

# FORUM NEWS 41

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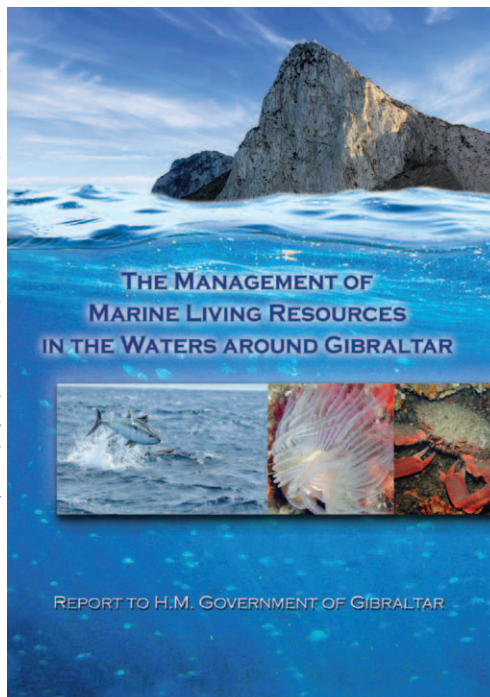
## Management of Marine Resources in Gibraltar's Waters

Management of marine resources in Gibraltar's waters has been of great concern in recent years, with much unauthorised cross-border fishing activity taking place. The Government of Gibraltar (HMGoG) decided to address this by securing hard evidence and a clear independent scientific analysis of the situation by qualified experts, one of whom would also chair the working group participating in this study. HMGoG sought UKOTCF's advice and commissioned this via the latter, although neither HMGoG nor UKOTCF as an organisation influenced the report.

The report *The Management of Marine Living Resources in the Waters around Gibraltar* ([www.gibraltar.gov.gi/images/stories/PDF/environment/Management\\_of\\_marine\\_living\\_resources\\_in\\_the\\_waters\\_around\\_Gibraltar.pdf](http://www.gibraltar.gov.gi/images/stories/PDF/environment/Management_of_marine_living_resources_in_the_waters_around_Gibraltar.pdf)) was published on 4 June 2013. It was accompanied by a Ministerial Statement in the Parliament in Gibraltar ([www.gibraltar.gov.gi/images/stories/PDF/pressoffice/pressreleases/2013/376-2013.pdf](http://www.gibraltar.gov.gi/images/stories/PDF/pressoffice/pressreleases/2013/376-2013.pdf)).

The main conclusions are that:

- the basis for Gibraltar's environmental protection laws are sound;



- information currently available is insufficient to provide clear results on the state of fish stocks;
- HMGoG should therefore continue to act in keeping with established precautionary principles of conservation and pursue active management of the marine environment; and
- future changes to environmental management must be dependent on these issues.

UKOTCF is pleased to note that HMGoG is planning to act rapidly in response to this report with a strategy of measures in order to improve monitoring systems whilst nurturing and enabling the sustainable use of the habitats naturally surrounding Gibraltar.

The authors of the report attempted to provide a technical report with a sound basis in science. However, as the Report points out, it is extremely difficult to separate management considerations based on science from the political considerations which often overlay any decision making process. That being the case, and given that it was impossible not to encounter wider policy, organisational and political processes (by and large not involving Spain) in

the preparation of the Report, such additional information was collated and further information on these elements has been provided to the Government of Gibraltar in a separate form. It is clear that, while the Report provides significant background on fisheries and other environmental matters to enable management decisions to be made, it will, on its own, not provide the solution to the overall problem, which lies in the territorial/sovereignty

*Part of the Bay of Gibraltar, looking NW from the Rock. The town of Gibraltar is below, with the airport to the right (N) and Spain beyond.*

*Photo: Dr Chris Tydeman*



dispute with Spain coupled with the very difficult socio-economic issues pertaining in Spain. The latter are not of Gibraltar's making. Indeed the neighbouring Spanish inhabitants would be considerably worse off without *inter alia* the employment opportunities in Gibraltar; and the responsibility for sovereignty and territorial waters resides entirely with HMG as they relate to foreign affairs and defence matters.

Legislation already exists in Gibraltar – the Nature Protection Act 1991 – to regulate activities adversely affecting the marine environment including those relating to fisheries. It is this legislation that prohibits the activities of Spanish boats in British Gibraltar Territorial Waters (BGTW) and for which enforcement has been found lacking – an issue which UKOTCF raised in its oral evidence to the current Inquiry of the House of Commons Environmental Audit Committee. In 1999 when the Foreign Affairs Select Committee considered issues pertaining to Gibraltar, the then UK Government was of the opinion that a so-called “Understanding” derived by the then Government of Gibraltar which allowed for the Royal Gibraltar Police (RGP) to “turn a blind eye” to infractions by Spanish fishing boats was an effective solution. So effective in fact that the Minister at the time desired the Government of Gibraltar to repeal the Nature Protection Act so that Spanish boats could fish in BGTW. This does seem a rather bizarre way to interpret making of good law and its enforcement. In practical terms, enforcement is the major issue here. Spanish boats are encouraged by Spanish Ministers and the local governments in Andalusia to enter BGTW as they regard them as Spanish – thus promoting incursions by Spanish fishing boats. This is reinforced by armed Guardia Civil boats accompanying the fishing boats in what is clearly an infraction of BGTW and the sovereignty of Gibraltar – matters which it should be reinforced are the responsibility of HMG rather than of the Government of Gibraltar. There have been some suggestions made by HMG that it is difficult to know whether a boat from the Guardia Civil is undertaking right of navigation under international maritime law when in BGTW rather than breaching sovereignty by undertaking activities in BGTW. This is somewhat disingenuous. If a Guardia Civil boat is circling Spanish fishing boats within BGTW in an attempt to keep (unarmed and considerably smaller) RGP boats away, it is fairly obviously not undertaking innocent right of passage. It is at the least very unusual for Royal Navy vessels to intercede. The explanation usually given is that the Royal Navy does not have a role in fisheries protection duties and only deals with breaches of sovereignty but in these

cases does not regard these activities as such a breach.

Following the oral evidence given by UKOTCF to the EAC in April 2013, a number of Parliamentary Questions were asked apparently, at least in part, to follow up on that evidence.

In respect of the answers provided to these, UKOTCF noted to EAC:

a) It is our understanding that the Chief Minister of Gibraltar has formally requested of HMG an extension to the limit of territorial seas from 3 nautical miles to 12 nautical miles in December 2012. We do not know the official response to that request but it is clear from the Parliamentary answer that it has been declined. The request by the Chief Minister accords with a recommendation in the Report that the territorial limits should be expanded to 12 nm on scientific grounds.

b) On the question of incursions, the figure quoted in the parliamentary answer (which could be an underestimate and does not provide information on the number of boats for each incursion) shows that the chances of an incursion on any given day between 1 November 2012 and 30 April 2013 were 97%, in other words virtually every day.

c) Mr Jim Dobbin MP asked what steps are being taken to deter Guardia Civil boats. The answer did not address this but what actions are taken at the time

d) The Minister's response to this question on actions is slightly misleading as the word “challenges” could be interpreted as some form of direct action by the RN, when in fact all that happens is a standard radio message is sent asking the Guardia Civil boats to leave BGTW. It would be useful to know on how many occasions the RN intercepted Guardia Civil boats on such occasions. Also, given the 176 illegal incursions by Spanish fishing boats in the time period quoted, what actions were taken by the RN on those occasions if not accompanied by Guardia Civil boats?

e) It is our understanding that the Spanish Ambassador was called into the Foreign Office not in respect of incursions by Guardia Civil boats but after one of the two recent occasions when a Spanish naval boat was patrolling within BGTW and clearly not undertaking innocent right of passage.

UKOTCF very much welcomes the statement that HMG supports the Government of Gibraltar and encourages all parties to show restraint and cooperate with the Government of Gibraltar. UKOTCF looks forward to seeing the practical implementation of such aspirations.

## Demonstrating conservation and effective use of water in the Turks and Caicos Islands

Following work on rainwater harvesting for the botanic gardens with Montserrat National Trust, and continuing with its environmental education work in TCI, UKOTCF has worked with its partner, the Turks & Caicos National Museum (TCNM), to design and resource a project to develop a garden displaying traditional crops and native medicinal plants irrigated with rainwater, thus reducing the need for fertilizers and city water produced via desalination powered by imported diesel. The demonstration is combining a model of a traditional garden with aspects illustrating the potential for small-scale food production in this arid region.

This project is made possible by a grant from the Royal Bank of Canada Foundation under its Blue Water Project. The RBC Blue Water Project is a historic, wide-ranging, 10-year global commitment to help protect the world's most precious natural resource: fresh water. Since 2007, RBC has pledged over \$38 million to more than 650 charitable organizations worldwide that protect water, including the grants announced in June, with an additional \$7.8 million pledged to universities for water programmes. In 2013-2014, the RBC Blue Water Project will focus on supporting initiatives that help protect water in towns, cities and urbanized areas. For further information, visit [www.rbc.com/bluewater](http://www.rbc.com/bluewater).

RBC has announced, for 2013-4, 36 Leadership and 87 smaller Community grants, totalling 123 including 6 outside Canada, US and UK. UKOTCF is delighted to be the recipient of one of the latter, to support work in partnership with its local Associate organisation, the Turks & Caicos National Museum.

The grant was announced on Blue Water Day on 14 June 2013. UKOTCF and TC National Museum immediately entered into further detailed

planning, in consultation with RBC. As we go to press, this is progressing well, and more will appear in future issues of *Forum News*.



Patricia Saxton (Executive Director, Turks & Caicos National Museum) and Ann Pienkowski (UKOTCF Environmental Education Co-ordinator and Secretary of Wider Caribbean Working Group) discuss plans for the new project. Here, in the Museum's Botanic Gardens at Grand Turk, all the water used is from captured rainwater and condensation from the air-conditioning, without resorting to piped town water supplies. Note the traditional cistern with sloping roof to catch rain-water.

Photo: Dr Mike Pienkowski

# Ascension frigate bird breeds again on main island

In December 2012, after 180 years absent, Ascension frigate birds *Fregata aquila* were discovered breeding again on the main island, following several years after similar re-colonisation by masked boobies *Sula dactylatra*, brown boobies *S. leucogaster*, brown noddies *Anous stolidus*, white-tailed tropicbirds *Phaethon lepturus*, red-billed tropicbirds *P. aethereus*. These are results of a long-term project, which began in 2001. The aim was to allow seabirds to recolonise the island, by removing feral cats from the island. It has involved many collaborators, including leading roles by UKOTCF and RSPB in seeking funding for many years and in getting the project started. The discovery was made by members of the Army Ornithological Society, together with members of the Ascension Island Government's Conservation Department (a UKOTCF Associate), and has excited the conservation community with the possibilities it has for bringing species back from the brink in other UKOTs.

Iain Orr who, in FCO's Environment Policy Department in the late 1990s and early 2000s, was key in obtaining initial funding

reflected: "It's hugely encouraging that this restoration project has been steadily producing results: *Fregata aquila* at last nesting again on the main island is quite an achievement. I take much pride in being associated with this project, which had been at the top of RSPB's and UKOTCF's wish-list for years. So many others played crucial roles and I was just lucky enough to be for once a round peg in a round hole in the FCO at the right time. But the really hard work was done over the years by the Forum and RSPB in making the case that HMG was missing a huge opportunity to show that the mistakes of earlier centuries in fragile oceanic islands (when impacted by man – otherwise very resilient) could be corrected. Mike Pienkowski and his Forum colleagues had been badgering the FCO on the subject long before I got involved; Philip and Myrtle Ashmole had done the scientific fieldwork to show how important Ascension, not just tiny Boatswainbird Island, was for global biodiversity; and at the crucial time – when there was a three-week window of opportunity to bid for some windfall FCO funding – Jim Stevenson, of RSPB and UKOTCF, was able to rush up a detailed proposal with a realistic budget, and he had the diplomatic skills to get even the Cat Protection League agreeing that there was no alternative to removing the feral cats from Ascension.

"Two officials were crucial: Geoff Fairhurst, the then Administrator (he and Wendy were wonderful hosts when I visited in 2002 as the project was in full swing), and the totally supportive Head of the FCO's Environment Policy Department, John Ashton. But then there were those who made it all work: the New Zealand-trained team whom we can surely now say got the last feral cat, and Tara George (now Pelembe) running the Ascension Conservation Department, whose build up was linked to the project. Let's hope all goes as well for the rat eradication project on South Georgia!" [It seems to be - see p 10 – eds]



Female Ascension frigatebird incubating egg on the main Ascension Island, December 2012, with male overhead (right). Photos: Mark Cutts



## New plant species discovered on Anegada

A new plant species for the British Virgin Islands was identified for the island of Anegada in late 2012, during recent field studies on Anegada as part of the BVI's Environmental Profile Programme. Kevel Lindsay and Jean-Pierre Bacle from Island Resources Foundation (IRF) collected and photographed the shrub, found growing in small areas of old low sand-dunes in northern and southeastern Anegada. This new discovery adds to a growing list of unique natural qualities identified for Anegada, and contributes to the island's distinction and attraction as a biodiversity hotspot.

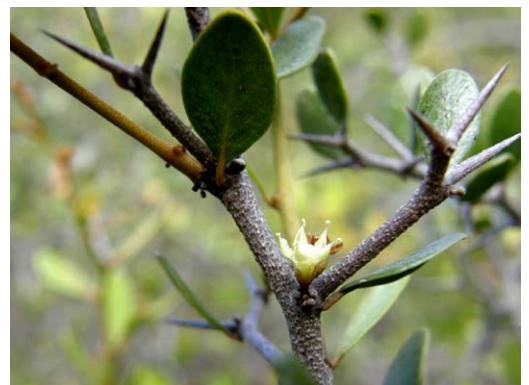
The species, a sprawling spiny shrub, has been nicknamed the "Medusa Bush", indicative of the plant's writhing mass of thorns and brambles, making the shrub seem almost animated, reminiscent of the crown of snakes on the head of Medusa in Greek mythology. Photos were shared with regional experts, and it has now been concluded that the shrub is a new record not only for Anegada but for all of the islands situated on the Puerto Rico Bank. Though tentative, regional experts agree that it is a species of "mastic," better known by its scientific name, *Sideroxylon horridum*.

Helping the IRF team to identify the plant was Virgin Islands botanist, Eleanor Gibney, who resides on nearby St. John in the U.S. Virgin Islands, and scientists at the Royal Botanic Gardens, Kew familiar with BVI flora and fauna. The specimen collected was conveyed to the National Parks Trust of the Virgin Islands for further study by RBG Kew, the Trust, and other regional experts.

The plant's occurrence on Anegada raises new questions on the biogeography of the West Indies. The critical issues are how did this plant species get to Anegada, and why has it not been discovered on other islands in the British and U.S. Virgin Islands and Puerto Rico? It was previously known only from Cuba and the Cayman Islands.

The bush appears to be relatively slow-growing, flowering and fruiting very sparingly. It may grow in small colonies consisting of two or more specimens, sometimes forming impenetrable thickets like a living fence. The preliminary estimate of the Anegada population is between 150 and 300 plants.

Lindsay and Bacle are part of a ten-person team preparing an Environmental Profile for Anegada, now completed in 2013 – the third environmental profile prepared by IRF for the BVI. The Jost Van Dyke Environmental Profile was published in 2009, and the Virgin Gorda Environmental Profile in 2012. These are available at [http://irf.org/wordpress/wp-content/uploads/2013/06/2013\\_06\\_Profile-Flyer.pdf](http://irf.org/wordpress/wp-content/uploads/2013/06/2013_06_Profile-Flyer.pdf) Funding for the Environmental Profile Programme has been provided by the UK Government (Foreign and Commonwealth Office), the BVI Government (Premier's Office), and private donors.



Tiny flower of the Medusa Bush *Sideroxylon horridum*. Photo: Kevel Lindsay

# Threats to biodiversity and the community on Sark

Sark is a UK Crown Dependency in the Channel Islands. The Channel Islands have a unique status, having been part of Normandy when its Duke William (known at the time as “the Bastard” but in recent times as “the Conqueror”) acquired the English crown. Although mainland Normandy is now part of France, the Channel Islands remain under the English crown (but the monarch, whether King or Queen, is known there as the Duke) Whilst, for some aspects, Sark falls within the Bailiwick of Guernsey, it has a high degree of independence.

There have been concerns expressed in recent years about the economic dominance being built up by the largest land-owners, the Barclay Brothers (owners of various commercial enterprises in UK and elsewhere, including the UK national newspaper *The Daily Telegraph*). The Barclays have a castle-like residence on the adjacent island of Brecqhou, which is administratively part of Sark - but also extensive land-holdings on Sark, including much of the land farmed by the Sark community.

In increasing frustrations at the difficulties local people and their elected representatives were having in meaningful exchanges with the Barclays’ estate, they issued a press release (reproduced below) in November. This generated a demonstration, attended by 115 residents, on Saturday 3rd November at the Mill, in the centre of the island and adjacent to a field recently turned over from cattle pasture into a vineyard. Various concerned residents spoke out against the continued planting of yet more grapevines by the Barclay Brothers through their company, Sark Estate Management. This was followed by a petition headed “We call on SEM to halt present work and reconsider the agricultural plans and priorities for the land in Sark”. It was signed by 125 residents and sent to Kevin Delaney, project manager of SEM and copies were also sent to Sir Frederick and Sir David Barclay in Brecqhou.

In view of the fact that there are 470 residents on the electoral roll and the petition was signed by 125 of them, this deserves a wider audience. The entire effort of the press release, the protest and the petition were directed against the increasing number of vineyards and the consequent change to the landscape and loss of biodiversity; this will directly affect the tourist industry which is the mainstay of the island.

## PRESS RELEASE

1st November 2012 for immediate use

AGRICULTURE AND ENVIRONMENT COMMITTEE OF CHIEF  
PLEAS  
SARK, CHANNEL ISLANDS

### Concerns Over the Increasing Number of Vineyards on Sark

“We are conscious that many are suspicious of our aims for Sark and imagine that we seek wholesale change. Nothing could be further from the truth. We strongly take the view that Sark’s economic future lies

with tourism. Tourists are attracted to Sark by its existing, unspoilt, rural character, natural beauty and distinctiveness politically and constitutionally. People like the idea of this very beautiful, tranquil and uniquely British island with its roots deep in Norman and Elizabethan history. These are its principal selling points; it would be madness to jeopardise them. We have no intention of changing the fundamental character of Sark. We seek to improve and enhance the character, not change it.” *Point no.6 from A MANIFESTO FOR SARK by Sir David & Sir Frederick Barclay, 21st Nov 2008*

The Barclay brothers now own roughly a quarter of Sark: 11 Real Properties, (tenements, freeholds and 150-year leases). These are currently managed by the Barclays’ company Sark Estate Management (SEM). To the best of our knowledge SEM have planted vines on 14 fields before the spring of 2012 and since the start of October 2012 another 12 fields have been planted or prepared for planting with vines. This means that over 5% of growing land is now vineyards.

After four years there is little evidence that the vines are succeeding. Meanwhile, Sark’s farmers have lost and are losing their land which was leased from SEM, and have been given very little notice to remove their grazing animals. One farmer said that for the last few years he has been asking SEM to write a more secure contract, but to no avail. Farmers have said that they stand to lose more fields in the near future, resulting in the loss of their livelihoods. It is rumoured by staff at SEM vineyards that ALL Barclay-owned land is now to be made into vineyards.

From observation and conversations with SEM vineyard workers, it has been ascertained that fungicides such as Bordeaux mix are regularly ‘broadcast’ on the vines. Even in light winds the dust drifts. Bordeaux contains copper sulphate and many residents now fear pollution of their drinking water from bore holes and wells. Regular dusting with Bordeaux Mix to prevent mildew and other fungi is harmful to insects, particularly bees, to earthworms and in the long term, also to humans in contact with it. According to Guernsey Biological Records Centre, Sark’s biodiversity is greater than average for its land size. This biodiversity will certainly be reduced every time a field is changed from grazing land to vineyard.

The Committee believes that the Sark’s varied rural landscape has also suffered aesthetically from the scale and mechanical process of the vine planting. Many residents fear that Sark’s vital tourist industry will suffer from this large-scale transformation of the traditional rural landscape – the very thing that our tourists come back year after year to see.

The scale of this new monoculture will have a devastating effect on Sark’s unique and diverse wildlife. Many species which rely on Sark’s healthy fields, from earthworms, insects, butterflies, moths, bats, birds, up to the Peregrine Falcons which nest around our cliffs, will suffer as the traditional environment is impoverished.

We call on SEM to halt present work and reconsider the agricultural plans and priorities for their land in Sark.

*Contact Conseiller Rosanne, Agriculture & Environment Committee Email: [rosanne.byrne@gov.sark.gg](mailto:rosanne.byrne@gov.sark.gg) Tel +447781 122385*



*Wildlife-rich farmland on Sark, with other Channel Islands in the background. Such landscapes of great biodiversity, cultural and tourism value are threatened by unsympathetic land-use changes.*

*Photo: Dr Mike Pienkowski*

# Follow-up to the UKOTs White Paper: UKOTCF workshop and UK Parliament's Environmental Audit Committee Inquiry

As reported in *Forum News* 40: 1-8 (August 2012), the Government published the first White Paper on the UK's Overseas Territories since 1999. In response to it and the environmental concerns raised by UKOTCF and others, the UK House of Commons's Environmental Audit Committee (EAC) launched a new inquiry on sustainability in the UK Overseas Territories (UKOTs).

EAC's previous inquiry in 2008 concluded that: "one of the most important contributions the Government could make to slow the catastrophic global diversity loss currently occurring would be to accept its environmental responsibilities for our overseas territories". The current inquiry is specifically examining: the extent to which UK Government strategy on the UKOTs embodies the principles of sustainable development and appropriately trades off environmental protection, social development and economic growth; how the UK Government is fulfilling its responsibilities to protect biodiversity in the UKOTs; how the UK Government is helping the UKOTs adapt to the impact of climate change; whether the recommendations in their 2008 Report, *Halting biodiversity loss*, on safeguarding biodiversity and practising joined-up government to further conservation have been implemented; whether UK Government strategy on the UKOTs is consistent with the conclusions and commitments on protecting biodiversity reached at the recent United Nations Rio+20 conference; how weaknesses in civil society and democracy in the UKOTs impact on conservation; and how the introduction of 'Marine Protected Areas' could safeguard the marine environment in the uninhabited territories.

The Forum's written submission to the inquiry, in November 2012, was one of 19 initial responses, from a variety of stakeholders. The Committee was so concerned about the issues raised by the various submissions that it took the unusual step of publishing the written evidence received before taking oral evidence and producing its report. The EAC invited environmental officials from UKOTs to give oral evidence in March. UKOTCF gave oral evidence in April 2013, alongside colleagues from RSPB. This was followed up by further written evidence in June. Ministers and officials from Defra and FCO and officials from DFID gave their oral evidence to the Committee in July. Written evidence submitted so far, and transcripts and videos of oral evidence are available on the EAC's website (see <http://tinyurl.com/c7vtajj>). The Committee's report is expected later this year.

Around the same time that the EAC inquiry was launched, the Forum organised a workshop at Gibraltar House in London, which was attended by a wide range of participants from Britain and the UKOTs (including the clerk to the EAC committee) to discuss aspects of the White Paper which affect the environment and how to move forward from this and to address some of the concerns that the Forum's network believes exist with the environmental aspects of the White Paper.

The workshop followed on from those previously organised by UKOTCF in 2010 and 2011 on biodiversity strategies, trying to complement the



UKOTCF-organised workshop in Gibraltar House, London on 2 October 2012 on aspects of UK Government's 2012 White Paper which affect the environment and how to move forward from this. The Proceedings are now available at [www.ukotcf.org/pdf/Consultations/Workshop2012Proceedings06b.pdf](http://www.ukotcf.org/pdf/Consultations/Workshop2012Proceedings06b.pdf). Photo: Ann Pienkowski

UK Government biodiversity 'strategy' for UKOTs – which was really a Memorandum of Understanding (MoU) between UK ministries, rather than a strategy – and attempting to relate this to other commitments, such as the Environment Charters and the CBD's Aichi Targets. Unfortunately, at a late stage, FCO and DEFRA decided to withdraw from participation in the workshop, so that JNCC also decided to withdraw.

Presentations explored the role of the Environment Charters, which had been largely ignored in the White Paper, the role of JNCC in project management and mainstreaming in the UKOTs, the potential for funding environmental projects in UKOTs such as National Lottery Funding and EU funding through the BEST scheme, the view of RSPB and on-going project work in the UKOTs, Forum/HMG relations, the role of the EAC, and the views of the UKOTs and of NGOs working in the UKOTs. The full [proceedings](#) are available at on the Forum homepage.



Dr Mike Pienkowski, UKOTCF, gives a presentation at the offices of the Commonwealth Parliamentary Association, Westminster Hall, Houses of Parliament on 6 February 2013. This was a reception organised jointly with the All-Party Parliamentary Group on Overseas Territories, at the invitation of its Chair, Mr Andrew Rosindell MP. Around 30 attended (of whom around 15 were MPs or Peers) including Richard Benyon MP, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, and Joan Walley MP (chair of the Environmental Audit Committee). This provided the opportunity to suggest to Ms Walley that EAC contact several UKOT personnel when they were in London attending a workshop at Royal Botanic Gardens, Kew, and that this could be an opportunity for them to give oral submissions. Furthermore, she agreed that it was sensible to include all relevant UK Government Departments when gathering evidence. Photo: Sir Richard Ground

## Bermuda Ombudsman honoured

The reports of the Bermuda Ombudsman, Arlene Brock, have featured in recent issues of *Forum News* because of their importance to conservation throughout the UK Overseas Territories.

UKOTCF is pleased to add its congratulations to those of many others for award in May 2013 of honorary life membership of the International Ombudsman Institute. The IOI cited Ms Brock's "exceptional commitment" and "outstanding services" as reasons why she was selected.

Ms Brock served on the board of directors of the IOI from June 2009 to November 2012. She was also vice-president of the IOI's Caribbean and Latin American region.

She said: "I was astounded to hear the news and was obviously both extremely honoured and humbled. Since the award was established in 1993, only 13 other people have received it. I believe I am the second woman. It goes without saying that I must share this honour with my wonderful and committed staff."



# Environment Charters are legally binding agreements

The reasoned and clear reports by the Ombudsman for Bermuda on the legally binding nature of Environment Charters have featured in UKOTCF's written and oral evidence to the Environmental Audit Committee. The Ombudsman for Bermuda issued a further report on this topic to the Bermuda Parliament on 17th May. The full report (*Diligent Development - Getting it Right*) is available at [www.ombudsman.bm/systemic\\_reports.html](http://www.ombudsman.bm/systemic_reports.html). It is subtitled: *Update on Legal Status of UK Environment Charter*. Some key extracts from these reports are:

Last year, when I tabled *Today's Choices - Tomorrow's Costs* ("TC-TC") regarding the Special Development Order process, I made a finding that the Civil Service had erred at law by not recognizing that Bermuda's signature on the 2001 UK Environment Charter is a legal commitment.

In a press release dated 2 May 2012, the then Minister challenged the legality of my investigation of the procedure leading up to and informing decisions to grant SDOs. He also called into question my conclusion that the Charter sets out legal obligations: 'We have taken advice from both the Attorney General's office and the FCO via Government House, and conclude that the UK Environment Charter does not constitute law. It is unenforceable. Rather, the UK itself considers the Charter to be "aspirational".'

In June, I responded with a brief *Special Report* ("S.16 Report") that demonstrated that the Privy Council agreed with the distinction I made between a decision and the procedure leading up to it. Therefore, as Ombudsman I was within the law to investigate the SDO procedure.

My *S.16 Report* also clarified and provided additional evidence that the Charter is a legal agreement. This included:

- a decision of the International Court of Justice about what constitutes a legal agreement between two governments;
- the rationale for the Charter set out in the 1999 White Paper;
- contemporaneous statements of both the UK and Bermudian Governments regarding their intentions that the Charter commitments are to be implemented; and
- subsequent evidence to the Environmental Audit Committee of the UK House of Commons by the Foreign and Commonwealth Office (FCO) affirming the commitments of the Charter.

Since then, I have received additional information, including the only judicial decision to date about the legal effect of the Charter. Accordingly, it is important and appropriate that the Legislature and public be informed about this. This report pulls together in one document the evidence already presented in *TC-TC* and the *S.16 Report*, along with an overview of the legal landscape.

Bermuda's approach to development of its scarce land resources is at a turning point. For the sake of our children and grandchildren, it is time that Bermuda puts its words into action. The correct legal approach is clear and *now* is the time to act. With every decision made with blindfolds on, we fall further behind and do a disservice to our island and our future generations. We can do what is right today, or we can wait years for our courts, after costly litigation, to force us to do the right thing. The choice is ours. The choice is now.

Is Bermuda legally obliged to conduct Environmental Impact Assessments ("EIA") - with a robust public consultation component - prior to approving developments that are major or likely to have significant adverse environmental effects?

Yes. By signing the *UK Environment Charter* in 2001 Bermuda legally bound itself to conduct EIAs before approving major projects. Bermuda's obligations are further confirmed and reinforced by:

1. other commitments made in the UK Environment Charter and Rio Declaration;
2. responsibilities imposed by the Convention on Biological Diversity;
3. the common law doctrine of legitimate expectation;
4. recent case law; and
5. international best practices.

From a practical perspective, Bermuda is obliged to conduct an EIA prior

to approval in principle for development proposals that are either "major" or "likely to have significant adverse effect on the environment".

I undertook, on the public's behalf, a comprehensive investigation of the scope and quality of information analyzed and recommendations made by civil servants for the Tucker's Point SDO [Special Development Order].

My independent investigation confirmed that the current SDO process is inadequate: an EIA, coupled with a proper process for public consultation, was required to lift the conservation protection and to approve the SDO. One purpose of an EIA is to identify risks, ways to mitigate risks, and alternatives to development proposals (such as site or design). Another purpose of an EIA is to ensure transparent public consultation, disclosure and input. The government is bound to follow the nearly universal EIA process as a result of the following:

- commitments made when it signed the *UK Environment Charter*;
- common law doctrine of legitimate expectation; and
- international best practices.

The mandatory language and structure of the Charter is clear: it creates legally binding commitments. According to one of the drafters, the words were chosen carefully to designate the future obligations we were undertaking at the time. The Charter commitments are explicit and detailed. We, like other countries subject to identical Charters, must stick to our word. Having signed the Charter, Bermuda has an undisputed obligation to conduct EIAs prior to approving major developments or those likely to have significant adverse environmental effects. Implementation of the commitment to ensure EIAs does not require domestic legislation or government expenditure.

In 1992, the UK signed the Convention on Biological Diversity ("CBD"), an international legally binding treaty, which sets out responsibilities to conserve biological diversity and to ensure sustainable use of species and habitats. In ratifying the CBD, the UK assumed legal (as well as a moral) responsibility for its Overseas Territories ("OT") with respect to biological diversity. For Bermuda, the responsibilities under the CBD remain with the UK.

The primary method by which the UK fulfils its own responsibilities under the CBD with respect to OTs is by way of the Environmental Charters.

The UK cannot unilaterally extend its multilateral environmental responsibilities to the OTs. The 1999 White Paper signalled that – as priority actions – the UK must (and the OTs were encouraged to) undertake certain responsibilities. Section 8.15 of that White Paper stated:

*These responsibilities already exist, but the UK and its Overseas Territories have not always addressed these issues sufficiently consistently or systematically. Examples include damage to coral reefs and the effects of introduced species on native species and habitats. We intend bringing together the responsibilities, common objectives and cooperative approaches of the UK Government, Overseas Territory governments, the private sector, NGOs and local communities by drafting and agreeing an Environment Charter with the Overseas Territories. The Charter will clarify the roles and responsibilities of these stakeholders, set out in a shared vision which also takes account of the wide variety of circumstances and local resources in each territory. The exact form of the Charter and variations between territories will be determined in consultation with them.*

In 2007, the FCO reaffirmed the commitments of the Charter in evidence before the Environmental Audit Committee of the UK House of Commons. The FCO asserted that the Charter is the basis to work with Overseas Territories' governments on implementation. The responsibility for doing so is a cross-UK government responsibility of the FCO, Department for Environment, Food & Rural Affairs (DEFRA) and Department for International Development.

As recently as January 2012, in a policy document, "The Environment in the United Kingdom's Overseas Territories: UK Government and Civil Society Support", DEFRA defined the Charter as a "formal individual agreement, listing commitments to develop and implement sound environmental management practices in the OTs".

Based on the common law doctrine of legitimate expectations, the Government of Bermuda can be legally held by the courts to perform actions that it promised to do.

Legitimate expectations arise when the government makes it known that it will follow a specific course of action, including conduct set out in treaties. Government can depart from the expected course of action only where it has given proper notice and has given those affected an opportunity to be heard.

Once a legitimate expectation has been established, which is the case here, the onus shifts to the government to identify an overriding public interest to justify going back on its commitment. The onus therefore is on government, to follow what is literally, and legally, a legitimate expectation.

EIAs must be comprehensive, involve full disclosure, be done at the earliest possible time (but can be required at a later stage), involve proper public consultation, and provide adequate time. The source of the obligation to require an EIA can be legitimate expectations resulting from statements of government officials in recognition of the need to account for residents' concerns and wishes.

A recent case from the Eastern Caribbean Supreme Court is directly on point with the issues facing Bermuda: *Webster et al v. Attorney General (Anguilla) and Dolphin Discovery*. In that case, the Court reviewed the adequacy of EIAs and public consultation based on commitments under the *UK Environment Charter* for the construction of a Dolphinarium and shopping complex. The Court found that the Charter (singly or taken together with the government's environmental strategy and action plan) established a policy and therefore created a legitimate expectation that the public would be consulted.

To some degree, Bermuda has acknowledged (but as discretionary only) its obligations arising from the *UK Environmental Charter*. Our Department of Planning issued Guidance Note 106 which explains the importance of EIAs and when they are required. GN 106 recites the *Rio Declaration* requirement for EIAs and sets out a comprehensive list of the purposes of EIAs. These purposes include:

- to incorporate environmental information in development decision-making;
- to examine alternative and superior options;
- to identify positive and negative environmental impacts;
- to recommend mitigation measures; and
- to allow for full and early consultation with stakeholders.

The current SDO process fails to meet these purposes. In addition, it does not recognize our current legal obligations or modern planning standards, nor does it provide for adequate public consultation.

With no EIA, decisions are being made in the dark - Ministers and the Legislature do not have reliable and independent information and the public is not given the opportunity to be heard. Not only is there a lack of full environmental understanding, but there is also a lack of financial understanding and the true effect that the development proposals will have on our island. A combination of SDO conditions based on an ill-informed process and a hazy mishmash of studies are nowhere near the equivalent of a proper EIA. To suggest otherwise not only does a disservice to the people of Bermuda but also raises red flags as to the reasons why a universally accepted process is not being used in Bermuda for the development of our scarce land resources.

By having an EIA process, our government would be in the position to mute suspicions that information is deliberately being withheld and that the grant of SDOs benefits the interests of a few rather than Bermuda as a whole. It would also ultimately secure inter-generational justice through the principles and practices of sustainable development.

To continue forward without the legally necessary due process of a proper EIA, without considering the impact, is like walking ahead blind without guidance - the legal equivalent of walking into barbed wire in the dark. Except here, the damage, once built: cannot be undone - we just cannot put the lava back in without being burned.

In the Throne Speech of 8 February 2013, the Government stated: *The Government will build upon an earlier legislative amendment that ensured that Special Development Orders would be subject to Parliamentary scrutiny by implementing a protocol that is clearly articulated, transparent and fair. This protocol will guide the request for, consideration of and grant of SDOs.*

No environmental expert consulted has been able to suggest what possible protocol Bermuda could create that would be better than an EIA. Most

countries of the world, with the exception of a few countries such as Syria and Iran, require EIA for major developments. Does Bermuda really want to be in the company of these countries? Do we want to strike out on our own, defy the judgments of the highest courts, and ignore global best practices?

It is time for Bermuda to be realistic, join the 21st Century, and keep our promises. EIAs must be done prior to approval of major developments and all development proposals that may cause significant adverse impact on our fragile environment. The absence of EIAs is like producing a cookbook devoid of recipes.

In *Save Guano Cay*, the Privy Council adopted the statement of the President of the Court of Appeal: "The ecology of the Bahamas is said to be 'fragile' and possible deaths of those [coral] reefs due to 'global warming' coupled with environmental degradation may result from indiscriminate development of the islands, it is quite understandable that thinking persons would be concerned to protect, as far as humanly possible, their environment, not only for themselves, but also for their descendants who may have to inhabit these islands in the future." All persons in Bermuda who have a stake in the well-being of the island that we leave for our children and grandchildren must be similarly concerned.

In conclusion, as Ombudsman, I am obliged to follow my own governing statute, the *Ombudsman Act 2004*. Section 2(1) of that Act obliges me to point out government "maladministration", which is defined to include "inefficient, bad or improper administration and ... includes ... administrative action that was ... contrary to law ... based wholly or partly on a mistake of law or fact or irrelevant grounds ... related to the application of arbitrary or unreasonable procedures." I would be derelict in my duty if I did not point out that our word must be our bond - not just because it is the law but also because it is the right thing to do - for now and for tomorrow.'

UKOTCF notes that the procedure of agreement and relevant wording of Environment Charters signed with other UKOTs is similar to that between Bermuda and UK, and there is no reason why those Charters are any less binding than Bermuda's.



*The type of limestone cave, pond and forest ecosystems, with many endemic species, which are at risk in the case which stimulated the Bermuda investigation - but the problem of flawed procedures occurs elsewhere too. Photo: Bermuda conservation bodies*

# Dive boat mooring restoration work in TCI

The Turks & Caicos Reef Fund (TCRF) and the Turks & Caicos Islands Government's Department of Environment and Maritime Affairs (DEMA) have signed a Memorandum of Understanding (MoU) relating to the rehabilitation, enhancement and maintenance of dive boat and other moorings in the marine parks around the islands of Providenciales, West Caicos, Pine Cay, and French Cay. The MoU designates the TCRF as the lead organization in the effort to replace more than 30 missing dive boat moorings listed on the maritime charts around these islands while improving and maintaining the quality of over 20 other existing dive boat moorings.

"Over the past few years, moorings listed on the maritime charts around these islands have fallen into disrepair," said Don Stark, Chairman of the TCRF. "The moorings, located in the National Marine Parks, were installed to eliminate the need for anchoring which can be very destructive to the coral reefs. The loss of over half the dive boat moorings around the islands oftentimes forces dive operators to anchor when there are no moorings available. Although they are very conscientious about it and attempt to avoid damaging the coral, accidents happen and damage is done. Since the TCI is consistently rated as one of the top dive destinations in the Caribbean and tropical Atlantic region due to the beauty of our walls and the health of our coral reefs, it is critical to protect these valuable tourism assets."

DEMA Director Kathleen Wood added, "DEMA is charged with the installation and maintenance of dive boat moorings in the Protected Areas. Unfortunately, DEMA is limited by staffing and financial constraints, so we were very pleased when the TCRF approached us about taking the lead for this program. We have worked with the TCRF on projects in the past and are confident that they are the right partner for us to oversee and coordinate the moorings programme in the Marine National Parks."

She said also, "DEMA appreciates the efforts of the various dive operators over the years who have taken it upon themselves to repair and replace missing and damaged moorings. The continued support of the dive operators is critical to the success of this effort and we hope that they will coordinate and collaborate with the TCRF and DEMA to further our conservation goals by reducing the improper anchoring at the many existing dive sites."

Dive boat moorings in the TCI were initially installed many years ago, primarily by dive operators. After the establishment of the Marine National Parks, responsibility for the installation and maintenance of these moorings became the responsibility of DEMA and its predecessor agencies. No new dive site moorings have been added for many years and part of this effort by DEMA and TCRF will be to consider expanding the number of dive site moorings around each island.

Another critical part of the effort is to replace mooring sea floor anchors that are environmentally harmful, such as chains wrapped around coral heads, with coral friendly sea-floor anchors to further reduce the potential damage to our invaluable coral reefs.

The majority of funding for this programme will come from TCRF with technical, manpower and some material support from DEMA. The majority of TCRF's funding comes from voluntary donations from divers and snorkelers visiting the islands. "We estimate that we will invest at least \$50,000 in this effort over the next two to three years," said TCRF Deputy

assistance to the local dive operators on Salt Cay and Grand Turk to replace the missing and damaged moorings around those islands. A total of eight moorings around Salt Cay were restored with material support provided by the TCRF. Over the summer, volunteers from several of the dive operations there reinstalled 11 missing moorings with materials provided by the TCRF.

"One of the keys to a successful dive boat moorings programme," said Don Stark, "is also the ongoing maintenance of the moorings once they are installed. Wear and tear on the ropes, shackles and chains needs to be monitored so that moorings which are nearing the failure point, can be replaced before such a failure occurs.

Moorings are sometimes also accidentally struck by passing boats and the lines to the sea floor anchors are cut. This situation also needs to be monitored so that missing moorings can be quickly replaced. As part of this programme, we are developing a maintenance plan with DEMA to ensure that once moorings are replaced, they remain in good and useable condition. We will be looking to the dive operators for assistance in this effort by alerting the TCRF when they discover a problem with any of the moorings around these islands."

The TCRF will be required to file quarterly reports with DEMA updating the Agency on the progress made on the project. The TCRF will also notify DEMA as to when work on moorings will be conducted in the National Marine Parks so that DEMA may monitor and assist with the work. A public meeting open to any interested party to discuss the plan and its implementation was held at DEMA headquarters on 14 November.

Founded in 2010, the Turks & Caicos Reef Fund is an all volunteer-run organization that provides funding for education, research and conservation programmes to individuals, organizations and agencies that help to preserve and protect the marine environment of the Turks & Caicos Islands. Its goal is to have at least 85% of all funds raised through voluntary contributions from divers and snorkelers visiting the Turks & Caicos Islands directed to the Fund's programmes.

DEMA is the governmental agency in the Turks & Caicos charged with the responsibility to ensure sustainable utilization of the natural resources of the Turks and Caicos Islands, and to protect and promote biodiversity and economic prosperity through a sustainable fishing industry and a protected areas system.

Anyone wishing to donate or assist the TCRF in any way can contact them through their website, [www.TCReef.org](http://www.TCReef.org). Scuba divers visiting the islands are encouraged to make a \$10 donation through the purchase of a dive tag that can be attached to their dive gear to show their support. Snorkelers visiting the islands can show their support through the \$5 purchase of a pink or blue silicone wristband. A complete list of outlets for TCRF merchandise can be found on the organization's website.

*Turks & Caicos Reef Fund Providenciales, TCI [www.TCReef.org](http://www.TCReef.org)  
E-mail: [Info@TCReef.org](mailto:Info@TCReef.org) +1(649) 347-8455 (Don Stark) +1(649) 346-3111 (David Stone)*

## Super yacht damages TCI reef

Over Easter, the 220-foot-long (67m) super-yacht *MY White Cloud* (pictured below) illegally anchored in the National Park off North West Point, Providenciales, Turks & Caicos Islands. Despite warnings that it should not be there, and could cause damage to the reef, it did not move. On 1 April, its anchor was dragged through the reef, resulting in significant damage. An area of reef 100m x 150m on the reef wall was damaged.

The Governor and the Director of the Department of Environment and Maritime Affairs (DEMA) dived on the site shortly after the event to review the damage, and the cabinet granted



TC Reef Fund Chairman, Don Stark, and DEMA Director, Kathleen Wood, sign Agreement. Photo: TC Reef Fund

Chairman David Stone. "We have already secured an anonymous donation of \$10,000 earmarked for this project and are looking for other major sponsors for the effort." The TCRF has already provided



emergency mitigation funds. The captain of the *MY White Cloud* has been prosecuted. Criminal proceedings are ongoing, and DEMA and conservation bodies are hopeful of civil recovery. The TC Reef Fund, is working with DEMA, dive operators and marine biologist Marsha Pardee to mitigate the damage as much as possible, and prevent future incidents. A coral nursery, using pieces of coral rescued from the damaged reef, is being established on the north side of Providenciales. TC Reef Fund is also working with DEMA to raise money to install yacht moorings for larger yachts (see this page). Hotels, marinas and tourism business are contributing to this. To date, \$16,000 has been raised, and another \$10,000 pledged. This will fund installation of 6-8 moorings.

## UKOTCF helps secure funding for reef conservation

UKOTCF is pleased to have been able to facilitate Grenadine Escape Ltd providing continuing support for conservation by the Turks & Caicos Reef Fund.

The Turks & Caicos Reef Fund (TCRF) continues to gain financial support from businesses that rely on healthy coral reefs not only within the TCI, but in other parts of the Caribbean. The latest supporter is Grenadine Escape Ltd, a United Kingdom-based real estate advisor, rental villa and yacht charter agency.

Lara Cowan, Managing Director of Grenadine Escape Ltd said, “We were interested in finding a way to support coral reef protection in the Caribbean and learned about the TCRF through our contacts in the UK Overseas Territories Conservation Forum (UKOTCF). We were excited to hear that the TCRF is a volunteer run, non-governmental agency dedicated to the protection of the marine environment and committed to using 85% of the funds they raise to support marine environmental programmes.”

Bruce Dinwiddy, Chairman of the UKOTCF’s Wider Caribbean Working Group said, “Since the TCRF was founded in 2010, they have been very dynamic in the projects they have pursued which are greatly benefiting the health of the reefs around the Turks & Caicos Islands. Their work with the TCI Government to replace missing dive and snorkel boat moorings and expand the number of moorings available will significantly reduce the damage done to reefs in the Marine National Parks caused by boats anchoring when moorings are unavailable.”

Grenadine Escape Ltd has kindly undertaken to donate 10% of its gross profits from all yacht charters to the TCRF on an ongoing basis. “We are sincerely grateful to Lara Cowan and Grenadine Escape Ltd for their generous offer of support,” said Don Stark, Chairman of the TCRF. “This funding commitment will help us expand our programme efforts in the TCI to include not just moorings and snorkel trails, but to continue to add new educational programmes and support our advocacy efforts to help protect the marine environment of the TCI. Without our healthy reef systems, these islands would be very different places and would not have the healthy fish populations and lovely beaches that attract visitors.”

Grenadine Escape Ltd is a luxury travel and real estate agency, which provides expert and unbiased advice on luxury property and boats in the Caribbean providing individuals with the ability to book the best charter yachts available, the best dive instructors, fishing boats and the best private villas available for rent in the Caribbean and research and invest in unique real estate opportunities.

## TCI endemic found after being thought extinct for nearly 40 years

Of TCI’s nine endemic plant species, two had been considered “lost” since their description about 40 years ago. One, capillary buttonbush *Spermacoce capillaris*, was found in South Caicos by Melanie Visaya in 2008.

In November, our Grand Turk seed collection team (Jodi Johnson, Peter Lightbourne and me) found two populations of Nash’s peppergrass *Lepidium filicaule* on Grand Turk. The plants are still juvenile but the rosettes are already displaying the dissected pattern of the adult leaves that distinguish this plant from *L. virginicum*. My photo is below. (I know it doesn’t look like much, but I sure was excited!) The plant was, as far as we can tell, last collected in Grand Turk in 1975. This is the most recent extant specimen and record of its existence that I have been able to find.

I will make a living collection for the Native Plant Biodiversity Conservation Nursery.

*B Naqqi Manco, Caicos Pine Recovery Project Manager, Department of Environment and Coastal Resources, Turks & Caicos Islands*



## Turks and Caicos conservationist wins the Blue Turtle Award

The 2012 winner of the JNCC’s Blue Turtle Award for nature conservation in the UK Overseas Territories and Crown Dependencies is Bryan Naqqi Manco from the Turks and Caicos Islands (TCI). Working in nature conservation on the islands for the last 13 years in the private, public and voluntary sectors, Naqqi is deeply committed to his work. He has made a real difference to local neighbourhoods, increasing people’s knowledge about the islands’ rich biodiversity, educating communities and future generations.

JNCC’s Overseas Territories and Crown Dependencies Programme Manager Tony Weighell, one of the Award’s judges, said: “Choosing a winner for this award is always difficult because there are so many committed individuals and organisations in the Overseas Territories and Crown Dependencies working to protect biodiversity. Naqqi is a great example of what one person, through years of personal effort, can achieve for conservation especially through working with local communities.”

UKOTCF has worked closely with Naqqi for 14 years and warmly congratulates him on this well deserved award, recognising his commitment far beyond the calls of duty and often in extremely difficult conditions. Naqqi’s note above about refinding an endemic plant thought extinct for 40 years is just one of many examples of his contribution to increasing knowledge about TCI biodiversity and conservation work acknowledged by the Award.

# Channel Islands Inter-Island Environmental Meeting 2012

The Channel Islands Inter-Island Environmental meeting was hosted this year by Alderney Wildlife Trust, at Island Hall, St Anne's, Alderney on 25 & 26 October 2012.

Unfortunately UKOTCF was not able to attend this year. However, even with bad fog threatening travel to the remote island, representatives came from Jersey, Guernsey, the Isle of Man, France, and the UK. The meeting was chaired by Roland Gauvain, Trust Manager for Alderney Wildlife Trust, and organised by a strong team led by Frances Yates, Ecologist, Alderney Wildlife Trust.

The first day consisted of presentations covering a number of environmental issues. The day began with an interesting comparison within the Channel Islands, provided by Sarah Lewington (Conservation Officer, Alderney Wildlife Trust) who spoke on the "Alderney Conservation Grazing Project". This was complemented by Julia Henney (Conservation Grazing Trainee, Grazing Animals Project) who spoke on "The use of pigs in bracken clearance".

The complementary presentations continued on seabirds, with Dr Glyn Young (Conservation Biologist, Durrell Wildlife Conservation Trust) and Liz Corry (Senior Keeper, Durrell Wildlife Conservation Trust) presenting on the "Birds on the edge" project and the return of the red-billed chough to the Channel Islands. The annual seabird season update was presented by Paul Veron (Head of Policy & Research, States [Government] of Guernsey).

Andy McCutcheon, Principal Environment Services Officer, States of Guernsey, spoke on the "Convention on Biological Diversity" and current discussions taking place in Guernsey, including the introduction of a new planning law for Sites of Special Significance (SSS). Discussions started to explore any potential linking to the other Channel Islands.

The afternoon was dedicated to marine survey, the standardisation of data handling, and sharing of resources between the islands. A representative from France outlined work on the French Marine Birds Survey, including the Shorebirds Observatory and Marine Birds Observatory. Karine Dedieu, Project Manager, Agence des aires marines protégées (French Marine Protected Areas Agency) spoke about "The shared species of interest between the Channel Islands and France. What are the protocols for consideration, the sites of concern? How do we share data and who does what?" From the Channel Islands side of the Gulf, Greg Morel, Marine and Coastal Officer, Department of the Environment, States of Jersey, spoke on "the need for standardisation of marine survey methodology, data effort and shared resourcing within the islands". This was complemented by a document circulated on behalf of Tim Dunn (Information Manager, JNCC) detailing work on the delivery of a coherently designed and well-organised seabird and cetacean surveillance programme, as part of the UK Marine Monitoring and Assessment Strategy.

The second day consisted of workshop sessions and discussion groups. "Conservation management in practice" included a site visit to Longis Reserve and considered invertebrates and invasives in conservation

management. Discussions arose from the "Marine monitoring techniques" workshop, which considered current methodologies and future data handling and sharing. Guest speaker Dr John Henry Looney (Managing Director, Sustainable Direction) also attended to lead on the workshop "Environmental Impact Assessment practices". Attendees included delegates from the Channel Islands and several States members from Alderney.

Throughout, the meeting benefitted from active and constructive discussions. There was an agreement across all delegates that discussions need to go further than the annual meetings. In order to share knowledge and standardise practices, organisations agreed to communicate on current projects, relevant staff contacts, and the potential to share resources.

Following this productive event in Alderney, Guernsey will play host for the 2013 meeting.

*Frances Yates, Ecologist, Alderney Wildlife Trust  
ecologist@alderneywildlife.org*

## Biological Recording within the Channel Islands

A biological record is simply an observation of a species. Each record must include what the species is, who recorded it, where and when it was recorded. This ensures a national scientific standard is maintained. Over the last few decades, a network of local biological records centres have been developed across the UK with the aim of collecting, collating, storing and disseminating biological information (NBN). This information can then be made available to local authorities and planners, industry, conservation organisations, academics, local naturalists and the general public.

Maintaining a database of biological records is important to develop an understanding of what species are found and to discover important habitat areas. The information gathered can then be used for management and conservation of wildlife-rich areas. Monitoring these habitat features and the presence of species in a habitat allows us to identify areas in need of management and ensure that the management techniques being used are benefiting wildlife. It also aids future legislation, designed to protect our biodiversity and safeguard countryside, especially crucial within the development-pressured Channel Islands.

For many years the need to have secure and accessible biological records for each of the Channel Islands has been apparent and it was Dr Charles David who perhaps best understood this need when he took the lead role in opening a records centre in Guernsey. The Guernsey Biological Records Centre (GBRC) was founded in January 2003 as a partnership between the States of Guernsey, Environment Department and La Société Guernesiaise through its environmental consultancy company Guernsey Environmental Services Ltd ([www.biologicalrecordscentre.gov.gg/index.html](http://www.biologicalrecordscentre.gov.gg/index.html)).

Dr Charles David developed a recording programme named Distmaps, in co-ordination with Digimap Guernsey. This system was intended to fulfil the same role as the JNCC's national recording programme 'Recorder' which was not designed to cover the Crown Dependencies, and was created by Charles himself. It includes maps for Alderney, Sark and Herm. Records are recorded in the field on a Pocket PC with inbuilt GPS and easily exported and loaded up onto the Distmaps programme when back at the office.

The drive and dedication of all those involved in the creation of the first Channel Island Record Centre have hugely influenced the quantity and quality of biological recording within the other Channel Islands. GBRC is currently contracted to help set up and run the Jersey Biodiversity Centre, which very recently appointed its first Manager.

Alderney has also begun to use the Distmaps programme to upload biological records and launched the Alderney Records Centre (ARC) in 2007, which also holds some historical records. A strategic plan is currently being drawn up by Frances Yates (Ecologist, Alderney Wildlife Trust) to ensure the ARC becomes established and regularly updated, maintaining strong links with GBRC. It is hoped that, within 3 years, all records will be stored within the Distmaps programme, new records regularly uploaded, and information made readily available online.



*Trust Manager Roland Gauvain alongside staff at Alderney Wildlife Trust, who hosted the meeting this year. Photo: Alderney Wildlife Trust*

Alderney Wildlife Trust would like to pay their respects to Dr Charles David, 64, who passed away suddenly whilst visiting Sark on the 28th September 2012. Charles was an inspiration to all of us in the Channel Islands and his reputation spread throughout the Overseas Territories. He will be missed by all those who knew him.

*Frances Yates, Ecologist, Alderney Wildlife Trust  
ecologist@alderneywildlife.org*



*Charles David & Bridget Ozanne collecting records at Clonque Bay, Alderney. Photo: Juan Salado*

## Charles David

Charles David, leading Guernsey entomologist, died unexpectedly at the age of 64 in November 2012, while on a visit to Sark. He was a leading member of La Société Guernesaise, a past president and current head of the group's entomology section.

Charles was also responsible for the formation of the Guernsey Biological Records Centre, founded in 2003 as a partnership between La Société and the States (Government) of Guernsey. At the time of his death, he was working on a project to create a similar facility in Jersey. The centre holds data on sightings of insects, plants, fungi and marine life for the Bailiwick of Guernsey, but also with some information from Jersey, the Chausey Islands and the adjacent French coast.

Former La Société president Pat Costen described the Centre as full of hundreds of thousands of vitally important records. She said: "We're all at La Société still reeling from it really. It's just absolutely dreadful. One person said he's irreplaceable and I think probably that's quite true. He was quite a modest man, but he was probably the cleverest man I think I've ever met. He had a breadth of knowledge that was quite astonishing particularly in relation to Guernsey. He was a remarkable and lovely man and we're going to miss him so much."

Charles participated actively in UKOTCF work and was always ready to advise, this being particularly valuable to the neighboring Channel Islands of Jersey, Sark and Alderney, as well as Guernsey itself. We had worked together on a range of issues, including the identification and designation of Wetlands of International Importance in the Islands under the Ramsar Convention. He will be widely and sorely missed.

## New St Helena field guides

Three new books are to be published in July 2013 on St Helena's unique plant life – including some "celebrated evolutionary curiosities". They are the result of four years of work and several hundred miles of walking by members of the St Helena Nature Conservation Group (SHCG), scouring 157 individual grid squares covering the entire island.

The new field guides cover a number of species that have only recently been described to science. They feature more than 2,000 colour photographs. Thirty-three of the island's flowering plants occur nowhere else in the world, along with a dozen ferns, 27 bryophytes (mosses, hornworts and liverworts), and nine types of lichen.

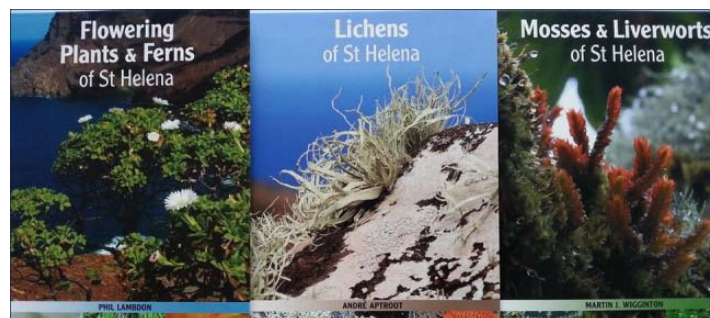
Phil Lambdon, one of the authors, says: "A complete field guide to the island has never been published before and many of the introduced species were not catalogued. It was clear that a new guide was much needed, both to help local Saints to understand and appreciate their environment, and also to publicise St Helena to an international audience. With an airport due to arrive in 2016, the ecotourism industry needs a boost."

The books, edited by Phil Lambdon and Andrew Darlow, also warn of threats to the island's native species. Writer Martin Wigginton says grasses infest open ground that would once have been filled with cushions of moss; vine-like weeds such as small fuschia displace native species on trunks and branches; and an invasive moss has "spread rampantly along paths and clearings in the cloud forest".

Flowering plants and ferns £34.95

Mosses and liverworts £11.95

Lichens £11.95



If you order the full set directly through SNCG, they can offer all three for £49.95.

The release date is scheduled for early July. SNCG has been working on an on-line sales facility for their website, but for the moment can deal only by international bank transfer. However, they are happy to take your order ([www.shnecg.org](http://www.shnecg.org)) and will let you know about payment arrangements nearer the date.

## First ever Ascension Island flag flies

Ascension Island at last has its own flag, raised by residents on Ascension Island for the first time during a ceremony on Saturday 11 May 2013, when the Island celebrates Ascension Day, after which the Island was named in 1503.

The flag, as for many other Overseas Territories, is the Blue Ensign adorned with the Coat of Arms for Ascension Island. Ascension's Coat of Arms, which was approved by Her Majesty in May 2012, shows important symbols from the Territory, including a shield emblazoned with the Green Mountain that dominates the skyline, together with three Wideawake Birds, secured by two Green Turtles.

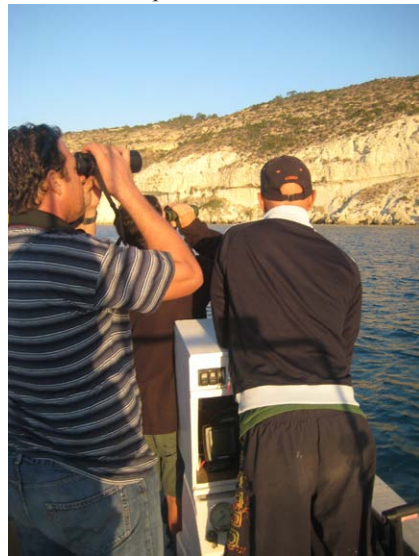
Both the design of the Coat of Arms and the flag emerged from an extensive public consultation exercise on Ascension. Ascension Island has previously flown the Union Flag on Island and on state occasions.



## BirdLife Cyprus, new Associate Member of UKOTCF

BirdLife Cyprus was recently accepted as an Associate Member of UKOTCF. Formed in 2003, BirdLife Cyprus is a non-governmental, non-profit organization (NGO) that works to conserve wild birds, their habitats and wider biodiversity in Cyprus, through research, monitoring, lobbying and conservation and awareness-raising actions. It is the National Partner of BirdLife International, a global partnership of nature conservation organisations working in more than 100 countries worldwide.

BirdLife Cyprus is currently the most active conservation organization in Cyprus, implementing or participating in long-term monitoring programmes, and research and management projects for the conservation of individual species and sites. It runs campaigns against illegal bird trapping and poaching, for the designation and protection of Important Bird Areas as Special Protection Areas, for sustainable agriculture, and for education and awareness-raising.



BirdLife Cyprus works in the two British Sovereign Base Areas of Cyprus (which are UKOTs), in collaboration with the SBA authorities. Recent and current projects in the SBAs include studies of breeding waterbirds at the Akrotiri wetlands, monitoring the autumn raptor migration at the Akrotiri bottleneck site and the sea-cliff breeding colonies of Eleonora's Falcon and Griffon Vulture, monitoring illegal bird-trapping at Dhekelia, and



*Above: Part of the breeding cliffs of Eleonora's Falcon and Griffon Vulture in the Episkopi sector of the British SBAs. Left: BirdLife Cyprus, the SBA Environment Department and colleagues monitoring breeding Eleonora's Falcons along the sea-cliff breeding sites in the British SBA at Akrotiri. Photos: Alan Tye*

carrying out a review for the SBA authorities of the bird-strike hazard of antenna installations.

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## Introduced reindeer removed from South Georgia after a century

Reindeer were introduced by Norwegian whalers to two parts of South Georgia in the early 1900s, and their numbers increased substantially after whaling ceased in the mid-1960s. They have had a devastating impact on the island's vegetation, with knock-on effects on native bird species.

*Forum News 37: 19-20 (2010)* reported the overwhelming support, in the public consultation and meetings, for removal of the reindeer. This would also be a requirement if the current rat eradication (see below) is to be successful.

In January and February, a group of Norwegian reindeer experts, including Sami herders and expert marksmen, joined GSGSSI staff to undertake the first phase of the operation. More than 1,900 animals from the Busen area (one of two peninsulas on South Georgia that were inhabited by reindeer) were culled, either by being herded into a corral where they were humanely put down under veterinary supervision, or, in outlying areas, where the terrain meant it was not possible to herd animals, by being shot by experienced marksmen from the Norwegian Nature Inspectorate (SNO).

In addition to the work on the Busen area, the SNO marksmen made a start on the larger Barff Peninsula and shot more than 1,500 animals from remote locations. It is thought that more than 1,500 animals remain in the Barff area and this work will be completed in January and February 2014. The first part of the operation was costed at about £500,000.

The eradication of reindeer is one of a number of projects (including

eradication of rats, mice and non-native plants) designed to safeguard the native species and habitats of the unique environment of South Georgia.



*Reindeer on South Georgia before their removal. Photo: Dr Mike Pienkowski*

## South Georgia Restoration Project

The 2013 fieldwork on South Georgia by South Georgia Heritage Trust to remove rats from a further large part of the island is complete, and has achieved its ends despite very challenging conditions. Fund-raising continues to complete the work. The latest newsletter from the team is available at: [www.sght.org/newsletters-and-publications](http://www.sght.org/newsletters-and-publications).

# The wreck of the *Oliva* at Tristan da Cunha: some questions answered but have lessons been learnt?

The bulk carrier *MS Oliva* ran aground at 04.30 on 16th March 2011 at Spinners Point, the far north-west promontory of Nightingale Island, Tristan da Cunha. The spilling of its fuel and cargo of soya bean resulted in severe damage to wildlife and devastation of the fishery which is the main economic activity at Tristan. The ship was registered in Malta.

The event has been noted in *Forum News* (38:10) and *Annual Reports* 2010-1 and 2011-2. Questions have repeatedly been asked by many about:

1. Why did the incident occur?
2. What are the prospects for recovery of the fishery?
3. Why did so many birds die despite the valiant efforts of the Tristan Islanders?
4. Who was responsible?
5. What lessons have been learnt?

Following a Malta Marine Safety Investigation Report we now know how the accident occurred (1), and information is emerging on questions (2) and (3). The situation on (4) and (5) remains unclear.

## Why did the incident occur?

The story was well summarised in *St Helena Online* by Simon Pipe, on which the following is based:

The shipwreck disaster on Tristan da Cunha was caused by a drowsy officer who thought Nightingale Island was a rain cloud, an investigation has revealed. The chief mate of the *MS Oliva* failed to change course when Tristan's sister island showed up on radar, and the ship ploughed on to rocks. The 75,300-tonne *Oliva* was wrecked on uninhabited Nightingale in the early hours of 16 March 2011. Now a report by the Marine Safety Investigation Unit in Malta, where the ship was registered, has revealed a succession of human failures.

The ship's officers knew they would pass close to some islands on their voyage from South America to Singapore, but not when. They failed to follow their route properly on charts, relying mainly on a satellite navigation system. Just after four in the morning, the ship passed only 3.25 nautical miles from Inaccessible Island – a World Heritage Site that was later polluted by escaped oil. The second mate saw its radar echo but “assumed it was either rain clouds or an iceberg”, says the report.

Soon after 0500, the chief mate “noticed a large echo on the radar screen, very close ahead. He assumed it was a heavy storm cloud and thereafter, he felt the vessel's impact of running aground. “The vibration of the vessel running aground and the change in the main engine noise woke up

most of the crew, including the master.”

The investigation report says the chief mate had been unable to sleep until five hours before he was due on night watch, because of a cold, and had taken medicine. “He required two wake-up calls before he arrived on the bridge to take over his watch.

“The combination of the cold, medication, lack of sleep, the time of the day and reaction to the ship's grounding suggested that the chief mate was probably not fit to stand a navigational watch.”

The report also says that bridge management systems were not followed. Charts were not marked with a “no go” area around the islands, and a plotting error meant that the ship's projected route took it straight over the mile-wide Nightingale Island.

The ship slid on the sea bottom as conditions worsened and at about 0300 the next day, a rock pierced one of the holds. The engine room flooded and an oil slick appeared. The unnamed Greek captain and the Filipino crew were taken off by a trawler and boats from a cruise ship - and the captains and crews of these have been rightly commended.

Nearly 48 hours after the collision, *Oliva* broke in two in heavy swells, spilling 1,500 tonnes of oil into the sea, and most of its cargo of soya beans.

People on Tristan spent weeks trying to save the lives of rockhopper penguins that were plucked from rocks after the cargo ship broke up in heavy swell. Chief Islander Ian Lavarello said: “Many of us are descendants of shipwrecked sailors who settled on Tristan, so it was natural for us to shelter the rescued men from the *Oliva* and at the same time, turn to saving as many of the affected penguins as possible.” The entire 260-strong community was awarded a medal by the Royal Society for the Protection of Birds (RSPB).

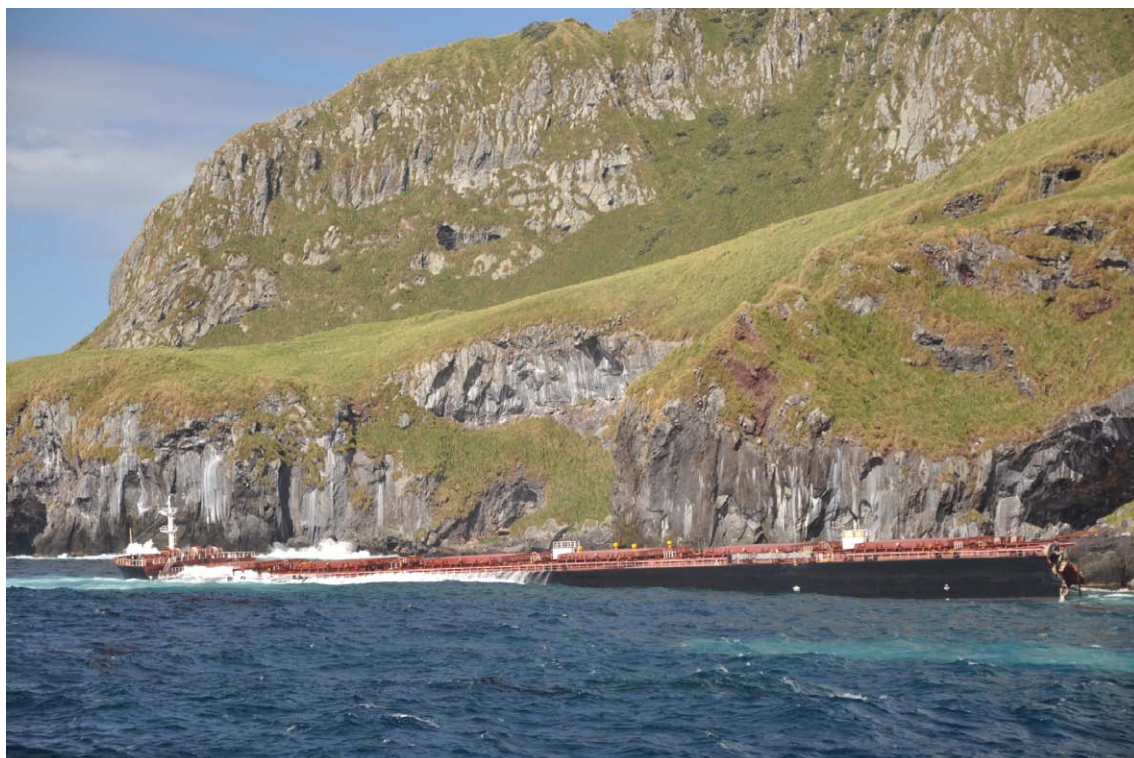
Months after the incident, scientists found rotting soya beans had killed sea creatures and caused severe damage to the lobster fishery that provides islanders with most of their income.

Seventeen months after the incident, the Nightingale fishery remained closed and the quota at Inaccessible Island had been halved.

In September 2012, the ship's owners agreed to pay compensation to the islanders.

The full *MS Oliva Marine Safety Investigation Report* published by Malta's Marine Safety Investigation Unit is available at:

[https://mitc.gov.mt/mediacenter/PDFs/1\\_MV%20OLIVA\\_Final%20Safety%20Investigation%20Report\\_Publication%20Copy.pdf](https://mitc.gov.mt/mediacenter/PDFs/1_MV%20OLIVA_Final%20Safety%20Investigation%20Report_Publication%20Copy.pdf)



Its conclusions and report of safety actions now taken by the shipping company are:

## 3. Conclusions

Findings and safety factors are not listed in any order of priority.

### 3.1 Immediate Safety Factors

3.1.1 *Oliva* ran aground because the planned course the vessel was following on the plotting sheet was found to have taken the vessel directly over Nightingale Island.

*MV Oliva broken and wrecked on the rocks of Nightingale Island. Photo: Sean Burns*

3.1.2 Although the bridge team was aware that the vessel would be passing close to some islands, it was not aware as to when that event would take place.

3.1.3 Although the vessel did not have BA (British Admiralty) Chart 1769, other appropriate available charts covering the area had not been used.

3.1.4 Both the second mate and chief mate were not aware that the vessel was heading towards Nightingale Island. This was because there was no indication on the plotting chart to alert them of the dangers ahead.

3.1.5 Both the second mate and chief mate saw some echoes on the radar screen, but did not investigate them and dismissed them as rain clouds.

3.1.6 There was no suitable mark placed across the ship's track to indicate the need to change to a hydrographic chart.

3.1.7 Neither officer had consulted BA Chart 4022. Although this chart was of an unsatisfactory scale, it could have prompted them to adopt a precautionary approach when radar echoes were sighted on the radar.

3.1.8 The combination of the cold, the medication, lack of sleep, the time of the day and reaction to the vessel's grounding suggests that the chief mate was probably not fit to stand a navigational watch.

3.1.9 Although the company had provided comprehensive guidance and procedures in its SMS (Safety Management System) to prevent this accident, these were not followed on board.

### 3.2 Latent Conditions and other Safety Factors

3.2.1 The passage plan did not comply with the company's instructions of clearing distances when a vessel was in open waters.

3.2.2 The master made no reference to the passing of Islands in his night orders. Reference to the Islands, could have alerted the second mate and chief mate to the significance of radar echoes.

3.2.3 The handing over checklist required the chief mate to establish the proximity of any hazards to the vessel. This appears not to have happened and he relied on the brief hand-over he received from the second mate.

3.2.4 The chief officer did not check the position which the AB (Able Bodied Seaman) plotted on the chart.

### 3.3 Other Findings

3.3.1 The company had adopted the concept of bridge team management to address performance variability. However, in this case it appears that the crew members' interaction was not effective and they did not identify and eliminate the factors that resulted in the grounding.

3.3.2 The lifeboat was lowered soon after daylight as a precautionary measure, but was lost when the painters parted. Had the fishing vessel not been in the near vicinity, given the remoteness of the area, the crew of *Oliva* would have found themselves in a difficult position without a lifeboat.

3.3.3 Although the master had saved the VDR (Voyage Data Recorder) data, he was unable to retrieve it as he abandoned the vessel.

## 4. Safety Actions Taken

### 4.1 Safety actions taken during the course of the safety investigation

TMS Bulkers Ltd has carried out its own internal investigation, which has resulted in a review of its procedures. These include:

- instructions on the use of plotting sheets during ocean navigation;
- requiring all officers on board to complete computer based training in voyage planning and bridge team management.

TMS Bulkers Ltd. also intends to increase the frequency of internal navigational audits so as to identify any potential problems of a similar nature within its fleet.

## What are the prospects for recovery of the fishery?

Tristan Administrator Sean Burns reported on 3rd December 2012:

A workshop was recently held in Cape Town to assess the latest test fishing data Nightingale and the lobster juvenile surveys at Nightingale and Nightingale Island Fishery.

The latest test fishing suggests that, although there might have been some mortality of adult lobsters, this was not as extensive as previously thought. It [is] difficult to assess why previous catch rates were so poor but [a possibility is] that the lobsters migrated away from the fishing grounds... To assess this further it was agreed to fish commercially for a week to see if catch rates could be maintained. This was carried out and we are pleased to report that the rates were positive. For the 2012/13 season it was agreed that an upper limit of 40 tonnes (which includes the test fishing since July as well as the commercial fishing) be allocated to Nightingale. Everyone agreed that the fish catch was free from contamination and taint.

### Inaccessible Island Fishery

The worry at Inaccessible has always been that the juveniles were affected but it may be some years before any evidence of this is seen. It was agreed that we should deal with this issue if and when it arises rather than try and predict the outcomes and react accordingly. The workshop also discussed the ongoing problem (not *Oliva* related) of discards at Inaccessible and agreed to reduce the minimum size to 66mm.

The workshop agreed to increase the TAC (Total Annual Catch) at Inaccessible to 70 tonnes for the 2012/13 season. There are still many uncertainties but things do look more positive than 12 months ago. That said, Tristan will continue to adopt a precautionary approach to the management of the fishery.

## Why did so many birds die despite the valiant efforts of the Tristan Islanders?

It took a week for salvage crews to make the 1,700-mile voyage across the South Atlantic to the wreck, while the captain and crew were sheltered in homes. The fishing vessel *Edinburgh* transported 3,718 penguins to Tristan da Cunha, where 80 islanders worked for three months to clean and feed the birds. Conservation workers arrived from South Africa to help, bringing medicines. A works shed was transformed into a penguin hospital, and recovering birds took over the island's swimming pool.

However, only 12 per cent of those taken to the main island survived to be released into the sea, and the survival of those released is unknown. It is thought most of Nightingale's penguins had already left the island after breeding when the ship broke up.

Dr Ross Wanless of Birdlife South Africa, who called the outcome "an unmitigated disaster", criticised insurers for delay in sending bird experts to join the clean-up. Cape Town in South Africa, the nearest port to Tristan, is the world's leading centre for cleaning oiled penguins and has achieved high rates of survival. However, timing is crucial. An expert has commented that the unnecessary deaths of thousands of penguins seems to have been caused by the inability of the SANCCOB (Southern



Tristan Islanders feed oiled rockhopper penguins. Photo: Sean Burns

African Foundation for the Conservation of Coastal Birds) team and their equipment to get to the islands, which seems in turn to have been caused by a lack of oil-spill planning by the FCO, a lack of cooperation by the insurer and a failure of leadership by FCO personnel. Another expert commented that FCO chose to shift the blame on the distance between Cape Town and Tristan. However, there has been little change in this distance in recent years, so that should not have affected planning.

### Who was responsible?

Although there were many statements by FCO extolling the excellent and caring work of the islanders (with which UKOTCF and all we have heard from agree) and the wonderful cooperation provided by the insurer, remarkably little has been forthcoming about the ship's officers and owners – and no indications of any legal action despite the incident occurring in UK territory. Enquiries were unanswered, apparently because such information would somehow endanger the delicate legal negotiations.

In contrast, there have been extensive and highly detailed revelations about the oiling incident in the Gulf of Mexico and of the wreck of the *Costa Concordia* in Italy and the conduct of its captain. One correspondent commented that, as far as he could see, this had only helped the claimants in that matter. How is the *Oliva* incident different? It is difficult to believe that such secrecy could have happened if this wreck had been in Europe. It is difficult to understand the approach of UK Government here.

Still, today, we do not know the terms and conditions of the settlement with the insurer. Would this endanger the settlement, which has already been signed and finalised? Do the islanders themselves know what has been negotiated on their behalf?

### What lessons have been learnt?

Tristan da Cunha is one of the globally most important parts of UK territory in terms of world biodiversity. It has many endemic species, including 10 unique bird species. Two of its four islands (including one of those impacted by pollutants from the wreck) are World Heritage Sites and Wetlands of International Importance, while the other impacted is proposed for the latter status.

In the past few years, Tristan has suffered two major wrecks, an oil-rig which had broken its tow having struck the main island a few years earlier. The risk of damage to this uniquely important area – and to the fragile economy of the territory – from pollution and the introduction of alien invasive species are immense. However, each incident seems to have to generate an improvised response. The responses of the Tristan Islanders and of the fishing and tourist vessels were superb, but where was the infrastructure. Had this been in place, the superb efforts of the Islanders in respect of the penguins might have been rewarded with more success – and other threats could have been addressed promptly.

In the Foreword to the 2012 White Paper the Secretary of State for Foreign and Commonwealth Affairs, said: “The Coalition Government has a vision for the Territories: of flourishing communities, ... of natural environments protected and managed to the highest international standards. ... the Territories are more vulnerable than the UK. We have a broad responsibility to support them and to ensure their security and good governance. ... We have not in the past devoted enough attention to the vast and pristine environments in the lands and seas of our Territories. We are stewards of these assets for future generations. ... And it doesn't stop with Government. The strategy aims to support coalitions and partnerships across and between the private sector, professional bodies and civil society in the UK and in the Territories. I particularly welcome the growing partnerships between the Territories and local authorities and with the NGO community on environmental and other issues. ... The White Paper ... focuses on the security of the Territories, their economic development and their natural environment. It looks at how we can foster high standards of governance and build strong communities. It promotes the development of wider partnerships for the Territories. ... We will report regularly on progress and welcome scrutiny from the public and parliaments.”

It is difficult to see these commitments in play in this case. Maybe there have been lessons learnt. If so, why has the Government declined to answer the enquiries about them?

## An assessment of environmental protection frameworks in UKOTs

At the invitation of parties to the Environment Charter agreements, UKOTCF produced in 2006-7 and 2009 reviews of the progress in their implementation:

*Measures of performance by 2009 of UK Overseas Territories (& Crown Dependencies) and UK Government in implementing the 2001 Environment Charters or their equivalents* ([www.ukotcf.org/pdf/charters/indicatorsrev0912.pdf](http://www.ukotcf.org/pdf/charters/indicatorsrev0912.pdf)) and

*Measures of performance by 2007 of UKOTs and UK Government in implementing the 2001 Environment Charters or their equivalents* ([www.ukotcf.org/pdf/charters/indicators0707e.pdf](http://www.ukotcf.org/pdf/charters/indicators0707e.pdf)).

RSPB has subsequently commissioned from FIELD an interesting, shorter and readable review of the current state of some aspects of progress – or lack of it. This report *An assessment of environmental protection frameworks in the UK Overseas Territories* ([www.rspb.org.uk/Images/EnvironmentalGovernanceReviewFeb2013\\_tcm9-342020.pdf](http://www.rspb.org.uk/Images/EnvironmentalGovernanceReviewFeb2013_tcm9-342020.pdf)) provides summary overviews for each UKOT, based on ‘green-lighting’ (where dark green is strong and pale green is weak) across 4 categories: ‘Species’ and ‘Sites’ (covering the biodiversity protection framework), and ‘Development Control’ and ‘People’ (covering development planning). At present, Gibraltar is the leader in environmental governance good practice, being the only Territory assessed as ‘strong’ across all four categories. Other UKOTs, such as the British Virgin Islands and St Helena, were found to have particular areas of best practice which could serve as useful models for others to emulate.

## South Atlantic Protected Areas Workshop

Ascension Island recently hosted a workshop (organised by Falklands Conservation) that saw representatives from St Helena, Ascension Island and the Falkland Islands coming together to discuss regional collaboration on protected areas management and other key environmental issues. Biosecurity was a recurrent theme but time restrictions did not allow for it to be discussed in great detail. However, it was proposed that a workshop to be held on Ascension Island in 2014 with the specific aim of developing and implementing a regional biosecurity strategy for the South Atlantic UKOTs. In addition to sharing expertise, a collaborative approach is also logical as the South Atlantic territories share a number of common entry points: the Ministry of Defence cargo ship and Air Bridge connect the UK, Ascension and the Falklands, and the *RMS St Helena* connects Ascension, St Helena and South Africa (with possible air linkages in future too).

## UK APPG for Biodiversity meeting on biosecurity in UKOTs

The All-Party Parliamentary Group (APPG) for Biodiversity is holding a meeting in September to: “bring together Parliamentarians and experts from the APPG membership for a roundtable discussion on how the government can improve biosecurity in the UK Overseas Territories.” UKOTCF is collating views from several partners in the UKOTs to feed into this meeting.

## Henderson Island rat eradication

In August 2011, RSPB and the Pitcairn Islands Government undertook a rat eradication operation on Henderson Island, a World Heritage Site and home to over 55 endemic species, including 4 species of endemic land-bird. It is the only known breeding site of the endangered Henderson petrel, and global stronghold of the gadfly petrel group. Rats have had a devastating impact on the island's biodiversity, reducing the number of petrels by an order of millions and driving the Henderson petrel towards extinction. During March 2012, seven months after the operation, a member of a National Geographic expedition to the Pitcairn Islands briefly observed and filmed a rat on Henderson Island. A rapid response team was assembled by the RSPB, which confirmed in May 2012 that rats were indeed still present.

To learn as much as possible from this attempt, RSPB commissioned three independent reviews. These reviews highlighted that the programme followed all international best practice, but suggested that the weather may have played a defining role. The months running up to the eradication attempt were dry, ideal conditions to undertake the eradication programme. Unfortunately, this drought broke. When the team arrived on Henderson, they found it green with plentiful flowering and fruiting, and full of breeding birds. This increase in alternative food sources may have resulted in not all rats switching to the bait pellets. The reviews also identified some lessons from other operations conducted since Henderson.

Pacific rats *Rattus exulans* were introduced about 800 years ago by the Polynesian settlers who once lived on Henderson. This population of rats killed over 25,000 petrel chicks every year and is responsible for driving the endangered Henderson petrel towards extinction. Initial results after the eradication attempt showed that the benefits to Henderson's wildlife from reducing rat numbers was enormous. For example:

- Murphy's petrel chicks successfully fledged on Henderson, probably for the first time in centuries.
- The Henderson reed-warbler increased five-fold in the period after the eradication attempt.
- There is now more information to build into all future rodent eradication programmes on islands.

The RSPB is committed to working to save the Henderson petrel from extinction. Eradicating rats from Henderson Island is still the best hope for this and other endemic species and to restore this isolated tropical island for all of its nature. There are a number of key questions outstanding, which RSPB will investigate further. Unanimous support has been received from all members of the Pitcairn Council and the wider community to work towards a second eradication operation on Henderson Island. RSPB will develop its plans over the coming months, including current fieldwork, and again major fund-raising.

*Thanks to RSPB for the above update. UKOTCF commends RSPB and the Pitcairn Islanders for this excellent and continuing work.*



*Henderson reed-warbler, one of the species restricted to Henderson Island and benefitting from the hugely reduced numbers of Pacific rats, pending the latters' eradication. Photo: Dr Mike Pienkowski*

## Management of Protected Areas to Support Sustainable Economies

In 2003, UKOTCF co-ordinated a proposal to the European Commission for funding to support conservation and interpretation in protected areas in the Cayman Islands, the British Virgin Islands and the Turks & Caicos Islands in support of their sustainable economies (see *Forum News* 37: 1-5). It took seven years before the bureaucracy allowed the funding to flow and the project to start. However, the 9th and final international Project Steering Committee meeting was held in June in the Turks and Caicos Islands. Partners from UKOTCF, the National Trust for the Cayman Islands, the National Parks Trust of the [British] Virgin Islands, and the Turks & Caicos National Trust, as well as the European Commission, TCI Government and other local stakeholders, met to discuss progress and remaining challenges during the implementation phase of the project. UKOTCF's contracted role in advising and monitoring progress has finished but it continues to give scientific and environmental advice on all aspects of the project as appropriate.



*Ninth Project Steering Committee of the MPASSE project in Providenciales, TCI, chaired by Mrs Susan Malcolm, Permanent Secretary of the Ministry of Environment & Home Affairs (head table, left) and addressed by Hon Anya Williams, Deputy Governor, TCI (head table, right). Photo: Dr Mike Pienkowski*

## UKOT Biodiversity Strategy meeting

JNCC and DEFRA held the long awaited consultation on progress in implementation and revision of UK Government's 2009 UKOT Biodiversity Strategy, on 14 March 2013, hosted by the Royal Botanic Gardens, Kew. The meeting included representatives of UKOT governmental bodies (whose travel and accommodation was funded by UK via JNCC), of two NGOs from the UKOTs (whose expenses were not supported), UK Government and agencies, and some UK-based NGOs. NGOs and UKOT representatives were keen for information on how the "strategy" would be revised, but DEFRA and JNCC did not comment on that.

This workshop follows two organised by UKOTCF on this topic in 2010 and 2011, whose reports have been available for some time:

UKOTCF seminar on the UK Government's UKOTs Biodiversity Strategy (2009) [23 September 2010; [www.ukotcf.org/pdf/fNews/BiodivWorkshop1009.pdf](http://www.ukotcf.org/pdf/fNews/BiodivWorkshop1009.pdf)

Workshop on UK objectives for biodiversity conservation in the UK Overseas Territories and Crown Dependencies, held on Tuesday 28th June 2011, at the Linnean Society, Burlington House, Piccadilly, London [www.ukotcf.org/pdf/fNews/BiodivWorkshop1106.pdf](http://www.ukotcf.org/pdf/fNews/BiodivWorkshop1106.pdf)

and the matter is addressed also by UKOTCF's submission to FCO prior to the drafting of the 2012 White Paper on UK Overseas Territories: [www.ukotcf.org/pdf/Consultations/submission.pdf](http://www.ukotcf.org/pdf/Consultations/submission.pdf).



# Profile of Paradise: Virgin Gorda viewed under a microscope

What is it that tells an island's unique story, connects us to the wisdom of nature's order, sings a hymn of insular diversity, speaks in a cautionary voice about beguiling tomorrows, and implores Virgin Islands residents and tourists always to respect the genius of the place? In 2012, the answer to these questions was examined within the unique and comprehensive *Virgin Gorda Environmental Profile*, recently completed by a group of researchers from Island Resources Foundation (IRF).



From 1987-1993, IRF published environmental profiles for eight Caribbean countries. No profile was prepared for BVI, although IRF hoped to extend the process eventually to BVI. This did not occur until 2009 when the *Jost Van Dyke Environmental Profile* was prepared by IRF in partnership with the Jost Van Dykes Preservation Society. In May 2012, the second BVI Profile was published—the 255-page *Virgin Gorda Environmental Profile*. It is the most complete source of information available on Virgin Gorda's environment and will

quickly become the “go to” reference for a variety of users, both within the BVI and elsewhere.

The profile highlights the richness of the island's flora and fauna. Each species is a special part of Virgin Gorda's natural history narrative and, collectively, they present a distinctive story that is only Virgin Gorda's to tell. Many are indigenous species—true “Belongers” of the islands, as described in the profile. There are, for example, at least 97 plants we can call Virgin Gorda (VG) Belongers. And there may be others yet to be discovered. Fieldwork for the profile added new species, and further study will undoubtedly add more.

Most of the unique and rare flora and fauna identified in field expeditions were discovered by profile scientists in areas painstakingly difficult to access. One such area was in the remote boulder fields at The Baths, which were only accessible thanks to the team's knowledgeable local guides. Many rare species of bromeliads and orchids were spotted in the boulder fields. However, the highlight of the team's investigations was the discovery of a bat cave occupied by Antillean cave bats *Brachyphylla cavernarum*. This omnivore bat was the first of its kind recorded for VG. Surprisingly, many native and endemic plants were found on accessible pathways, just waiting to be discovered. The towering columnar cactus, known scientifically as *Stenocereus frimbriatus*, was noted along Bitter End's “Mangrove Trail” and is also a first recording for the island. Other rare plants discovered on the slopes of Deep Bay and the Eastern Peninsula were the highly aromatic shrub, the Bahamas berry *Nashia inaguensis*, Fishlock's croton *Croton fishlockii*, and the alfillerilo *Machaonia woodburyana*, a shrub endemic to St John and VG.

The diverse landscapes and habitats on VG and its neighbouring islands make it possible for a host of vertebrate and invertebrate wildlife to flourish. Indeed the team's search through shrublands, woodlands and dense forest uncovered one of the world's smallest vertebrates, the dwarf gecko *Sphaerodactylus parthenopion*, endemic to VG and Mosquito Island, and the rare skink *Spondylurus semitaeniatus* and the endemic blind snake *Thyphlops naugus*, found at Savannah Bay. Over 85 species of birds ranging from seabirds to warblers to finch-like birds were recorded for the VG area.

The *Environmental Profile* provides abundant evidence that VG is graced with spectacular physical beauty, from the lofty slopes of its central mountain peak to its white sandy beaches and the dramatic landscape of The Baths. The island is home to a vibrant yachting and water sports tourism niche, and it was here that the tourism sector in the BVI came

of age in the 1960s and 1970s with upscale accommodations that still augment the BVI's reputation in travel and leisure circles. Seemingly, VG has it all.

However, a mini-case study at the end of the profile, focusing on one of the island's most remarkable assets – the North Sound – urges caution. It outlines a decades-long pattern in decision-making for the North Sound that might well be a harbinger for the future.

To some, the changes experienced in the North Sound in the last 40 years seem extreme and excessive; to others, they are a sign of prosperity and success. But what does seem irrefutable is that change has generally proceeded in an *ad hoc* fashion, with too little appreciation or understanding of the interconnectedness of the development choices of multiple singular players, be they from the public or private sector—an observation that could well be extrapolated to much of the Virgin Islands.

As the North Sound looks to the future, the profile encourages the kind of forward-looking planning that was not in place there in the 1970s and 1980s. The profile suggests that this is an opportune time to rethink the benefits of comprehensive planning for the North Sound—and indeed for all of VG. Time to assess seriously the carrying capacity of targeted marine resources and the escalating demands of recreational tourism. Time to establish a management framework that identifies where and why water quality has been compromised. And time to implement best management practices for all road construction and reduce the scarring of landscapes and polluting of coastal waters.

These are only a few of the environmental issues for VG found within the pages of the *Environmental Profile*, each issue influenced and shaped by yesterday's judgments and today's choices.

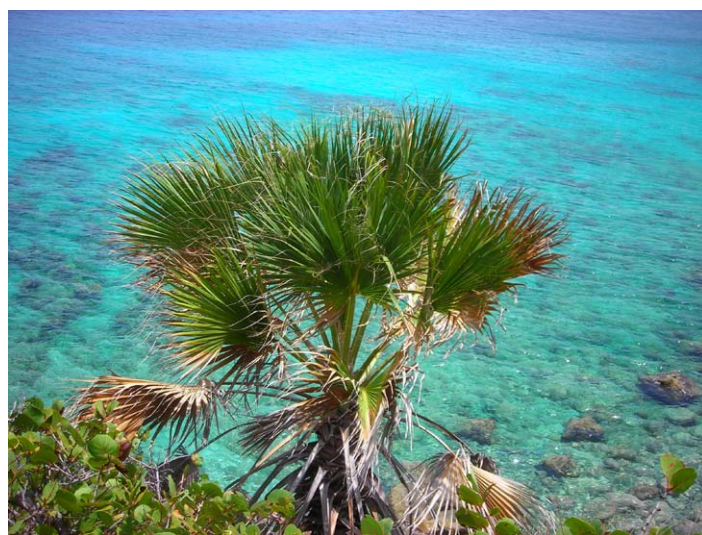
The profile concludes by summarising sites, habitats, and species of priority for VG. As identified by profile researchers, most have multiple parameters of value and therefore require judicious protection and management. The profile was created to help the community of Virgin Gorda and its government make more informed decisions about these resources and to assess more fully the consequences of its actions (or inactions) on the long-term security of the richly diverse and equally splendid environmental treasures of Virgin Gorda.

The Virgin Gorda Environmental Profile can be downloaded from [http://irf.org/wordpress/wp-content/uploads/2013/06/2013\\_06\\_Profile-Flyer.pdf](http://irf.org/wordpress/wp-content/uploads/2013/06/2013_06_Profile-Flyer.pdf). Funding of the profile was provided by the UK Overseas Territories Environment Programme, the Premier's Office of the Government of the Virgin Islands, and private donors: the Dave Hokin Foundation, the J. A. Woollam Foundation, the Bert Houwer Family, and Sir Richard Branson.

Judith A. Towle, IRF Vice President and Environmental Profile Programme Director

Jean-Pierre Bacle, IRF Senior Resource Analyst and Environmental Profile Deputy Programme Director

A version of this article first appeared in Virgin Islands Property & Yacht, Tortola, BVI (November 2012).



Endangered palmetto palm on Mosquito Island, off Virgin Gorda.  
Photo: Jean-Pierre Bacle, IRF

## Student conservationist spends summer as UKOTCF volunteer in Akrotiri

With financial assistance from the Peter Kirk Scholarship, Oakdale Trust and logistical support from UKOTCF, Writtle College conservation student, Felix Driver, was able to spend the summer in the Akrotiri Peninsula, in the Cyprus Sovereign Base Areas. He undertook several projects and assignments for UKOTCF associate organisation, Akrotiri Environmental Education and Information Centre (AEEIC), both in the office and in the field.

“His contribution was very valuable and we hope to have him here with us again soon” AEEIC manager, Thomas Hadjikyriakou said. Felix conducted around 100km of transects, surveying Eleonora’s falcons *Falco eleonora* at Akrotiri cliffs. The falcons breed on islands and rocky coasts at several locations around the Mediterranean. They breed later in the year, a behaviour linked to an unusual feature, a seasonal switch in diet. For most of the year, Eleonora’s falcons feed mainly on large flying insects, usually caught and eaten in flight. However, during the breeding season, they switch their diet to small migrant birds, passing on autumn migration from Europe to Africa (see [www.arkive.org/eleonoras-falcon/falco-eleonora/](http://www.arkive.org/eleonoras-falcon/falco-eleonora/)). The surveys conducted by Felix have contributed towards a wider research project on this species in Cyprus.

Felix carried out also a species-habitat association study on Schreiber’s fringe-fingered lizard *Acanthodactylus shreiveri*. This species is found in coastal areas of the Eastern Mediterranean, including areas of Cyprus, Israel, Lebanon and Turkey. Due to suitable dry habitats in Cyprus, it can be abundant. However, not much is known about its status in Akrotiri. A report published by UKOTCF member organisation Amphibian and Reptile Conservation Trust in 2010 reported that this species was listed as endangered on the IUCN Red List and that its status on Cyprus and in SBAs was unknown but presumed declining (<http://arc-trust.org/europe/UKOT%20Herps%20Report%20-%20July%202010.pdf>).

Weekly counts of flamingos *Phoenicopterus roseus* and the migrating crane *Grus virgo* during its autumn passage, were also conducted at Akrotiri Salt Lake.

The above activities gave Felix some value experience in practical conservation skills as well providing real contributions to AEEIC. He provided also value assistance to the operation of the Centre. This included equipment maintenance, a library database update, maintenance of displays and general operations.

Felix is now back at university, but has already planned his next trip. To read his blog visit his website at [www.dyslexicnomad.co.uk](http://www.dyslexicnomad.co.uk).



Lake Limassol early in the morning, Akrotiri, Cyprus SBA  
Photo: Felix Driver

## Rainwater harvesting in Montserrat’s botanic garden

Water conservation on Montserrat is an important issue given that the largest of its natural reservoirs (the vegetation and soils of the Soufriere Hills) has been an active volcano since the 1990s. The issue will become increasingly important as the island looks towards the construction of its new capital, Little Bay, and economic sustainability.

In 2005, a botanic garden was created as part of an OTEP project (see *Forum News* 35:16-17) with project partners the Montserrat National Trust (MNT) and the Royal Botanic Garden, Kew. The garden displays a variety of native flora including two endemic species. In 2012, with funding via UKOTCF from the Stanley Smith (UK) Horticultural Society (which also supported the development of the nursery in Pitcairn), rainwater-harvesting devices were installed to irrigate the garden and wash away ash following volcanic ash-falls.

In 2013, Sarita Francis OBE was appointed as MNT Executive Director, after the end of her term of office as Montserrat’s Deputy Governor (see *Forum News* 40: 15). UKOTCF warmly welcomes Sarita to this new role and recalls excellent co-operation in earlier years when she was with the Trust. As well as securing funding for rain-harvesting project and supporting MNT with its implementation, UKOTCF is working with Sarita to develop interpretation in the garden. This will promote the use of harvested rainwater and create a space for visitors, including school children. The purpose is to foster support for sustainable use of natural resources, such as water, while assisting in conservation of Montserrat’s unique ecosystem. Part of this will be to develop education materials, based on those which were developed in the partly OTEP-funded “Wonderful Water” project in Turks & Caicos (see *Forum News* 38: 1-2; 40:13). This was led by UKOTCF at the request of TCI Education Department.

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## Darwin Initiative announces projects and next call

The successful projects under the first round of the Darwin Plus fund have been announced. Darwin Plus brings together the UK Government funding for UKOT projects formerly separately managed under OTEP and part of the main Darwin Initiative programme. Overall, there are 14 projects. Five projects were also awarded funds as main Darwin Projects, several following earlier Challenge Fund pilot projects (including the Pitcairn marine management project reported in *Forum News* 38: 13).

The full list of Darwin projects can be found at:

<http://darwin.defra.gov.uk/news/2013-04/millions-to-fund-key-environmental-projects-around-the-world>.

The second call for Darwin Plus projects has been made. The deadline for submission is 23rd September 2013. Full details of how to apply are available at: <http://darwin.defra.gov.uk/apply/darwin-plus>.

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## BEST scheme tender call

The EU was expected to make a third call for proposals as part of the BEST initiative. However, in this round, a tender with two lots has been issued. Lot 1: Setting up and facilitating an interactive platform for BEST; and Lot 2: Developing regional ecosystem profiles. The tender states that the purpose of the call is “to support the development of the appropriate structures, networks and knowledgebase to focus future investment in biodiversity in the OCTs and ORs as an essential prerequisite of sustainable development.”

UKOTCF and many others consider that this approach and the specifications of the work are badly flawed, and also appears to result from a top-down approach from the European Commission and advisers with little knowledge of UKOTs, and without taking adequate account of the views of UKOTs and others with on-the-ground experience of these.

## Concerns over Beach Hut Development in Anguilla

In addition to the friendly people of the Caribbean, the beaches are a major factor in driving the tourist economy, along with the sunshine and warm seas, of course. The beaches are also important for conservation of wildlife. However, the beaches are vulnerable to erosion and unregulated development, so Caribbean countries have planning and building regulations to control beach development.

Anguilla has regulations under the Beach Control Act, which dates from December 2000. The Beach Control Act states that:

4. (1) The Minister may, on application made in such manner as may be prescribed under section 8, grant licences for the use of the foreshore, or the floor of the sea, for any public purpose, or for or in connection with any trade, business, or commercial enterprise to any person, upon such conditions and in such form as he may think fit.

(2) Every application under subsection (1) shall be published in the Gazette and members of the public shall be afforded an opportunity of making representations to the Minister in respect thereof.

Additionally, the beaches in Anguilla are Crown Land. At sandy beaches, the line between the beach and the private property is generally understood to be the vegetation line.

So, any beach structure on Anguilla needs to have permission, following an application period in which the public has the right to object, and such permission published in the Gazette.

There is concern in Anguilla about the proliferation of beach shacks and beach bars, and that these may have flouted regulations. For example, the Anacaona Boutique Hotel, owned by Robin and Sue Ricketts, has recently built a beach bar (pictured), on Crown Land. It is not known whether this structure has relevant building and planning permissions.



## Chagos Conservation Trust

UKOTCF congratulates the Chagos Conservation Trust on its 20th anniversary. A special issue of CCT's newsletter has been produced and will later be generally available at <http://chagos-trust.org/resources>.

## Forum News

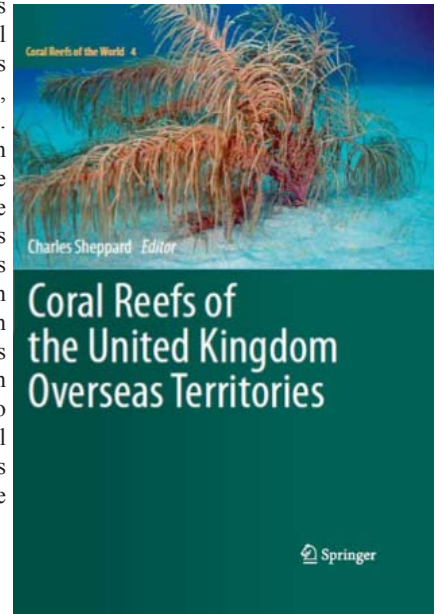
This issue of *Forum News* involves a change of format, which will be noticed by those used to reading *Forum News* on paper. Already, a very high proportion of UKOTCF's income is directed to conservation actions. To increase this proportion even further at a time of reduced total income, we have decided to save the very significant costs of physical printing and posting, by switching to digital-only publication. This is in line with many other organisations, and also makes a small contribution to environmental sustainability. There are also advantages in digital-only production in that it allows easier linking to other documents as well as the use of colour photographs that do not work as well when reproduced

## Coral Reefs of the United Kingdom

Many of the UK Territories have extensive coral reefs. Some of these areas are exceptionally rich, productive and diverse. Several areas have been designated as marine protected areas while others are in the process of being designated. This book describes the wealth of biodiversity found in reef ecosystems, reviews the status of coral reef fish assemblages and aims to present new and successful managements methods for threatened marine ecosystems.

Professor Charles Sheppard, Published by Springer, 2013, XIV, 336 p.

27 illus., 208 in color ISBN: 978-94-007-5964-0 List price £90



## Marine surveys in Ascension

In August 2012, The Shallow Marine Surveys Group, based in the Falklands assembled a dedicated team of 24 local and international ecologists, taxonomists and divers to survey and catalogue the marine life found on Ascension Island. Their fascinating blog can be accessed at: [www.smsg-falklands.org/blog](http://www.smsg-falklands.org/blog).



*Procaris ascensionis*, one of the extremely rare and protected species of shrimp found only on Ascension Island. Photo: Pieter van West, Shallow Marine Survey Group

# Friends of the UK Overseas Territories

## Four good reasons to become a Friend:

1. You know how valuable and vulnerable are the environmental treasures held in the UK Overseas Territories.
2. You understand that the only way to guarantee their protection is to build local institutions and create environmental awareness in the countries where they are found.
3. You care about what is happening in the UK Overseas Territories and want to be kept up to date by regular copies of *Forum News* and the Forum's *Annual Report*.
4. You understand that the UK Overseas Territories are part of Britain, and therefore are not eligible for most international grant sources - but neither are they eligible for most domestic British ones, so help with fundraising is essential.

**EITHER: I wish to become a Friend of the UK Overseas Territories at the annual support level:**  £15  £50  £100  £.....

**OR: I wish my company to be a Corporate Friend of the UK Overseas Territories at annual level:**  £150  £500  £1,000  £.....

Name of individual Friend or contact person for Corporate Friend: .....

Company name of Corporate Friend (if relevant) : .....

Address: .....

Telephone: ..... Fax: ..... Email: .....

**Please complete one of options 1 to 4 below. UK taxpayers are requested to complete section 5 also; this will allow UKOTCF to benefit from the tax you have paid, at no additional cost to you.**

**1. UK cheque:**  I enclose my UK cheque made out to UK Overseas Territories Conservation Forum for this amount.

**2. Standing Order form:** To: The Manager, Bank Name: ..... Branch Sort-code .....

Bank address: ..... Bank postcode: .....

Please pay: UK Overseas Territories Conservation Forum at NatWest Bank, 9 Bank Court, Hemel Hempstead HP1 1FB Sort-code: 60-10-33  
Account number 48226858 the sum of £..... now and a similar sum thereafter on this date annually.

My account number: ..... Name .....

Address: ..... Postcode: .....

Signature: ..... Date: .....

**3. Standing Order instructions sent:** I confirm that I have sent instructions directly to my bank for a standing order as per option 2 above.

**4. Credit or charge card:** Please charge the amount indicated above to my card now \*and thereafter on this date annually. [Delete the words after \* if you wish to make only a single payment] (If you are based in another country, your card company will handle the exchange and include the equivalent in your own currency in your regular statement.)

American Express,  Delta,  JCB,  MasterCard,  Solo,  Switch/Maestro,  Visa Expiry date: / (month/year)

Card number:    Security number (3 digits, or 4 for Amex) .....

If used: Start date: / If used: Issue number: ..... Signature: ..... Date: .....

**5. UK taxpayers** are requested to sign the following section to allow UKOTCF to recover tax paid:

I want this charity to treat all donations that I make from the date of this declaration until I notify you otherwise as Gift Aid donations.

Signature: ..... Date: .....

**Send to UKOTCF, Icknield Court, Back Street, Wendover, Bucks. HP22 6EB, UK;  
if using options 3 or 4, you can fax to +44 2080 207217**

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