Caicos for three years. Unfortunately, the exercise did not have conservation even on the radar screen. UK Government's focus on investment and development, sometimes to the exclusion of other aspects, had been extremely deleterious to biodiversity in TCI. The result is that development at any cost is now the focus. Without an adequate conservation infrastructure, such as a Development Plan, this UK policy, and the continuing example it set, have resulted in continuous, incremental destruction of TCI's environment. The proposal to turn East Caicos, the largest undeveloped island in the Caribbean, into a freight and cruise ship terminal is a prime example of this mentality of development at any cost. There are several current proposals for inappropriate built developments in what are supposed to be protected areas. Local environmental NGOs and officials would like to see messages from UK Government reverting to their previous line in support of environmentally sustainable approaches. In the same direct UK rule period, UKG abolished the Conservation Fund, a small but important component of the tax on tourist accommodation and restaurants which had funded conservation work. Local conservationists would like to see this put back in place with guidelines from the UK.

40. Another area in which UK Government has had a direct role is in the new airport at St Helena. Here again, there were signs of priority being given to development at all costs. Many years ago, several conservation bodies agreed that, whilst they would anywhere else have opposed the development, in the special circumstances of St Helena they would not – provided that environmental considerations were placed at the fore throughout the process. Sadly, there seems to be no corporate memory of this major concession except amongst the conservation bodies. The Landscape and Ecological Management Project, which should have started at the same time or before airport construction, is starting only now, halfway through construction. Planning of the post-airport situation and the major changes that it will bring seems to have been a closed process – which is a missed opportunity at the least. With new Councillors recently elected, more transparency seems to be arriving, but UK Government guidance to encourage this at an earlier stage would have allowed UKG's commitments to be better fulfilled. The expectations of all parties relate to the Environment Charters, and a re-commitment to those would be welcome. Better forward planning could also have integrated training young people and creating opportunities for career development, one of the few opportunities to enhance essential continuity. It could also have addressed the gap until the airport-

related development brings jobs – and thus make the most of British aid. Many would like to see help in funding long-term – rather than time-limited – projects. A little practical action now over the long term – managing species and ecosystems – would enable endangered endemic species to thrive and avoid greater problems later.

41. The workshop hosts drew attention to conservation in Gibraltar, and how some aspects which interact with international relations and defence need UK Government to play a key role. There is a good deal of evidence on this matter published in the EAC report. Indeed, some of that is undoubtedly drawn upon in reaching the cross-cutting conclusions and recommendations of the Committee. Given the fundamental nature of governance issues raised, perhaps these aspects should be looked at by the House of Commons Foreign Affairs Select Committee (FAC), to complement the EAC Report. FAC last looked at Gibraltar in 1999, so the timing would be appropriate.

42. Another aspect, relating to all UKOTs, which the meeting thought would be appropriate for FAC to consider would relate to transparency, accountability and, scrutiny.

43. The meeting noted that re-iterating support for the Environment Charters would present few, if any, problems. The Communiqué of the 2012 JMC had done this in part and many current actions are in line. For example, the current mainstreaming actions follow part of the process of facilitating the development of strategies to implement the Environment Charters undertaken by UKOTCF with several UKOTs at their request some years ago.

44. In some cases, little negotiation is required to implement the extensions of international environmental conventions to UKOTs, because UK Government also effectively governs the uninhabited UKOTs. Thus the recommendation of immediate extension of the CBD to these territories should give little difficulty – no-one expects “immediately” to be literally followed, but a time period of a few months would seem eminently feasible.

45. In the case of the inhabited UKOTs, engagement with decision-makers is clearly needed. A more proactive role by UK Government would be useful. The only UK territory since the original ratification to ask UK Government to add it to UK’s ratification of the CBD was the Crown Dependency of the Isle of Man. Here, Isle of Man officials took their government through the process to the stage of making the request to UK Government. It then took many months of those Isle of Man officials badgering UK Government departments before the process was completed. One of the problems seemed to be UKG legal advisers trying to treat CBD like CITES, which is highly prescriptive. CBD takes a more aspirational approach; if the advisers had taken the same approach to UK itself, it could not have signed up. The need for better record keeping by UK Government on sign-up to treaties on behalf of UKOTs and Crown Dependencies was also noted.

46. The NGO community can help to fill gaps with regard to international conventions. For example, work by UKOTCF in the 1990s in meeting UKOT decision-makers alongside local colleagues to explain personally the situation led eventually to full sign-up by UKOTs and Crown Dependencies to the Ramsar Convention on Wetlands. In contrast, UK Government appears to have signed up UKOTs to the Aarhus Convention without realising it had done so. The meeting preferred that UKOTs be consulted in advance. In this case, it strongly supported the EAC’s recommendation of a pro-active approach to encouraging UKOTs to confirm their support, not just to rectify the error but because this convention would address urgent needs of the UKOTs (and would essentially fall within what they have already agreed in the Environment Charters).

47. It was noted that a challenge in most UKOTs is the shortage of legal drafting capacity. In addition to recommending that more capacity be provided, the meeting noted that the situation seemed to be exacerbated by environmental matters being treated as of the lowest priority. It was noted that UK Government indicated that it was looking at this matter. An update on the situation at the next JMC would be welcome.



48. Several participants in the UKOTs pointed out that, in addition to providing help with implementation, monitoring of implementation is required. They suggested that NGOs would be good watchdogs, provided that they were supplied with modest funding to cover this function.

49. It was noted also that, despite complementary efforts by NGOs, there is not enough communication between UK Government and UKOT governments on what is the right thing to do.

50. The meeting agreed the real need for everyone to work together. It is too difficult for a territory to prepare most funding proposals or run projects on its own. The role of UKOTCF meetings in getting partners (NGOs and UKOT governmental) together to do this was recognised. For example the South Atlantic Invasive Species project was started by conversations at UKOTCF's Bermuda conference, and many others also were started in this way, as noted in the proceedings of those meetings. This was another reason to try to restart such conferences. It was noted that cross-territory applications need the support of territories, which have a natural tendency to give priority to their single-territory proposals. UKOTCF, RSPB and other NGOs remained ready to help with project proposals.

## **Protecting biodiversity – general**

**51. Without enhanced monitoring, Defra cannot accurately report to the CBD on the full extent of biodiversity in the UKOTs and therefore measure progress towards the UN 2020 target to halt biodiversity loss. *In addition to agreeing a timetable with all UKOTs Governments to ratify the CBD, Defra must draw together UKOTs Governments, NGOs such as the RSPB, civil society and research institutions to agree a comprehensive research programme to catalogue the full extent of biodiversity in the UKOTs.*** [Paragraph 31, Conclusion 4, Recommendation 15]

**52. The FCO cannot abnegate its constitutional responsibility to ensure that good governance arrangements are introduced in the UKOTs. Sustainable development in the UKOTs is contingent on their Governments implementing effective development controls, such as statutory environmental impact assessments for major developments and strategic infrastructure plans. *Defra must work with UKOTs Governments on developing planning regimes which value and protect natural capital and which promote sustainable tourism industries and economies. Accordingly, the FCO must direct its Governors strongly to advocate the introduction of effective development controls.*<sup>68</sup> *In particular, the Governors in Anguilla and Montserrat must prioritise the passage of stalled environmental legislation which, if enacted, would at least provide baseline standards on development control.*** [Paragraph 38, Conclusion 5, Recommendation 16]

53. In Government and elsewhere, there is a consensus that the environment and biodiversity in UKOTs is internationally significant, and we ignore that at our peril. These are difficult and austere times, but the environment is important. What we are here to do is to make a difference and cherish the environment.

54. The Report highlights a range of issues which indicate that the White Paper is deficient in that regard. The workshop endorsed the need for Defra to engage other interested stakeholders, including NGOs, in researching and disseminating information on the extent of UKOTs' biodiversity. Better baseline data are fundamental to framing conservation strategies and assessing progress in pursuing them.

55. Also of fundamental significance are the serious governance issues raised in the Report. At present UK Government Departmental strategies give little consideration to UKOTs but the implications for the Departments in the conclusions of the EAC Report are profound. Defra has

nothing on UKOTs in its business-plan nor in its revisions. The only mention of UKOTs in the updates on progress in the Defra White Paper is in the context of the Darwin Initiative. (In the early drafts of the White Paper there was no mention of Defra's international responsibilities including UKOTs, but there was slight amendment after comment by UKOTCF and others). Defra's statutory advisors, JNCC, do include the UKOTs in their work-plan, but only in the context of assisting with the implementation of the UK Government's "UKOTs Biodiversity Strategy" through promoting environmental mainstreaming and the green economy – neither of which is mentioned in the strategy and which is a very narrow remit. The FCO work-plan says "Develop a new strategy for the Overseas Territories which provides more effective support for their development, better risk management and is agreed by the whole UK Government. Conduct a comprehensive review of the UK's policies towards the Overseas Territories, gain endorsement of a new Strategy for the Overseas Territories by the National Security Council and begin to implement". (Following an agreement in the National Security Council in July 2011, each Government Department is responsible for engaging with the Territories in its area of competence and expertise – but this does not look particularly joined up). For DFID, there is no mention of biodiversity in its forward plan and DFID's view of the White Paper is that "It stresses three objectives: economic growth and development; sound management of public finances; and stronger technical support, drawing on the full range of Whitehall Departments. For DFID, Ministers have signalled a willingness to 'spend to save' in UKOTs where conditions are right. This means considering investments that have the best chance of attracting investment and stimulating private sector-led growth in the Territories. Any significant capital investments that are made in the Overseas Territories will be based on a hard-headed assessment of the costs and benefits to the British taxpayer." So nothing on the environment and not necessarily development that is sustainable.

56. The UK Government's "UKOT Biodiversity Strategy" is seriously lacking in content (although there are recent signs that offers from NGOs and UKOTs to help fill the gaps are now being taken up). Without such content, this does not function as a strategy allowing for prioritisation of activities and expenditure across departments. On the UK Government website "Policy – Supporting the Overseas Territories," the following appears: "Protecting the environment: The Overseas Territories host some of our most precious environmental assets. We work in conjunction with Territory Governments, Non-Governmental Organisations, the private sector and other stakeholders to protect and conserve their natural environments" – but without a strategy to decide priorities. Further, it states "Environment and climate fund: Darwin Plus: The government launched Darwin Plus: Overseas Territories Environment and Climate Fund, in October 2012. The aim of Darwin Plus is to help deliver long-term strategic outcomes for the natural environment in the UK's Overseas Territories." But how is that possible without an implementation plan for the Biodiversity Strategy?

57. NGOs, some government agencies and UKOTs made clear that they would like to help UK Government to overcome the problems of the present situation. However, the challenges are great, especially in that all are starved of resources. Environmental programmes resourced via Defra are being cut by 30-50%. Some NGOs working in UKOTs have suffered huge reductions in UK Government funding in recent years. UKOT environmental bodies are grossly under-staffed and some cannot do even basic conservation work because funds for vehicle fuel are not available. Basic scientific information still needs to be gathered, and urgent conservation actions and capacity building exercises are overdue.

58. When the EAC announced its inquiry on 26 September 2012, it said that amongst the subjects it would "specifically examine" was "the extent to which UK Government Strategy embodies the principles of sustainable development and appropriately trades-off environmental protection, social; development and economic growth". Although a number of the EAC's recommendations are clearly strategically relevant to how sustainability principles can be implemented in each territory, UKG still lacks a coherent sustainability strategy in relation to the territories.

59. For sustainability, the whole point is to get to a position where people do things because it is the right thing to do. The EAC Report indicates that we all need to change the way we do things. The Report does not address directly saving individual species (although implementing its

recommendations would help greatly in this), but a lot has to be done on land management and planning – which is good governance. Whether fiscal or physical, planning has to be done locally but more help and guidance should be provided from UK, whether by government bodies or NGOs with UK Government support.

60. There was some concern about a tendency to isolate environmental conservation from sustainable development, despite the obvious dependence of the latter on the former. In Montserrat, DFID has spent a lot of UK money but the environment bill's progress has still not been completed. There is a need to look at the totality of each territory, including environment, social aspects, economic development etc. JMC is a mechanism for this, but all UK departments need to work together and with NGOs. Montserrat is in budgetary aid administered by DFID. It has received good support on environmental matters from RSPB, UKOTCF and other NGOs and from RBG Kew, but less so from JNCC.

61. Conservation NGOs are often wrongly thought of as having narrow focus on biodiversity without considering the needs of human communities but, in fact, they are often the ones which recognise first that the long-term survival of these communities depends on conservation of biodiversity and the ecosystem services to humans that need this biodiversity. The need was underlined for Defra to spearhead a comprehensive programme with UKOTGs, NGOs et al to identify the extent of UKOTs' biodiversity

62. The EAC makes clear that a starting point to deal with issues is to have an overarching strategy. Ecosystems will not continue to function if we carry on with business as usual as highlighted in the Stern Report. How do we all help address that? Perhaps JMC is one route – but this will work only if people in that champion it, to move on to operational approaches.

63. We need a step change on the way we do things. How to get pressure on the ground is a big challenge. Territories are reliant on their unique biodiversity. Loss of biodiversity and ecosystems is a huge issue – for mankind, not just for the UKOTs themselves. We need education on sustainable development for finance directors, designers of big development schemes etc, and sustainable development needs to be embedded in every university course.

64. Timely access to information and appropriate use of Environmental Impact Assessments, open to both local people and external specialists, are important aspects of good planning and governance in both Britain (including in the devolved administrations and at local government levels) and the overseas territories. Their significance is far wider than purely natural environmental matters (including pollution, health and impacts on biodiversity).

65. We must ensure that, especially in situations of rapid built development, effective EIAs are conducted, decisions take full and open account of these and, where development goes ahead, proper safeguards and mitigation are required and implemented. This does not always happen in the UKOTs. Indeed, in some, EIAs are the exception, rather than the rule.

66. It was noted that environmental impact assessment is now a principle of international law, and is something that should be implemented whether or not treaties have been signed up to. In fact, UKOTs have anyway signed up to these via the Environment Charters. It was noted that, to be effective, EIAs need to be undertaken at an early stage in a proposed development, and to allow proper time for comment, and for studies – which may be possible only at certain times of year because of seasonality in the natural environment. Serious engagement of EIAs is a valuable planning tool – and responsible agencies need to be involved from early on in the planning process. It was noted that, once people are familiar with EIAs, it becomes recognised that they save a lot of resources for all parties, including the developers.

67. UKOTs requested EIA training, if possible on-island, and related technical assistance. The very effective 2-day workshop on EIAs linked to UKOTCF's Jersey conference was recalled favourably,

and it was noted that UKOTCF still had contacts with the people (international EIA experts with experience of small islands) who ran that. Useful links via the EU were noted also.

## **Protecting biodiversity – funding**

**68. Investing to prevent biodiversity loss in the UKOTs is a direct and cost-effective contribution to meeting the UK's international commitments under the CBD. Defra has increased spending on protecting biodiversity in the UKOTs since 2007-08, but a further step change in Darwin Plus funding is required adequately to address the scale of the UK's international responsibilities to protect biodiversity.** [Paragraph 39, Conclusion 6, Recommendation 17]

**69. The FCO must advance the proposition in negotiations in the European Council that LIFE+ funding should be extended to schemes that protect biodiversity in the UKOTs.** [Paragraph 40, Recommendation 18]

**70. The FCO must press the European Commission to build on the pilot and implement a permanent BEST scheme.** [Paragraph 41, Recommendation 19]

**71. We recommend that DCMS extends the right to play the National Lottery to UKOTs residents using terminals and via the internet. When this is achieved, DCMS should direct the Heritage Lottery Fund to accord applications for projects in the UKOTs equal priority with applications for projects in the UK.** [Paragraph 42, Recommendation 20]

72. As well as good policies, responsible management of the environment and its resources, including the ecosystems which the natural world provides and on which human survival depends, there is a need for adequate funding at different levels – for development of institutional capacity both in government departments and in civil society, for establishing the right legal framework and the readiness and ability to use it, and for projects with widely different timescales and resource implications.

73. Several attempts have been made, by UKOTCF, RSPB, JNCC and others, to determine ball-park estimates of the funding levels needed to conserve vital parts of the natural environment of UKOTs. Even conservative estimates point to at least an order of magnitude greater than the amount currently available. Furthermore, even the present resources do not have a credible framework of priorities to help in their deployment, as noted earlier. A great deal has been achieved by good individual projects, including exemplary work on protecting species and ecosystems. However, these just scratch the surface. Resources in FCO and Defra are a real mismatch to needs in the UKOTs, and Defra has just suffered a further 30% budget cut. However, even in this situation, the discrepancy of spend remains as between Britain and UKOTs in relation to global biodiversity importance and threat to species survival.

74. This underlines the need for a framework of priorities, agreed by governments and NGOs, within which funding mechanisms such as Darwin Plus should take funding decisions. The Darwin Initiative overall has been an excellent example of UK being a good citizen of the world. In supporting work outside UK's responsibilities, excellence of each bid is a good model for selection. When addressing UK's own responsibilities within its Overseas Territories, this is not enough; a proposed project's relevance to priorities needs to be taken into account. Capacity building, sharing of ideas, experience and best practice, education and other aspects need to be addressed as well as scientific interest.

75. Some noted that the Darwin Plus funding this round appeared to be targeted to save single species. Meanwhile the entire ecological infrastructure is degrading due to a basic lack of resources for

conservation agencies. A focus on single issues misses the big picture. It was noted also that the proportion of smaller projects funded by UK Government had fallen in recent years. Such small projects can be a very effective way of leveraging a great deal of voluntary activity, especially by small local bodies without the resources to run larger projects. It was suggested that some of this reduction might be due to an erroneous perception that Darwin Plus did not want to consider small projects and hence few such applications were made.

76. Complementary funding sources are addressed later, but UK Government cannot abrogate its responsibilities. There is simply not enough, and Darwin Plus is not itself adequate. It also needs to be within a more strategic framework. We need to motivate ministers to take on UK's international responsibilities and champion what could also be a series of good-news stories. The movement that has occurred across government on sustainable development goals may be a step forward, and create a new avenue for fulfilling some of Defra's core function. Finding a hat under which this new tranche of funding could fit would give staff in Defra resources and authority to deploy such funds directly or via partners such as experienced NGOs.

77. It was noted that DFID is rather better resourced at present than Defra, and that DFID had been co-operative in supporting some areas of overlapping interest, such as dealing with invasive species and climate change. That sort of approach needs to be expanded. The three departments (Defra, FCO, DFID) met to agree how the money could be spent. The justification for DFID giving the money was that climate change particularly affects the poorest people (some of whom may be in UKOTs). So DFID can give money regarding environmental degradation effects on poverty alleviation. That is said to be the only way DFID can give money to Defra. It was noted that DFID had given total priority to the laudable aim of poverty eradication. It was not, however, clear how DFID's statutory duty to give priority to the development needs of UKOTs is addressed. It was noted that the increasing role of DFID and Sustainable Development Goals has come out in the last few months.

78. It was not clear how DECC funding could be accessed for UKOTs.

79. The reference in the EAC report to DCMS and the National Lottery was welcomed. The report points to a long-term solution by opening both ticket-purchase and grant-funding to the Overseas Territories. It was noted that this might take a long time, and there were shorter term partial solutions which could be used in the interim to meet some of the most urgent needs without legislative changes, if Ministers so chose to direct. Present legislation allows the Heritage Lottery Fund to support UKOT work via British-based bodies. However, this does not happen in practice because the Fund gives such applications low priority and has an inappropriate application procedure which means that any such application has to go through an arbitrary local office in Britain, which will have no knowledge of, or sympathy with. UKOTs. This could be changed immediately by Ministerial direction.

80. Bitter experience of several NGOs has shown that securing funding from the European Commission is a real struggle, in one case the Commission's handling of a proposal having dragged over seven years. However, this source needed to be addressed because of its potential importance. Whilst UKOTs (except Gibraltar) are not in the EU, they are Overseas Territories and Countries (OCTs) with a special relationship to the EU. The EU cannot achieve its targets on biodiversity without working with its OCTs. We should be building on this to get more EU funding for UKOTs. NGOs, UKOTA and individual UK Government officials have worked hard on these issues. However, they have received clear feedback from EU institutions and delegations of fellow Member States that UKOTs do less well in EU funding because UK Ministers are less inclined than those of other Member States to engage with EU institutions. Whilst it is recognised that some people are not content with present arrangements with respect to the EU, UK and its Overseas Territories are the only ones who suffer if we do not make full use of the present situation, whether one wishes to change it or not.

81. This situation may be one of the reasons why no UKOT- or British-led project was funded in the first round of the experimental BEST project. The results were somewhat better in the second year.

For the third and final year, the European Commission did not invite project bids but instead issued a tender invitation for work it wished to commission. The work specifications appeared to duplicate other recent or current initiatives, and were so badly written that even many of the contract-hungry Brussels-based consultants chose not to bid. The specifications appear to require considerable responses (unresourced) from Overseas Territories and NGOs, with little clear benefit. The workshop agreed that we need projects which see actions on ground, not just reports (which will be the eventual outputs of the third round of BEST, and some parts of earlier rounds). With developments since the evidence was given to EAC, there would now seem to be little or no prospect of a longer-term BEST being established in the near future. However, there is scope for UK Government to respond to forthcoming EU funding opportunities. In particular, UKG should follow up the Environment Director-General's commitment to a doubling of biodiversity and climate funding for OCTs. This would "define a specific priority addressing biodiversity and climate challenges in OCTs with a specific annual contribution above the current levels foreseen in the BEST initiative (presently €2 million per year)," "providing a better alternative to LIFE, more adapted to OCTs' needs." This would be part of the 2014-2020 Multiannual Financial Framework, the Commission proposal for a financial Instrument for Development Cooperation (DCI) foreseeing that OCTs will be eligible to participate in a new thematic programme on "Global Public Goods and Challenges."

82. UK Government officials are to be congratulated on pursuing, with NGO colleagues and some other Member States, the opening up of LIFE+ funding to projects for the UKOTs. However, the devil is in the detail, and more work is still needed by UK Government to secure reasonable opportunities. The present situation with LIFE+ and the UKOTs is still not clear. However, there would seem to be at least two problems. First, there seems to be a requirement that projects assist the implementation of EU environmental legislation. As this legislation does not relate to UKOTs, this may present problems. Second, it is possible that the large amounts of time contributed by NGOs may not count towards the big proportions of matching funds required for successful applications.

83. Finally, in the resourcing area, we should not forget the major contributions of time provided to UKOTs by NGOs. Much of this is devoted to capacity building. NGOs provide experienced input at a much cheaper rate than consultant support, and in some cases without payment.

## **Protecting biodiversity: Marine Protected Areas**

**84. The UK could make a significant contribution to achieving Aichi Biodiversity Target 11 by declaring new Marine Protected Areas (MPAs) around Pitcairn Islands, Tristan da Cunha and South Georgia and the South Sandwich Islands.** [Paragraph 43, Conclusion 7]

**85. Defra and the FCO must complete the legal protections for the marine environment in BIOT by prohibiting all extractive activities.** [Paragraph 47, Recommendation 21]

**86. Defra and the FCO must respond positively to the Pitcairn Islanders' request to establish a fully protected MPA in line with UN Aichi Biodiversity Target 11 to protect 10% of the world's oceans by 2020.** [Paragraph 48, Recommendation 22]

87. We hope that UKG will be ready to address the support which it can give territories, both over Marine Protected Areas (MPAs) and over considerably wider marine and coastal sustainability issues, including fisheries, climate change and the protective ecosystem services of coral reefs, mangroves and other wetlands.

88. The workshop welcomed the strong recommendations in support of the marine reserve around Pitcairn, especially in view of the support of the whole community and its Council for this. It would

welcome UK Government making a positive response on this, even if this is initially without financial commitments. The designation itself would assist securing contributions from elsewhere. Having a reserve around an inhabited island, with the support of those inhabitants, would be a particularly striking initiative.

89. It was noted that a different model is required for marine protection in the Caribbean and some other territories. The presentation by the Bahamas National Trust at UKOTCF's Bermuda conference was recalled. The Bahamas Government had transferred national parks to the BNT to manage. In the first instance these were "paper parks" but reality was gradually developed. The suggestion of a first small no-fishing zone was strongly resisted by local fishermen, but was eventually pushed through. Within a very short time, the increased fish-take in the areas surrounding the no-take zone became apparent, and fishermen in other parts of the archipelago requested the creation of more no-take zones in their areas also. There was considerable scope in other areas for this. Some UKOTs mentioned an interest in their territories for this sort of approach, and participants from several organisations agreed to pursue it with them outside the workshop. Experience in Britain on zoning was also noted, although the distance of the marine parts of Defra from the UKOTs part might pose some challenges.

90. The need for patrolling and enforcement was discussed, and the excellent examples from South Georgia & the South Sandwich Islands and the Falklands noted, with patrols enabling sustainable fisheries with science-based policies. The lack of funds for patrolling was noted. However, developing technologies can make patrolling much more cost effective than in previous times. The good potential in the Caribbean for multi-tasking was noted. The Royal Navy vessel has the double purpose of emergency response, especially in relation to hurricanes, and anti-drug-smuggling patrols. Fishery patrols might be added to this. It was understood that Anguilla had already enquired of UK Government about this, and the response would be of interest to all. It was noted that marine enforcement often involved international aspects, and strong support from UK Government is essential. Gibraltar's recent experience is relevant here.

91. The importance of communicating the value of MPAs was stressed, with the need for greater education both in Britain and the UKOTs.

92. The interaction with climate-change aspects was not overlooked. The ecosystem services, especially in storm protection, of coral reefs, mangroves, shelving beaches and coastal wetlands such as salt-pans were noted. Furthermore, many low-lying UKOTs are likely to be very seriously affected by rising sea-levels and increasing incidences of storms, so the question was raised as to whether, with current international developments, they might be eligible for compensation from countries which have benefited from the actions giving rise to climate-change.

**Annex A: UKOTCF workshop on the House of Commons Environmental Audit Committee report on Sustainability in the UK Overseas Territories**  
**Thursday 16<sup>th</sup> January 2014, Gibraltar House, The Strand, London**

**Programme**

(Timing was approximate and varied from the indications below from the draft programme.)

09:00	Coffee & registration
09:30	<b>Introduction and welcome</b> Chairing: Bruce Dinwiddy CMG & Dr Mike Pienkowski
09:45	<b>Presentation of main report conclusions</b> Environmental Audit Committee Chair (Joan Walley MP), Members (Dr Matthew Offord MP, Rt Hon Mrs Caroline Spelman MP) and Second Clerk (Nick Beech)
10:15	Points of clarification
10:30	Iain Orr (standing in for Dr Chris Tydeman), UKOTCF: <b>EAC findings and ideas for taking them forward in the context of:</b> <ul style="list-style-type: none"> <li>a) The FCO-led White Paper (and its predecessor)</li> <li>b) The Defra White Paper</li> <li>c) UKG's UKOT Biodiversity Strategy</li> <li>d) Departmental (FCO/Defra/DFID/MoD) and JNCC strategies and work plans</li> <li>e) Environment Charters (including MEA obligations)</li> </ul>
11:00	Points of clarification
11:15	<b>Comments on related aspects (not a response to the report) from UKG departmental officials</b>
11:45	Points of clarification
12:00	<b>Comments from UKOTs</b> (via Skype)
12:30	Points of clarification
12:45	Lunch
13:45	<b>Comments from other organisations and participants</b>
14:15	Points of clarification
14:30	<b>General discussion</b>
16:15	<b>Conclusions and Wrap-up</b>
16:45	Close



## Annex B: List of Participants

Title	Name	Position and Organisation
Host unable to attend sending a welcoming message		
Dr	John Cortes	Minister for Health and the Environment, HM Government of Gibraltar
Participants in person		
Mrs	Joan Walley MP	Chair, House of Commons Environmental Audit Committee
Dr	Matthew Offord MP	Member, House of Commons Environmental Audit Committee
Rt Hon Mrs	Caroline Spelman MP	Member, House of Commons Environmental Audit Committee
Mr	Nick Beech	Second Clerk, House of Commons Environmental Audit Committee
Mr	Nick Davies	Media Officer, House of Commons Environmental Audit Committee
Mr	Bruce Dinwiddy	Council Member, UK Overseas Territories Conservation Forum
Mr	Iain Orr	Council Member, UK Overseas Territories Conservation Forum
Dr	Mike Pienkowski	Honorary Executive Director, UK Overseas Territories Conservation Forum
Mrs	Ann Pienkowski	Environmental Education Co-ordinator, UK Overseas Territories Conservation Forum
Mrs	Catherine Wensink	Coordinator, UK Overseas Territories Conservation Forum
Mr	Siôn Griffiths	for Director UK Overseas Directorate, Foreign and Commonwealth Office
Dr	Colin Clubbe	Head, UK Overseas Territories and Conservation Training, Royal Botanic Gardens Kew
Mrs	Kedell Worboys	UK Representative of the Government of St Helena & UK Overseas Territories Association
Mrs	Janice Panton	UK Representative of the Government of Montserrat & UK Overseas Territories Association
Mr	Benito Wheatley	Deputy Director BVI London Office, Government of the British Virgin Islands
Dr	Tony Gent	Executive Director, Amphibian and Reptile Conservation Trust
Mrs	Fiona Llewellyn	Marine Reserves Coalition Coordinator, Zoological Society of London
Mr	Tom Appleby	Blue Marine Foundation
Mr	Jonathan Hall	Partner Development - UK Overseas Territories, Royal Society for the Protection of Birds
Mr	Sacha Cleminson	Head of International Biodiversity Policy, Royal Society for the Protection of Birds
Mrs	Elisabeth Whitebread	Senior Associate, Global Ocean Legacy, Pew Charitable Trusts
Mr	Alistair Gammell	Director, Global Ocean Legacy, Pew Charitable Trusts

Participating via Skype from UKOTs

Mrs	Pat Saxton	Director, Turks and Caicos National Museum
Mrs	Kathleen Wood	Director, Department for Environment & Maritime Affairs, Turks and Caicos
Mrs	Rebecca-Cairns Wicks	Council, St Helena National Trust
Mrs	Sarita Francis	Director, Montserrat National Trust
Those who asked that their apologies for absence be recorded		
Lord	Selborne	House of Lords
Mr	Peter Aldous MP	Member, House of Commons Environmental Audit Committee
Mrs	Clare Hamilton	Head of International Biodiversity Policy, UK Department for Environment, Food and Rural Affairs
Mr	Razi Latif	Climate & Environment Adviser to Overseas Territories Department, DFID
The Rt Hon the Lord	Blencathra	Director and UK Representative, Cayman Islands Government Office in the UK
Mr	Patrick Mullarkey	Adviser on Foreign & Commonwealth Affairs, Office of Andrew Rosindell MP
Mr	Danny Stevens	Secretariat, All Party Parliamentary Group for Biodiversity, & Director, GLOBE UK
Dr	Chris Tydeman	UK Overseas Territories Conservation Forum
Mrs	Liz Charter	Principal Biodiversity Officer, Isle of Man Government
Mr	Bill Samuel	UKOTCF Council
Mrs	Alison Debney	Marine and Freshwater Conservation Programme Manager. Zoological Society London
Dr	Keith Bensusan	Director Botanical Garden, Gibraltar Ornithological and Natural History Society
Mrs	Vicky Kindemba	Conservation Delivery Manager, Buglife
Mrs	Sarah Brennan	UK Executive Officer, Falklands Conservation