



Moving Backwards in UK Overseas Territories Conservation

Comments by the UK Overseas Territories Conservation Forum on the UK Government's June 2012 White Paper *The Overseas Territories: Security, Success and Sustainability* (Cm 8374)

Summary

The Coalition Government's strategy set out in the 2012 White Paper is to "re-invigorate the United Kingdom's relationship with its 14 Overseas Territories" (p 11). It "endorses and builds on" (p 11) the previous Labour Government's 1999 White Paper. It does so primarily through broad principles, rather than new policy commitments. There is an increased emphasis on the UK's Overseas Territories (UKOTs) mattering for all parts of government, with different departments leading on issues that are primarily their responsibility. This "commitment from across the UK Government" (p 5, Prime Minister's Foreword) will have consequences for departmental policies and budgets, including contingent liabilities. ***Neither of these is addressed in the White Paper.*** The central institutional development is the intention to set up a UK and UKOTs "Joint Ministerial Council" (JMC) which will report on the "priorities for action set out at the end of each chapter" (p 9) and invite "public and parliamentary scrutiny" (p 9). ***How the JMC develops – and how it relates to the work of the UK Government's National Security Council – will be a key to how, and if, this White Paper builds on the 1999 one.***

The environmental importance of the UKOTs is given welcome prominence: "The Territories are internationally recognised for their exceptionally rich and varied natural environments. They contain an estimated 90% of the biodiversity found within the UK and the Territories combined" (p 8, Executive Summary). Welcome also is the attention to management of the marine environment, notably in "the uninhabited territories". ***However, it is worrying that this phrase qualifies one of the four environmental bullet points in the Executive Summary:*** "The UK aims to be a world leader in the environmental management of its uninhabited territories" (p8). ***Why not be similarly ambitious for the inhabited territories?***

A key, if not the key, component of the strategy to conserve and manage sustainably the environmental assets of the UKOTs has been omitted completely. The Coalition Government's strategy set out in the White Paper is to "re-invigorate the United Kingdom's relationship with its 14 Overseas Territories" (p 11). Ministers stress that it "endorses and builds on" (p 11) the previous Labour Government's 1999 White Paper. One main environmental achievement of that White Paper was the setting up of the Environment Charter process. These Charters, drafted by UK Government, were signed with fanfare and commitment in the wake

UKOTCF's current Member and Associate organisations not linked to a single Territory:

Amphibian & Reptile Conservation
Royal Botanic Gardens, Kew
Royal Zoological Society of Scotland
Zoological Society of London
Army Ornithological Society
Royal Air Force Ornithological Society
Royal Naval Birdwatching Society

UKOTCF's current Member and Associate organisations linked to a particular UK Overseas Territory or Crown Dependency:

Alderney Wildlife Trust
Anguilla Archaeological & Historical Society
Anguilla National Trust
Ascension Conservation Centre
Ascension Heritage Society
Bermuda Audubon Society
Bermuda National Trust

UK Antarctic Heritage Trust
Chagos Conservation Trust
National Parks Trust of the Virgin Islands, BVI
Jost van Dykes Preservation Society, BVI
National Trust for the Cayman Islands
Akrotiri Environmental Education & Information Centre
Gibraltar Ornithological & Natural History Society
La Société Guernesiaisie
National Trust for Jersey
Société Jersiaise

Isle of Man Department of Environment, Food & Agriculture
Montserrat National Trust
Pitcairn Natural Resources Division
St Helena National Trust
La Société Sercquaisie
South Georgia Association
National Trust of the Turks & Caicos Islands
Turks & Caicos National Museum
Turks & Caicos Reef Fund

Most UKOTCF member and associate organisations are NGOs and/or UKOT or Crown Dependency bodies. However, one (Royal Botanic Gardens, Kew) is a Non-Departmental Public Body of UK Government. It would, of course, be inappropriate for such a body to comment in this medium on UK Government policy. RBGK is therefore not party to this document.

of the 1999 White Paper and have formed the foundation of environmental policy since then. However, they are not mentioned even once in this White Paper. Furthermore, the UK Government has failed to supply information on its own performance to the implementation monitoring process that it requested UKOTCF to set up. This was also despite the FCO's responses, in early 2007, to the Inquiry on *Trade, Development and Environment: the role of the FCO* by the House of Commons Select Committee on Environmental Audit (EAC, Report 23 May 2007).

A major concern, especially for NGOs, is *that the White Paper's fine words about working closely with civil society do not reflect the reality* of the decline in this, despite the best efforts of the NGOs – and have been severely undermined by the FCO and DFID's recent decision that the Overseas Territories Environment Programme (OTEP) will no longer be open to project bids from environmental NGOs in the UKOTs and the UK. *Lack of such support is already depriving the UKOTs of contributions which civil society can make to good environmental management, especially of projects involving local communities in the inhabited territories.*

The White Paper's other chapters – on security, the economy, good government, local communities and links with the wider world – all have environmental implications. This is most obvious in “The Seven Principles of Public Life” (see the box on p 51), especially “Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their actions and restrict information only when the wider public interest clearly demands.”

All in all, the White Paper is a major disappointment, with considerable apparent promise but lacking substance. The Prime Minister in his Foreword says “We see an important opportunity to set world standards in our stewardship of the extraordinary natural environments we have inherited.” Sadly, the document fails to provide means to achieve that, except possibly in the uninhabited territories.

UK Overseas Territories Conservation Forum

The UK Overseas Territories Conservation Forum (hereinafter UKOTCF or “the Forum”) was created in 1987 and formally constituted as a charitable company in 1996. UKOTCF brings together, as its Members and Associates, 26 conservation and science bodies in the UK Overseas Territories (UKOTs) & Crown Dependencies (CDs), seven supporting ones in Great Britain & Northern Ireland (GB), and a wider network of specialist volunteers. It advances and promotes the conservation of biodiversity, ecosystem services, and their contribution, together with other aspects of natural and human heritage, to the well-being and sustainability of the UK's Overseas Territories.

Introduction

The long-awaited UK Government White Paper on the UK Overseas Territories was published in late June 2012, following a public consultation in late 2011.

In this document, UKOTCF reviews some aspects of the White Paper with implications for environmental conservation. This clearly relates particularly to Chapter 3 (“Cherishing the Environment”), but many aspects in other parts of the White Paper impact the environment and its conservation. Rather than a point-by-point critique of individual paragraphs of the White Paper, we focus initially on several main components.

Ministers stress that this White Paper builds on the 1999 White Paper. The main environmental achievements of that White Paper included the setting up of the Environment Charter process. In support of this, the FCO strengthened and formalised its existing small grant programme into the Environment Fund for Overseas Territories, and DFID promised to match this (although that was delayed for five years) – so, first (from page 3) we consider the new White Paper in the context of these.

The other main environmental step forward of the 1999 White Paper was the strengthened collaborative working by the UK Government (sometimes abbreviated to UKG or HMG) with NGOs, and particularly in

the environmental NGOs (and some official bodies in the Territories) brought together in UKOTCF. Our second section addresses these areas, starting on page 5.

Ministers stress the importance of scrutiny from the public in respect of reporting on progress. Therefore, third, we make an overview of the performance of FCO and other UK Government Departments since the 1999 White Paper against the Commitments it set itself in the Environment Charters, starting on page 7 and laid out in greater detail in Appendix 1 on page 12. It is important to note that this period embraces both about a decade under the previous Administration and about two years under the present Government.

In our Conclusions, on page 9, we consider how well the reality of the Government's actions meets the Ministers' expressed intentions.

Ministers underline also the importance of the preceding public consultation in determining the priorities set in this White Paper. Therefore in Appendix 2 on page 14, we review which of the 31 reasoned recommendations made by UKOTCF, on the basis of interactions with its constituent partners, especially in the UKOTs, have been addressed in the White Paper and how the White Paper reflects reality.

In Appendix 3 on page 18 we address some issues relating to maps, constitutional arrangements, openness and World Heritage Sites. Finally, in Appendix 4 on page 21 we review the history and achievements of the UKOTCF, in the context of its continuing offer to assist progress despite the decline in willingness of UK Government departments to collaborate with civil society.

The Environment Charters and UK Government support for environmental work in the UKOTs

Despite the very welcome recognition of the environmental importance of the UKOTs in this White Paper, UKOTCF has a number of concerns, many of which relate to the fact that the Environment Charters, signed with such fanfare and commitment in the wake of the 1999 White Paper and forming the foundation of environmental policy since then, are not mentioned even once in this White Paper. UKOTCF and many of its partners in the UKOTs and Britain believe that the Environment Charters remain a central element of the relationship between HMG and the UKOTs, and that it would be a seriously backward step now for HMG simply to wish them away.

As explained clearly in both the 1999 and 2012 White Papers, the UK Government has devolved environmental issues to the UKOT governments. The UK, however, is bound by Article 4 of the 1992 Convention on Biological Diversity (CBD) to account for the UKOTs in respect of treaty obligations. The 1999 White Paper acknowledged that there were environmental obligations that neither the UK nor the UKOTs had lived up to, and therefore the 1999 White Paper stipulated that the Environment Charters were to be negotiated to set out who is responsible for complying with which obligations. Accordingly, the Charters are the formal mechanism by which the UK complies with its international treaty obligations, and it continues to be bound by them, as do the UKOTs whose leaders signed them. This is laid out in detail in two Special Reports of the Bermuda Ombudsman, as part of her assessment of Bermuda's obligations to implement its Charter commitments specifically in relation to environmental impact assessments (see *Special Report June 18, 2012* and *Today's Choices – Tomorrow's Costs, February 10, 2012* www.ombudsman.bm). UKOTCF strongly endorses her position.

The 2012 White Paper lists compliance with relevant multilateral environmental agreements as one of its four goals for environmental management (p 46). If the Charters do not constitute the mechanism by which the UK implements Article 4 of the CBD, what is the mechanism for the UK Government to meet its international obligations?

In his introduction to the 2012 White Paper, the Foreign Secretary notes that it builds on the 1999 White Paper, and once again concedes that there are environmental obligations that are not being lived up to: "It [the 2012 White Paper] is also a strategy of re-evaluation. *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.” (p 5, italics added). Given that this is the second time that a UK White Paper has admitted that the UK's environmental programmes for the UKOTs are not achieving the desired results, one would expect in this White Paper a detailed and concrete programme for how this problem will be addressed.

So let us review the goals and the mechanisms for achieving them as laid out in the 2012 White Paper:

Goals: The paper introduces a new distinction in environmental management between the uninhabited UKOTs and the inhabited ones. The priorities for action (p 46) are:

- manage terrestrial and marine natural resources sustainably and address challenges of climate change, including by putting environmental considerations at the heart of all decision-making.
- oversee exemplary environmental management of the uninhabited Territories.
- ensure compliance with the requirements of relevant multilateral environmental agreements.
- strengthen co-operation with the Non-Governmental and scientific communities.

Most space in the environment chapter is devoted to the uninhabited UKOTs. The goal for them of ‘exemplary environmental management’ is sadly not offered for the inhabited UKOTs – although this appears to be an aspiration (see Foreword by the Prime Minister).

Mechanisms for environmental management to be provided by the UK Government to support delivery comprise (pp 40, 43):

1. The FCO and DFID administer the Overseas Territories Environment Programme (OTEP) [*Now no more*].
2. DEFRA, with DFID, FCO and JNCC, are responsible for the Overseas Territories Biodiversity Strategy [*A document lacking clear targets and objectives (except, ironically, for maintaining OTEP)*].
3. DEFRA leads the Darwin Initiative and will also lead on biodiversity and climate change adaptation and, through its Agencies, will continue to provide technical and policy advice. [*DEFRA may lead – but what does this mean? And Darwin funding for UKOT work is now compromised by DFID rules. There appears to be no commitment to continuation of Darwin funding for the UKOTs, only two Rounds after Darwin finally focussed on UKOTs.*]
4. DFID will ‘**continue to engage** with the OTs on wider climate, environment and natural resource issues.’ [*Continue to engage?*]
5. The Department for Energy and Climate Change **will look to** increase their support to UKOTs in areas of climate change collaboration and provide support on energy-related issues.
6. In the EU, the UK Government **will try to ensure** that UKOTs’ environmental policy and funding needs are taken into account.
7. The UK Government **will seek to secure funding from other sources** to assist UKOTs and continue to represent OT interests in the context of MEAs. [*No commitment on funding from the UK*]

The mechanisms listed are largely aspirational and seem to step backwards from the more robust specific commitments set out in the 2001 Environment Charters, and the 1999 White Paper which generated these.

With regard to the first mechanism, initially the Environment Fund for Overseas Territories and later the Overseas Territories Environment Programme (OTEP), FCO and DFID have recently decided that OTEP will no longer be open to project bids from environmental NGOs, or indeed anyone under an open process.

The White Paper gives the impression that OTEP is alive and well, and one of the key contributions from the UK towards environmental management in the UKOTs, but in fact we understand that it is being at best restructured and more likely eliminated – or, at most, reduced to a programme whereby UK Government bodies tell UKOTs what they need. It certainly will not allow NGO bodies or UKOT government departments, both of which tend to have more local knowledge, to play an active role in helping determine how any available funds are spent.

With regard to the second mechanism, we now understand that the interdepartmental group which developed the “Biodiversity Strategy” (actually a UK Government interdepartmental agreement, rather than a strategy in its usual sense – see *Forum News* 37: 9-11 & 38: 4; www.ukotcf.org/forumNews/index.htm) is not only unlikely to meet in future but will not be used to harness the expertise and roles of the other government departments so feted throughout the White Paper, so that mechanism, too, appears to be being abandoned.

This leaves the third mechanism, the Darwin Initiative programme, as the only actual funding mechanism on the list, and that, too, is under pressure to minimise support for the Overseas Territories. Only two annual rounds after DEFRA belatedly gave welcome emphasis in this programme, DFID has joined in the funding but is putting great pressure on DEFRA to reduce funding to UKOT projects (see below).

The issue of funding for conservation work in the UKOTs is critically important because of the basic problem that NGOs and other bodies in the UKOTs are not eligible for most international funds because they are considered to be British. ***However, the underlying assumption that Britain funds conservation work in its own territories is unfortunately not true: the UK Government is not stepping in to fill that gap.*** OTEP, small though it was, was the only funding stream dedicated to the UKOTs. Despite what the White Paper says, OTEP is no longer available to bids from the UKOTs or from UK conservation NGOs working with UKOT bodies. There are problems for UKOTs accessing the Darwin Initiative as well: DFID is now funding part of the Darwin Initiative, but has its own target to contribute 0.7% of GDP to poverty alleviation – thereby causing it to try to steer the Darwin Initiative funding away from UKOTs, because grants there do not fall within this target, as defined under international agreement.

The rest of the support listed in the White Paper is hypothetical – the language ‘continue to engage’, ‘look to increase’, ‘try to secure’ and ‘seek to secure’ conveys a frightening lack of certainty to the UKOTs.

In a recent interview with VSB News in Bermuda, UK Minister for UKOTs Henry Bellingham stated that the UK expects the UKOTs “to look after the environment in the same way that we do in the UK.” In fact, the Environment Charters were signed as the mechanisms to effect the respective actions by the UK and UKOTs to achieve this. They are highly valued in the UKOTs and by NGOs and others supporting conservation. We urge the UK Government to pay more regard to these important instruments which its officials drafted and to which it committed.

The White Paper is establishing a new distinction in the UK’s approach as between the inhabited and uninhabited UKOTs. We perceive a strengthened commitment to management of the uninhabited UKOTs, and given their huge environmental value, we certainly applaud this (having previously criticised the legal fiction that these had separate governments from that of UK). However, at the same time, we cannot help perceiving that this is accompanied by a desire to step back from responsibility for the inhabited UKOTs. The 1999 White Paper and the subsequent Environment Charters took a realistic look at what would be needed to enable local UKOT governments to care for their environmental resources, and developed a complex programme of mutual commitments that would enable that to happen. Given that the UK’s obligations under the CBD require this, and that nothing has been proposed since then that would come close to meeting those obligations, again we urge HMG to reaffirm its commitment to the Environment Charters.

The role of Non Governmental Organisations (NGOs)

The UK Government has long recognised the great importance of NGOs in environmental conservation, and the 2012 White Paper lists strengthening cooperation with NGOs as one of its four goals for the UKOTs. Also (on p 16), it adds “We want to see greater engagement between the UK and the Territories. We want to foster links between individuals, companies and Non-Governmental Organisations with their counterparts in

the Territories.” We understand that the UK government is now looking to the private sector to provide the missing funds that are being “looked for” elsewhere. While all such funds are welcome for environmental work in the UKOTs, this adds another layer of competition for the hard-pressed NGOs whose availability of government-sourced funds has been much reduced.

Locally-based NGOs serve vital functions in conservation. They educate local people and represent their concerns. They are aware of local issues and work at the grass roots level to address them. They carry out vital environmental programmes, at very low cost to all concerned. And when it happens that a local government makes a decision which would have severe environmental consequences, such as approving tourism development which would damage critical environments, they are the only force that can stand up for the environment.

This last point is really critical. The current UK Government strategy for conservation in the inhabited UKOTs relies almost entirely on the governments of the UKOTs. This assumes that the UKOT Governments are using best practice in their planning and decision-making procedures. The 1999 White Paper and the Charters recognise the importance of this by committing the UKOT Governments to (1) making their decisions in an open and consultative manner, (2) requiring Environmental Impact Assessments (EIAs) before making decisions on high-impact development, and (3) requiring that a public consultation be a part of the EIA. But if a local government decides not to follow this best practice, and makes a high-impact decision without environmental assessment or public consultation, the UK Government no longer becomes involved; the only bodies who try to ensure that environmental concerns are taken into account are local NGOs.

A recent high-profile case in Bermuda illustrates this point clearly. In the case of Tucker’s Point, the Bermuda Government decided that it was going to grant a Special Development Order (SDO) which would allow tourism development on some of the most sensitive and environmentally valuable areas of Bermuda. Local NGOs heard rumours that this was in the pipeline and requested information from officials about it. Far from carrying out public consultation, these requests for information were either ignored or the potential SDO was outright denied until the granting of the SDO was announced as a *fait accompli*. Huge mobilisation by the Bermuda public, organised by local NGOs, resulted eventually in some of the most egregious elements of the SDO being modified. But even then there was no public consultation on the changes that were to be made.

The change in approach by the UK Government overlooks also the high efficiencies and value-for-money of NGO contributions. For many years, the UK Government worked closely with local NGOs through the officers of UKOTCF, a body made up of member organisations in the UKOTs and in Britain (as well as the Crown Dependencies). UK officials and UKOTCF member organisations, together with UK representatives of UKOT governments, met regularly so that the UK officials could be made aware of issues of concern in the UKOTs, and the Forum (and thereby its member organisations) could be kept up to date on policies, programmes and proposals from the UK Government. One of UKOTCF’s key roles is to keep its member organisations in contact with each other and the UK Government. It does this in three ways: 1) regional working groups (Wider Caribbean Working Group, Southern Oceans Working Group, Europe Territories Working Group) meet quarterly to discuss the issues of concern to members and to share information and resources; 2) every three years the Forum, with support from the UK Government, has held conferences at which local NGOs and governmental conservation bodies could share resources and information; and 3) through its regular newsletters and e-updates, the concerns as well as the successes of conservation in the UKOTs are disseminated.

However, over the last few years, this mutually productive partnership between the UK Government and UKOTCF member bodies has been gradually eroded to the point of having been phased out by officials, without consultation. We are concerned that this is part of a general movement away from support of local NGOs and moving towards conservation policy which is driven by UK officials rather than being demanded from the UKOTs. The meetings between UK officials and UKOTCF have been dropped and officials indicated very belatedly that support for the next three-yearly conference, due in 2012, would not be forthcoming. Support for UKOTCF-organised conferences has been the principal way in which HMG has been able to meet its commitment under the Environment Charters to “promote ...sharing of experience and expertise between ... other Overseas Territories and small island states and communities which face similar

environmental problems.” So the decision to drop funding for these is another way that the obligations of the Environment Charters are being abrogated.

In 2005, the FCO dropped virtually all its environmental posts, claiming that other government departments would pick up this role for the UKOTs, but in practice little of this happened and certainly not effectively. One might imagine that, with reduced UK Governmental capacity, the government would seek to fill the gap by encouraging work by NGOs and their chosen umbrella body, UKOTCF, which had worked in partnership with government for two decades. However, the reverse was true from the middle of the first decade of the millennium. References to the ‘Big Society’ gave hope that the new Coalition Government would reverse this negative trend. In practice, however, the decline in UK Government’s interest in working with UKOTCF and its member bodies continued and possibly accelerated. It may be that there is a mis-match between Ministers’ intentions and the role of their officials and therefore actual actions of their Departments.

As we have felt in recent years that the UK Government was distancing itself from locally based NGOs and the commitments of the Environment Charters to support them, we had a moment of revelation when DEFRA released its “United Kingdom Overseas Territories Biodiversity Strategy” in 2009. Although this document makes little reference to the Charters, Annex 3 laid out the UK commitments under the Charters. These were word-for-word identical to the language of the Charters except that one commitment was simply omitted: after the original language “Use UK, regional and local expertise to give advice and improved knowledge of technical and scientific issues,” the “Strategy” simply dropped the second part of that commitment which reads “This includes regular consultation with interested non-governmental organisations and networks.” It is just possible that this omission was inadvertent, but it certainly supports our sense that regular consultation with NGOs is no longer an objective or a desirable course for UK officials.

Indeed, in mid-2012, an internal UK Government document became available, under a Freedom of Information request on another topic. This revealed that the Overseas Territories Directorate of FCO had been trying to undermine UKOTCF since at least 2009, while simultaneously denying to UKOTCF any dissatisfaction with it – and despite the fact that UKOTCF is the body that a range of UKOT and other NGOs selected to interact for them with the UK Government and others.

Progress since the 1999 White Paper

A direct output of the 1999 White Paper process was the set of Environment Charters negotiated and signed between the UK Government and the Governments of UKOTs. (These excluded the British Antarctic Territory, where territorial sovereignty is held in abeyance by the Antarctic Treaty 1959, the Cyprus Sovereign Base Areas, and Gibraltar. Gibraltar later issued its own Environment Charter with similar provisions.) At the request of the UK Government and the UKOTs, UKOTCF collated information from all parties in 2006-7 and 2009 to monitor progress on the commitments (www.ukotcf.org/pdf/charters/INDICATORS0707e.pdf and www.ukotcf.org/pdf/charters/indicatorsrev0912.pdf). Bodies in the UKOTs provided a good deal of progress on their work on the commitments, and were generally commendably open as to the nature of this. However, despite initiating the work and keeping good records on its fulfilling the commitments until at least 2003, the UK Government felt unable to supply information on its own work in this regard at the time of these reviews.

This was also despite the FCO’s responses, in early 2007, to the Inquiry on *Trade, Development and Environment: the role of the FCO* by the House of Commons Select Committee on Environmental Audit (EAC, Report 23 May 2007). When preparing supplementary evidence to address questions put to their Minister by the Committee, FCO officials asked UKOTCF about progress on its review on implementation of the Charters. Subsequently, the FCO Minister’s supplementary memorandum to the House of Commons EAC stated (with a slightly optimistic interpretation of UKOTCF’s estimate of the timescale): “Your Committee also asked about an assessment of the Overseas Territories Environment Charters. The UKOTCF is currently gathering information on the progress in implementing the Environment Charter Commitments for each Territory (or the equivalent for those Territories without Charters). The Forum intends to publish a progress report towards the middle of this year. The FCO will use that information, in consultation with Whitehall colleagues and the governments of the Overseas Territories, to carry out a review of the Environment Charters which have now been in place for five years.”

In this context, UKOTCF put a great deal of further effort into helping and encouraging UKOTs to provide information and is very pleased to note that, of the 21 entities that constitute the UKOTs and Crown Dependencies, responses were received from or on behalf of 19. In line with the Environment Charters themselves, responses were welcomed from both governmental and non-governmental bodies and, in several cases, the responses were integrated. UKOTCF did not receive information from HMG in respect of the UK Commitments in the Environment Charters, nor from those UKOTs which are directly administered by UK Government: British Indian Ocean Territory (which has an Environment Charter), British Antarctic Territory, and the Cyprus Sovereign Base Areas (although information was received from non-governmental sources for some). A few months later, the FCO reported that, although it had no problem in principle with the indicators, HMG did not have the resources to report on the implementation of its own Commitments. UKOTCF was surprised by this, because HMG had drafted the Environment Charters, had been one of those originally asking UKOTCF to develop a report on their implementation, had reported nothing wrong with the draft indicators published in early 2006, and had (around the same time as indicating that it could not find the time to respond) reported to Parliament that it was awaiting UKOTCF's report and would conduct its own review thereafter. UKOTCF (despite its much smaller resources) continued to collate any available information on implementation of the Charters, and updated its review in 2009.

In June 2008, The House of Commons Foreign Affairs Committee's report on Overseas Territories concluded:

"295. We agree with the Environmental Audit Committee that the Government does not appear to have carried out any kind of strategic assessment of Overseas Territories' funding requirements for conservation and ecosystem management. We conclude that given the vulnerability of Overseas Territories' species and ecosystems, this lack of action by the Government is highly negligent. ***The environmental funding currently being provided by the UK to the Overseas Territories appears grossly inadequate and we recommend that it should be increased.*** While DEFRA is the lead Whitehall department responsible for environmental issues, the FCO cannot abdicate responsibility for setting levels of funding given its knowledge of Overseas Territories' capacity and resources. The FCO must work with other government departments to press for a proper assessment of current needs and the level of the current funding gap and then ensure increased funding by the Government through DEFRA, DFID or other government departments is targeted appropriately [emphasis added]."

In October 2008, the House of Commons Environmental Audit Committee concluded, in its report on *Halting Biodiversity Loss*:

"46. The Government has a clear moral and legal duty to help protect the biodiversity of the UK Overseas Territories and Crown Dependencies, where it is the eleventh hour for many species. We are extremely concerned that recommendations that we have made in the past that would have helped to protect the environment of the Overseas Territories have been ignored. The Government must:

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

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

Therefore, we have tried to give at Appendix 1 an overview of some main points of progress or otherwise in relation to UK Government's Commitments under its Environment Charters.

UK Government treatment of UKOTCF recommendations in the prior consultation

The UK Government held a consultation in late 2011, prior to preparing the White Paper. UKOTCF, on the basis of its interactions with its member organisations and other partner bodies, especially in the UKOTs, supplied a reasoned set of recommendations in December 2011. A full copy was made available on line (www.ukotcf.org/pdf/Consultations/submission.pdf), and is still available. The 31 main recommendations were brought together in a summary. This is reproduced in Appendix 2, with an indication of whether or not the White Paper has taken up the recommendations.

In summary, only one of UKOTCF's 31 recommendations has been taken up in reality, and this was generally accepted already. Of the others, 24 have clearly not been acted upon or even moved in a negative direction. For the remaining six, the wording in the White Paper is so vague and lacking in specific commitments and measurable targets as to make clear conclusions difficult, and so can hardly be considered supportive.

Some other points

There are some issues with some maps, constitutional arrangements, openness, World Heritage Sites, and interaction of other chapters of the White Paper on the environment and sustainable use in the UKOTs in the White Paper. A number of these are summarised in Appendix 3.

Conclusion: Sentiments Excellent, Reality Dire

There are some very good words in this White Paper. However, the words do not seem to be a close match to reality. On p 86, the Conclusion states:

“We have set out in this Paper the Coalition Government’s overall approach to the UK’s Overseas Territories. The Government is determined to live up to its responsibilities towards all the Territories. We have demonstrated our commitment through our actions over the past two years...”

“We have made good progress, but much remains to be done.”

“The Government is both ambitious and optimistic for the future of our Territories. We believe the UK is important to the future of the Territories and that the Territories are an important part of the future of the UK.”

UKOTCF’s analysis above (and in the Appendices) certainly raises questions about the degree of progress, if any, and identifies some serious backward steps. The claim that: “We have demonstrated our commitment through our actions over the past two years” may be true, but perhaps not always in the way that the drafter probably intended to indicate.

It is worth quoting the words of the Secretary of State for Foreign and Commonwealth Affairs in his Foreword (p 6; emphasis added):

“The Coalition Government has a vision for the Territories: of flourishing communities, proudly retaining aspects of their British identity and creating new opportunities for young and future generations; ***of natural environments protected and managed to the highest international standards.***

“We and Territory Governments share significant challenges: building more diverse and resilient economies; cutting public sector deficits; regulating finance businesses effectively; and ***protecting***

biodiversity and natural resources. In many respects the Territories are more vulnerable than the UK. *We have a broad responsibility to support them* and to ensure their security and good governance.

“The strategy set out in *this White Paper* is designed to meet these challenges and deliver the vision. It is a strategy of re-engagement. It *builds on the 1999 White Paper* (Partnership for Progress and Prosperity).

“It is also a strategy of re-evaluation. *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* is broad ranging, but does not pretend to be comprehensive. It *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.

“*The Government has taken care to consult widely in preparing this White Paper*. Our dialogue with Territory Governments and the international *public consultation* we ran from September 2011 to January 2012 have *helped us to identify priorities*.

“*We have set these priorities out clearly in the Paper*. This is an ambitious and broad agenda. *The test of the commitment of all concerned will be delivery against this agenda*. We plan to upgrade engagement between UK Ministers and Territory Governments into a Joint Ministerial Council tasked with monitoring and driving forward work to realise our vision.

“*We will report regularly on progress and welcome scrutiny from the public and parliaments.*”

In the Introduction to the environment chapter (p 39), Richard Benyon, Minister for the Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, says:

“The United Kingdom’s Overseas Territories play host to some of our most precious environmental assets, many of which would be irreplaceable if lost. We recognise that environmental challenges are increasingly threatening the future security and safety of our Territories and in particular the people and the biodiversity that they support. *We are committed to working in partnership - across government, with the Territories themselves, and with non-government organisations – using funding mechanisms such as the Darwin Initiative, to ensure that these highly valuable natural resources are protected for the future.*”

In meetings with Ministers, we find their attitudes positive, supporting and apparently sincere. Their words are similarly warm and positive here also – but they seem to be based on a picture which bears little relation to the reality of the actual situation and of the real actions of their officials. We can only suppose that serious distortions and inaccuracies occur in the information that they receive.

For example, and as indicated in the analysis above:

Whilst it is claimed that the “White Paper ... builds on the 1999 White Paper”, what was one of the most important environmental initiatives emerging from that process, the Environment Charters, receives not a single mention in the 2012 White Paper. When asked on 5th July 2012 by VSB Television in Bermuda to comment on the important adjudication by the Bermuda Ombudsman that the Environment Charters make legally binding commitments, the FCO Minister of State said “I don’t really want to talk about the previous White Paper.” To be fair to the Minister, he was probably not briefed. In a meeting on 26th June, UKOTCF learned that the FCO Director of Overseas Territories and his environmental officer were apparently unaware

of the Bermuda Ombudsman's report, even though this had been the most prominent environmental issue in Bermuda for several months, and one of the highest profile governance issues there also.

Both Mr Hague and Mr Benyon stress their commitment to support partnerships with the NGO community on environmental and other issues, and Mr Hague refers to it growing. As our analysis above demonstrates, this has declined over several years, due to the unilateral decisions of officials and despite the best efforts of NGOs.

Mr Benyon stresses also the commitment to support NGOs in environmental conservation work for the UKOTs, using funding mechanisms such as the Darwin Initiative. However, the ability to apply for small grants under FCO/DFID's Overseas Territories Environment Programme (OTEP) was ended in 2011, and the Darwin Initiative is under pressure from its new co-funders, DFID, to reduce funding for UKOT work, only two years after such funding was boosted.

Mr Hague indicates that the Government has used the results of the public consultation to help identify priorities. Whilst no organisation would expect all its recommendations to be incorporated, meaningful adoption of only one out of 31 recommendations from a body bringing together the conservation NGOs (and some governmental bodies) in the UKOTs seems rather low—especially as we now know that other environmental bodies made largely similar recommendations.

Mr Hague reports also that the priorities are set out clearly in the White Paper, and the test of commitment will be delivery against this agenda. UKOTCF agrees about the importance of testing, but notes that the priorities do not lend themselves to measurement. Indeed, if such general targets were included in a grant application to one of UK Government's own funds (when they existed), the application would probably be rejected for that reason.

UKOTCF welcomes the comment that "We will report regularly on progress and welcome scrutiny from the public and parliaments." But there is nothing to indicate about how, where and with what frequency. Recalling that, after a good start for a couple of years after the Environment Charters were initiated, UK Government officials declined to report in the following years, UKOTCF trusts that officials will stay with this commitment this time.

The Prime Minister, in his Foreword (p 5) said: "We see an important opportunity to set world standards in our stewardship of the extraordinary natural environments we have inherited."

The present White Paper, by itself, fails to seize that opportunity. However, UKOTCF still stands ready to work with Government and others to correct this.








How UKOTCF plans to help









Over 25 years, UKOTCF and its members in both GB and the territories have invested a huge amount of voluntary resources into conservation in the UKOTs and Crown Dependencies, establishing the largest body of expertise in this area (examples in Appendix 4). UKOTCF wishes to build on this, and to overcome the reluctance, developed over the past half decade, by UK Government officials to collaborate – in contrast to earlier valuable collaborations.

UKOTCF will continue to raise public and parliamentary interest in these matters. In the short term, UKOTCF will, in early October, host in London, courtesy of a UKOT Government, a technical seminar to start examining how some of the many gaps in the White Paper can be addressed. This will build on the seminars on biodiversity strategies in the UKOT and Crown Dependencies organised by UKOTCF in 2010 and 2011 (*Forum News* 37: 9-11; 38:4; www.ukotcf.org/pdf/fNews/BodivWorkshop1106.pdf).

Appendix 1: An overview of some main points of progress or otherwise in relation to UK Government’s Commitments under its Environment Charters

Clearly, given the non-participation by UK Government officials (see main text), this overview cannot be comprehensive. UK Government bodies like “milestones”. Therefore, we have illustrated generally positive progress by UK Government with a milepost and negative or no movement by a tombstone.

The government of the UK will:	Progress	Milestones/ tombstones on UK Govt performance
1. Help build capacity to support and implement integrated environmental management which is consistent with the Territories’ own plans for sustainable development.	FCO supported UKOTCF facilitating UKOT Governments, with NGOs, in an open process developing strategies to implement the Environment Charters (as required by the Charters). However, FCO lost interest and stopped this support after the first few. After several years, it seems that FCO has restarted in a few UKOTs a similar process, but not openly and without reference to the Environment Charters, thereby re-inventing the wheel.	 
2. Assist the Territories in reviewing and updating environmental legislation.	Some work has been done in certain territories with UKG support.	
3. Facilitate the extension of the UK’s ratification of Multilateral Environmental Agreements of benefit to the Territories and which each Territory has the capacity to implement (and a desire to adopt).	A great deal of work was done by UKOTCF (with encouragement from FCO) in the 1990s in securing a full sign-up to the Ramsar Convention on Wetlands. However, in recent years, UK Government departments have become extra hurdles to overcome, rather than helpful agencies, for UKOTs and Crown Dependencies seeking to join UK’s ratification of e.g. the Convention on Biological Diversity, in one recent case delaying the process for 1½ years from the initial, fully supported and justified request.	
4. Keep the Territories informed regarding new developments in relevant Multilateral Environmental Agreements and invite the Territories to participate where appropriate in the UK’s delegation to international environmental negotiations and conferences.	UKOTCF initiated this with UKG in the 1990s, initially with both NGO & Government involvement from the UKOTs. After a gap, UKG has restarted this, but with only UKOT Government involvement, not NGOs.	
5. Help each Territory to ensure it has the legislation, institutional capacity and mechanisms it needs to meet international obligations.	A good positive example was the Defra-supported review by UKOTCF of actual and potential Wetlands of International Importance under the Ramsar Convention, in 2005. However, since then, helping Territories take this forward has been left largely to UKOTCF, without UKG support. See also Commitment 3 re CBD.	
6. Promote better cooperation and the sharing of experience and expertise between and among the Overseas Territories and with other small island states and communities which face similar environmental problems.	The most effective means of doing this has been via the working conferences organised by UKOTCF, with UKG support, since 2000. In 2011, after two years of prevarication since the last conference in 2009, UKG indicated that it would no longer support the conferences. (This may be related to the Government’s recent admission of its undermining	

		of UKOTCF and Government deception practiced since at least 2009.)	
7.	Use UK, regional and local expertise to give advice and improve knowledge of technical and scientific issues. <i>This includes regular consultation with interested non-governmental organisations and networks.</i> (<i>This second sentence is the commitment which was dropped from Appendix 3 of UKG's 2009 "Biodiversity Strategy".</i>)	FCO ended, without consultation, almost all its environmental posts (which dealt mainly with UKOTs) in 2005. FCO unilaterally, and without consultation, terminated the twice-yearly joint meetings between UKG departments and NGOs, jointly chaired by UKOTCF and FCO. This occurred over 2007-9, but was hidden at first because FCO claimed that it wished to continue the meetings but that practical considerations kept intervening. In 2009, in relation to its "Strategy" of that year, UKG set up an Inter-Departmental Group for Biodiversity (and promoted it as a one-stop shop which never actually worked); FCO indicated in 2012 that this was now redundant and there were no plans for this group to meet again.	  
8.	Use the existing Environment Fund for the Overseas Territories, and promote access to other sources of public funding, for projects of lasting benefit to the Territories' environment.	Only a year after drafting and signing this Commitment, FCO absent-mindedly terminated EFOT. After much effort by UKOTCF and UKOTs, an interim grant fund was put in place a year later, and subsequently this was combined with matching funding (five years later than promised) from DFID, to create OTEP. OTEP was closed as a grant-fund allowing open process and application from users in 2011. <i>It is perhaps indicative of UK Government's delivery of its commitments that it has killed off the means of fulfilling this long-term commitment twice in a decade.</i> The widening of the Darwin Initiative to include UKOT focus in 2009 is already threatened by 2012.	 
9.	Help each of the Territories identify further funding partners for environmental projects, such as donors, the private sector or non-governmental organisations.	UKOTCF had undertaken this role for many years and welcomed inclusion of this Commitment in the Environment Charters. For some years after the Charters, UKOTCF pressed UKG to deliver this Commitment. Eventually, in 2008, UKG commissioned its agency JNCC to fulfil this role (although it later transpired that this was in only a very limited range of potential funders). JNCC opted to do this without consulting NGO partners, and UKOTCF ended its online assistance in this area, to avoid duplication. Within three years, JNCC ended this service, so that, after much loss of momentum, UKOTCF is trying to restart its assistance to UKOTs (NGOs and governments) in this regard, but sadly without UKG assistance.	
10.	Recognise the diversity of the challenges facing Overseas Territories in very different socio-economic and geographical situations.	The White Paper's clear indications, confirmed by discussions with FCO officials, of its declining interest in inhabited UKOTs is a very negative step.	
11.	Abide by the principles set out in the Rio Declaration on Environment and Development and work towards meeting International Development Targets on the environment.	A globally unique species (and, indeed, genus), the St Helena Olive, went extinct on British territory in 2003.	

Appendix 2: UK Government treatment of UKOTCF recommendations in the prior consultation

UK Government held a consultation in late 2011, prior to preparing the White Paper. UKOTCF, on the basis of its interactions with its member organisations and other partner bodies, especially in the UKOTs, supplied a reasoned set of recommendations in December 2011. A full copy was made available on line (www.ukotcf.org/pdf/Consultations/submission.pdf), and is still available. The 31 main recommendations were brought together in a summary. This is reproduced below, with an indication of whether or not the White Paper and UKG actions have taken up the recommendation.

UKOTCF recommendation	Recommendation followed?
<i>UKOTCF has long been committed to working closely with government departments in the UK and in the UK's Overseas Territories (and in the Crown Dependencies). We welcome this opportunity to contribute to a fresh look at how best to protect and improve the well-being of these far-flung parts of the British family. Key points we believe should be included in the proposed White Paper are:</i>	
a) UKOTCF would wish to see in the forthcoming White Paper specific reference to environment and biodiversity conservation, given the general recognition of the global and local importance of the rich but vulnerable biodiversity of the UKOTs, and its relationships to the livelihoods and well-being of the UK citizens (and visitors) that reside in the UKOTs.	Yes
b) Clarification of the relationships between the HMG bodies with apparently overlapping responsibilities would be welcome.	White Paper calls for coordination, with no specifics; the one body recently created to offer any coordination now abandoned.
c) We recommend that HMG both restore OTEP as a small-projects fund to respond to applications for environmental work in the UKOTs, as committed by the Environment Charters, and institute a larger fund for larger – and often urgent – conservation needs.	Despite the assertions in the White Paper, OTEP is no longer available to UKOTs or NGOs.
d) We recommend that the White Paper address the issue of profitable engagement with civil society and that, for example, FCO explore with UKOTCF reconvening the bi-annual joint meetings between HMG bodies and NGOs.	Despite fine words in the White Paper, engagement with NGOs is continually decreasing.
e) Given the FCO's current oversight and lead on the proposed White Paper, we recommend that the White Paper clarifies strategic level planning and budgeting across HMG departments and agencies with respect to the UKOTs.	Again, fine words but increasing abandonment of conservation in the inhabited UKOTs by HMG
f) Support from Britain is essential and the FCO thus has a dual role both in providing support and in making sure that appropriate support is provided by other government departments and by NGOs.	Some reference to other government departments, but no details or mechanisms; little mention of NGOs
g) We recommend that HMG work with UKOTCF, its members and other NGOs, together with UKOT governments, towards a common view of biodiversity and other environmental targets. This will help pool resources and attract them from other funders, both charities and individuals.	Again, fine words, but contrary action
h) We recommend that JNCC, together with representatives of relevant departments, and representatives of the NGOs, is tasked with preparing an action plan for biodiversity conservation in the UK Overseas Territories and Crown Dependencies. This would not only progress a strategy lacking clear objectives and activities, but also generate wider and more collaborative working practices which should spread into other policy areas. We would wish to see the funding specifically allocated to JNCC, and indeed all parts of government, to be used most effectively for environmental protection and management in the UKOTs, but this would best be achieved in collaboration with the NGOs, not in isolation from them.	HMG's "strategy" for conservation in the UKOTs is not a strategy in the normal use of the term, but a MoU between UK Government Departments. UKOTCF has organised two workshops to try to complement this by filling the gaps, but UK Government Departments have participated

	reluctantly and not collaborated further.
i) We would wish to see a strengthening of resolve on the part of the FCO (and other Departments) to ensure implementation and certainly no weakening of the commitments made under the 1999 White Paper, and reinforced by the FCO White Paper of 2006 <i>Active Diplomacy for a Changing World: The UK's International Priorities</i> .	HMG appears to be abandoning Environment Charters.
j) With regard to the different Ministries leading on policy for different UKOTs and CDs (FCO, Ministry of Justice, Ministry of Defence), other involved departments (e.g. DFID, DEFRA), and the governing of both inhabited and uninhabited UKOTs, we recommend that HMG review the way it relates to UKOTs & CDs, drawing on recent experience in the development of the devolved administrations in Scotland, Wales and Northern Ireland.	The White Paper calls for better coordination, with no specifics for how that to be achieved.
k) We recommend that UKOTs introduce (where lacking) and implement legal requirements for EIAs in planning matters and, in accordance with best international practice, make these easily available for reasonable time periods for examination and comment by local people and outside experts, and that, if development goes ahead, the implementation of conditions are monitored and publicly reported, and infractions being prosecuted and publicised. We further recommend that HMG takes an active interest in monitoring and advising on such matters, as well as implementing adequately its own responsibilities under international agreements.	Failure to address the need for EIAs is an excellent illustration of how the White Paper totally ignores actual actions needed to ensure that the UKOT Governments, to whom it has devolved responsibility for conservation, do so to a high standard.
l) Whilst welcoming the one-off contributions by HMG to the eradication of invasive species on Ascension Island and, a decade later, Henderson Island, UKOTCF recommends that substantial, regular funding be made available to meet this aspect of HMG's global responsibilities for biodiversity conservation, and that HMG support also work in the UKOTs on prevention of arrival of invasive species.	Despite the White Paper listing invasive species as one of the key challenges, HMG continues to offer only occasional grants determined by a secret process to deal with this critically important issue.
m) We recommend that HMG fulfil its commitment under the Environment Charters to support work in UKOTs on environmental education and awareness, and such activities as rainwater harvesting.	Only two passing references to environmental education in the White Paper. Recently OTEP excluded environmental education from the allowed proposals in its last grant application round, in 2010, (before ending the grants in 2011).
n) With regard to water and its management, and the contrast between the funding opportunities available to the UKOTs (and other Overseas Countries and Territories) compared to those available to EU Outermost Regions, FCO should consider working with DFID to (a) assess such needs within the UKOTs and (b) put considerably more effort into undertaking negotiations within the EU on changing the funding rules in favour of the UKOTs.	Some words included indicating that some aspects of this may be intended.
o) UKOTCF would wish to see specific recommendations relating to the establishment of crisis management plans by HMG and related cross-departmental teams.	Not mentioned in the White Paper
p) We recommend that, on many environmental issues, departments like DFID and DEFRA deploy in support of UKOTs their own technical and social expertise, as well as national and international links to companies and civil society organizations which will be quite unaware of needs in the UKOTs unless someone takes the initiative.	White Paper does indicate that DEFRA will 'continue to offer technical and policy advice', but no suggestion that this to extend to links with other institutions.
q) We recommend that HMG involves representatives of UKOTs in international discussions on MEAs and other aspects. We recommend also that the Department of	Some partial involvement re MEAs. DECC not apparently

Energy and Climate Change engage with the UKOTs.	engaged directly.
r) We welcome the overall message from HMG that all HMG departments will now be expected to support UKOTs in the areas of their expertise. This will be a process that needs managing, and we call upon HMG to resource it adequately. UKOTCF, its member organizations and others have long experience in this area and could support this in a very cost-effective way, given modest support by HMG. In this context especially, we have endeavoured to maintain good working relationships with relevant departments, including FCO, DFID and DEFRA, but have found this increasingly difficult as HMG has more and more decreased its engagement with UKOTCF and other NGOs over the past five years. Engagement has now declined from a previously strong and effective level to a very weak and <i>ad hoc</i> process, and virtually always generated by those outside government. We wish to have really effective and meaningful engagement with government departments and call upon HMG to revert to its previous positive attitude and liaison practices.	White Paper calls for coordination among departments, but no funding or mechanisms offered. The one cross-department body that had been convened has now been abandoned.
s) UKOTCF considers strongly that the attitude taken by HMG's ministers and officials towards UKOTs needs to be based on recognition of the reality that they are not quasi-foreign countries, embarrassingly shackled to Great Britain so that HMG carries the can when things go wrong (as they have done over the years in several territories). The attitude should be positive: these are places whose citizens are British but with many distinctive features, so that local democracy, rather than colonial rule from Whitehall is the guiding principle. However, there also needs to be recognition that, in ways analogous to local democracy in the UK, there needs to be acceptance of common standards in such areas as the rule of law, freedom under the law, freedom of information (subject to constraints affecting privacy of personal information) on matters of public policy, responsible fiscal and environmental management, and international obligations.	The White Paper recognises UKOT Governments as responsible for conservation in their Territories, but creates no mechanisms for ensuring that they do so to a high standard. By ignoring the Environment Charters, there is an implicit abrogation of the requirements for best practice by the UKOT Governments.
t) Support for UKOTCF-organised conferences has been the principal way in which HMG has been able to meet its commitment under the Environment Charters to "promote ...sharing of experience and expertise between ... other Overseas Territories and small island states and communities which face similar environmental problems." We note also that organisation by NGOs is generally considerably more cost-effective than organisation by a government body, due partly to the deployment of large amounts of unpaid voluntary effort. Accordingly, we recommend that HMG restore its financial support for UKOTCF-organised conservation conferences.	After two years of prevaricating, the FCO has informed UKOTCF that no funding for the next conference will be made available.
u) We recommend the opening of bodies such as the Heritage Lottery Fund and the Big Lottery Fund to applications supporting conservation and other works for the UKOTs and CDs.	No further progress than that achieved by NGO lobbying of the Lottery bodies
v) UKOTs have advised us that they would like to see greater engagement and interaction between Britain and the UKOTs with regard to education, training, and scholarships, as well the development of exchange visits, joint teams, sharing of knowledge, skills and potential resources between Britain and the UKOTs. UKOTCF supports this, has been engaged in this sort of approach for some years, and is currently developing further a skilled volunteers programme, as resources allow, despite HMG's unwillingness so far to support it.	Not clear on the first part despite some positive general words. No on the second part.
w) Local checks and balances need to be underwritten by a monitoring role by HMG. This should not be micromanaging, but checking that UKOTs are doing what is agreed periodically, especially in the areas of good governance and international commitments. HMG should be in a position of offering early help, if needed. This would be much less intrusive than having to intervene in a major way if failures become major.	Despite devolving responsibility for conservation to the UKOT governments, HMG takes absolutely no part in ensuring that this is done to an acceptable standard.
x) Other HMG departments need to build up close working relationships with the equivalent departments in UKOTs.	Some vague words in this direction but no details or mechanisms
y) Both HMG and the UKOT governments should be more ready to involve NGOs and other parts of civil society in support of good governance.	Support for the Bermuda Ombudsman's effort to enforce Environment Charter requirement for EIAs would be

	a good sign.
z) We recommend that HMG engage with the European Commission to reduce the bureaucratic load on applying for, accessing and reporting on grants, especially small ones.	The White Paper's only comment in this area is: "In the EU, we will continue to engage with the Commission and the Territories on the renewal of the Overseas Association Decision, to try to ensure that Overseas Territory environment policy and funding needs are taken into account."
aa) UKOTCF recommends that HMG give more support to NGOs and others attempting to access EU funding for UKOT conservation work.	"Continue to engage... to try to ensure" does not sound like much of a promise.
ab) We recommend that a greater level of creativity be adopted by DFID for environmental funding in the UKOTs, especially given the primacy of the UKOTs in DFID's responsibilities.	DFID seems to regard the UKOTs as a distraction from its 'real' responsibilities.
ac) We recommend that HMG reviews its commitment to UKOTs in respect of EU matters and particularly its frequency and level of representation.	See comment on z above.
ad) UKOTCF recommends that HMG either meet the needs of UKOTs as part of UK or else uses its leverage as a funding body to modify the rules of operation of the international bodies so as to include UKOTs as eligible. Crown Dependencies also are excluded from most funding sources.	This is a critical issue for UKOTs – they are regarded as British by international funders but Britain's funding for conservation in the UKOTs is negligible.
ae) We recommend that a specific output of the upcoming White Paper is the production and implementation of a communications strategy, with necessary funding, involving government in partnership with civil society, both in the metropolitan UK and in the UKOTs.	Not referenced in the White Paper

Appendix 3: Some other points relating to the White Paper

Maps and geography

There are some problems with some maps in the White Paper. For example, it appears to include copies of the maps from the first (rather than the corrected) edition of the 1999 White Paper. As a consequence, the map for Anguilla on page 90 again includes French and Netherlands territory in St Martin and St Barthélemy as British (as extensions to Anguilla). In 1999, the FCO apologised to the French and Netherlands Governments for doing this and corrected the maps in the reprinted edition.

There are oddities too on the map of all UK Overseas Territories on p 10. This refers to the World Heritage Site (WHS) in Tristan da Cunha as only Gough Island, rather than Gough and Inaccessible Islands. It refers also to the WHS at Henderson Island, Pitcairn Islands, but not to the WHS in St George's, Bermuda.

It seems that some attention needs to be paid in the FCO both to corporate memory and mapping skills.

Constitutional Relationships

The White Paper brings together some useful words on constitutional relationships, *e.g.* “The UK, the Overseas Territories and the Crown Dependencies form one undivided Realm, which is distinct from the other States of which Her Majesty The Queen is monarch. Each Territory has its own Constitution and its own Government and has its own local laws. As a matter of constitutional law the UK Parliament has unlimited power to legislate for the Territories.” The document also notes the status of the Crown Dependencies. It is a pity that the opportunity was not taken to draw them more into this document which, although led by FCO (which does not lead for the Crown Dependencies), makes a point that all government departments are partners in it. For UKOTCF’s part, its work includes Crown Dependencies at their request, given the many parallels with UKOTs.

It is encouraging also that the White Paper recognises the reality that Tristan da Cunha, Ascension and St Helena are separate entities with separate governance systems and different situations, warranting separate chapters, despite FCO’s treating them (against the advice of some of its constitutional advisers) as one territory – thereby creating unnecessary problems in sourcing some external grants for environmental (and other) work.

It is also unfortunate, including for environmental conservation reasons, that the White Paper maintains the legal fiction that Ascension has no permanent population – and even that other legal fiction that the evicted inhabitants of BIOT were “contract workers”, rather than residents.

The White Paper recalls also (p 13) that “The reasonable assistance needs of the Territories are a first call on the UK’s international development budget.” This is not normally acknowledged, let alone shouted loudly, by DFID.

Shipwreck at Tristan da Cunha, and future disaster-handling arrangements by UK Government here and for other UKOTs

The White Paper notes (at p 71): “On 16 March 2011 the bulk carrier *MS Oliva* ran aground on Nightingale Island, Tristan da Cunha. Although no lives were lost, the vessel quickly broke up, releasing heavy fuel oil and its soya bean cargo. Nightingale is the home of internationally protected bird species, nearby Inaccessible Island is a World Heritage Site and both form part of the lobster fishing grounds on which the Territory depends. Faced with potential economic and ecological disaster the islanders showed exceptional resilience and cohesion as they worked together with professional teams in dealing with the aftermath. Tristan islanders were involved in rescuing and sheltering the ship’s crew and threw themselves into salvage efforts, the environmental clean-up operation and attempts to rehabilitate nearly 4000 oiled penguins rescued from the scene.”

UKOTCF fully shares in commending the islanders for their work. However, it must note the difficulty that it and other bodies have had in extracting any information from UK Government on the action that it is

taking against the ship-owners and the captain (who it will not even identify), what actions it is taking to monitor the impacts on wildlife or fisheries (the mainstay of Tristan's economy), or the lessons that it has learnt and actions to be taken to ensure more rapid and effective assistance to Tristan (and other UKOTs) for any future disasters.

World Heritage Sites

On p 75, the White Paper notes that "The Department for Culture, Media and Sport is responsible for the UK's compliance with the UNESCO World Heritage Convention, which the UK ratified in 1984. The UK currently has 25 World Heritage Sites: an additional three are in Overseas Territories: the Town of St George and related fortifications in Bermuda; Gough and Inaccessible Islands (Tristan da Cunha); and Henderson Island (Pitcairn).

"Every six years, the signatories to the Convention are invited to submit a report to UNESCO covering the state of conservation of the World Heritage properties located on its territories. The Department submits these on behalf of world heritage sites in the Overseas Territories and represents them at meetings of the World Heritage Committee.

"The Department is also responsible for nominating sites for world heritage status. Governments put forward new sites from a Tentative List of Future Nominations. Each Tentative List is expected to last for approximately ten years. Following a public consultation and review process, the Department announced the new UK Tentative List in March 2011. There were eleven sites on the list, three of them in Overseas Territories:

- Gorham's Cave Complex, Gibraltar – This complex is of international importance because of the long sequence of occupation and the evidence for the end of Neanderthal humans, and the arrival of modern humans.
- The Island of St Helena – This site has a high number of endemic species and genera and a range of habitats, from cloud forest to desert, representing a biome of great age which exists nowhere else on earth.
- Turks and Caicos Islands – The islands have a high number of endemic species and others of international importance, partially dependent on the conditions created by the oldest established salt-pan development in the Caribbean.

"The Expert Panel that reviewed the List also suggested that the Fountain Cavern in Anguilla could be considered for the UK Tentative List in the future as part of a possible transnational nomination."

The White Paper does not, however, report that UK Government officials put huge and improper pressure on bodies in the UKOTs to withdraw their nominations for sites in the UKOTs. This took place before, during and even after the recommendations of the Expert Panel had been made.

The case of Gibraltar and environmental implications of other chapters of the White Paper

Whilst we have concentrated particularly on the Environment section of the White Paper, there are (as we noted in the Summary) implications for the environment among the other chapters. A good example of this relates to Gibraltar, which receives several specific mentions throughout the text. But let us look at some of the commitments that are clearly relevant to Gibraltar and are now already supposedly in place – but that are not perhaps reflected in reality:

P 14: "Defence and Security: the UK is committed to defend the Territories."

"International Support: the UK is responsible for the external relations of the Territories and uses its diplomatic resources and influence to promote their interests."

P 22: "We will continue to maintain an independent ability to defend the Territories – including their territorial waters and airspace – from any external security threats they may face."

"We will also ensure that the Territories are able to trade, to exploit their natural resources... free from undue external interference."

"The Royal Navy is tasked with... upholding the sovereignty of British Gibraltar Territorial Waters."

- P 48: “economic activity, including tourism and fisheries is managed in a way that is consistent with the long term sustainable use of the natural environment, including over-exploitation.”
- P 88: “Conclusion ... We are defending robustly Territories which face external threats.”

It is strange therefore that, despite regular incursions by Spanish fishing boats into British Gibraltar Territorial Waters (BGTW) in clear breach of Gibraltar legislation dating from 1991, no boats have been intercepted and arrested by either the Gibraltar marine police or the Royal Navy in recent times. Further, while the Royal Navy may rely on a defence that they do not undertake fisheries protection duties (unlike elsewhere in the world) and their only concern is maintaining the integrity of sovereign waters i.e. BGTW, then that still does explain why armed Spanish Guardia Civil boats accompanying the Spanish boats are not tackled when they are clearly not using the waters for navigation purposes. During July 2012, Guardia Civil boats fired rubber bullets at a Gibraltar registered boat within BGTW. One is entitled to ask why these infractions are allowed to go ahead with little if any interference. While the regulation of fisheries and environmental issues are the responsibility of the Gibraltar Government, the police operate entirely independently, reporting to an independent police authority except for decisions on operational matters; the Royal Navy reports to the British Government through the Governor and Ministry of Defence; and the external relationship with Spain is the responsibility of the British government operated through the authority of the Governor. The Government of Gibraltar is seeking to manage its natural resources sustainably, as is the desired outcome expressed in the White Paper, but is being thwarted by the illegal fishing activities of Spanish boats. It would normally be assumed that the role of Governor, and of the UK Foreign and Commonwealth Office, would be to ensure the best interests of Gibraltar and its citizens – which in this case would be to put in place measures to stop this illegal activity. Strangely, the exact opposite appears to be the case, with the UK government putting enormous pressure on the Gibraltar Government to allow this illegal fishing. The role of the Governor seems to have switched from looking after Gibraltar’s interests to that of not upsetting the Government of Spain. This certainly seems at odds with the content of the White Paper.

Appendix 4: UKOTCF work and achievements

The UK Overseas Territories Conservation Forum (UKOTCF)

- was created in 1987 and formally constituted as a charitable company in 1996
- brings together, as its Members and Associates, 26 conservation and science bodies in the UK Overseas Territories (UKOTs) & Crown Dependencies (CDs) and seven supporting ones in the UK, as well as a wider network of specialist volunteers
- advises and works with governments and non-governmental organisations (NGOs) in the UK, the UKOTs and CDs
- provides expert advice on environmental and related issues, and acts as a coordinating link for voluntary organisations, some governmental bodies and individuals with special interests in the UKOTs/CDs
- helps to build capacity in local conservation bodies, having worked with local people to establish conservation NGOs where these were needed but lacking
- works with NGOs and governmental bodies to assess needs, identify strategies and find funding for conservation activities
- manages or co-manages conservation projects in the UKOTs/CDs
- maintains an on-line database on the natural history of, and conservation activities in, the UKOTs/CDs
- produces the newsletter *Forum News*, and other publications
- organises specialist volunteer support for UKOTs
- as a non-profit organisation drawing largely on the efforts of highly skilled volunteers, operates in a very cost-effective way.

Activities and Achievements

The Forum's activities have greatly expanded over the years, in response to requests from the UKOTs and CDs for assistance. Some examples of UKOTCF's work include:

Getting things started

- In 1987, published *Fragments of Paradise* which pulled together, for the first time, the scattered information on the natural history of the Territories and to find out where the responsibility lay for conservation within the UK and local Governments.
- In 1994-5, conducted a *Conservation Review*, through a process of extensive consultation with its UKOT partners. This document outlined the priority needs for implementation of practical conservation measures in each Overseas Territory, for Forum partner organisations and for UKOTCF itself. This has been incorporated into the Forum's on-line database, allowing UKOT partners to update it, and to incorporate the functionally similar aspects of Environment Charter strategies.

Developing capacity and sharing skills and experience

- **Brings together** conservationists, UK representatives of UKOT governments, non-profits, local groups, former governors, scientists and others with an interest in regional working groups (for the Wider Caribbean, Southern Oceans and Europe Territories) to discuss current issues. These working groups monitor progress and problems, and ensure that help is found and directed where needed. Some of the current issues include: development in one of the few remaining important habitats on Bermuda; correcting absence of UKOTs from important regional activities such as the Caribbean Challenge Initiative for the protection of marine and coastal resources and ecosystems in the Caribbean.
- Worked with local people to help **establish conservation NGOs** in those Territories previously lacking them.

- Supports **capacity building** in local NGOs (and some government bodies), through facilitation of strategic planning, deployment of specialist volunteers and other activities.
 - Provides for **exchange of experience, information and skills** between UK Overseas Territories, Britain and others, including by means of:
 - The regional working groups and their online newsletters;
 - Newsletter *Forum News*, circulated worldwide in print twice yearly, and to a wider audience on-line; Annual Reports; newsletters on projects and other publications;
 - workshops and conferences to provide training, explore partnerships and collaborations between conservationists working in Britain and in its overseas territories, including:
 - ~ *A Breath of Fresh Air* (London 1999), organised jointly with the FCO
 - ~ *Linking the Fragments of Paradise* (Gibraltar 2000), with the Gibraltar Government and NGOs
 - ~ *A Sense of Direction* (Bermuda 2003), with the Bermuda Government and NGOs
 - ~ *Biodiversity that Matters* (Jersey 2006), with the Jersey Government and NGOs
 - ~ *Making the Right Connections* (Grand Cayman 2009) with the Cayman Islands Government and NGOs
- The Gibraltar, Bermuda, Jersey and Cayman conference proceedings are available on our website (www.ukotcf.org).
- As reported by both NGO and government personnel from UKOTs, UKOTCF has been very effective in **promoting previously rare links (including transfer of skills and joint working) between UKOTs/CDs**. One example is expertise developed with the National Trust for the Cayman Islands in habitat mapping being put to use in the Turks & Caicos Islands.
 - **Helps coordinate the resources** of its member organisations in Britain and others to work with UKOT partners, in a similar role to UKOTCF's own personnel. The UK member organisations devote varying proportions of their resources to support the UKOTs, often involving specialist staff volunteers, and these are much valued. The examples listed here do not include the many initiatives led by UKOTCF member organisations, but facilitated by UKOTCF.
 - Operates a developing **volunteer programme**, which matches skilled volunteers with the needs of our partners in the UKOTs. For example, in summer 2012, a student from the University of Essex will be assisting the Akrotiri Environmental Education and Information Centre in the UK Sovereign Base Areas of Cyprus, with surveys, removal of invasive species and management of the protected area. This follows earlier examples in other UKOTs involving volunteers skilled in ecology, conservation, education, construction, information technology, amongst others.

Fulfilling international commitments and identifying conservation needs

- Analysed, consulted on, and published in 2005 a **comprehensive review of existing and potential Wetlands of International Importance** (under the Ramsar Convention) in the UKOTs/CDs, at the request of the UK and local UKOT Governments.
- Reviewed the implementation of the **Convention on Biological Diversity** in UKOTs/CDs, to note achievements and draw attention to areas needing further work.
- Developed with others the concept of what became the **Environment Charters**, setting out the basic principles required for good environmental management and to fulfil international commitments. The Charters, signed in September 2001 between the Governments of the UK and individual UKOTs, record commitments by both parties and provide a framework for developing locally-tailored strategies for action.
- Facilitated local stake-holders in the Turks & Caicos Islands (2002/3), and then St Helena (2004/5), to develop a **strategy for action to implement their Environment Charters**, these serving as pilots for

the other UK Overseas Territories), and continues to work with several UKOT governments and NGOs to help implement their Charters.

- At the request of UK Government and many UKOT bodies, developed an on-going system for **monitoring progress** in Environment Charter implementation, with a first report published in 2007 and a second in 2009.

Environmental education

- Designed and coordinated since 2009 the ‘Wonderful Water’ project’, a programme for developing a **curriculum and courses**, in partnership with the Turks & Caicos Islands (TCI) Department of Education. This project has been successful in focusing teachers and other stakeholder efforts to bring global issues, particularly wise water-use and sustainable management of natural resources, into the classroom. UKOTCF has received requests to expand this project in TCI and other UKOTs.
- **Developed web “virtual tours” of the UK’s overseas territories** including unique species and habitats and threats to their continued existence. This project increases the awareness in Britain and in other UKOTs of each UK Overseas Territory and Crown Dependency.
- **Established a set of environmental education modules on the Forum’s website** to meet the request of member organisations and students at the Jersey conference, including the virtual tours and a database of teaching courses, which might be modifiable for other territories, thereby reducing costs and duplication.
- **Supported associate organisation in territory to produce, and later update an environmental education curriculum programme:** *Our Land, Our Sea, Our People*, acknowledged by the TCI Departments of Education and for Environment & Coastal Resources to be a valuable contribution to the primary school curriculum.
- **Helped produce an educational video/DVD** and support pack aimed at teenage school students in UKOTs, an output of the *Breath of Fresh Air* meeting, which has been widely distributed and used.

Some of the other conservation projects

- In 2012, **facilitating technical discussions between Gibraltar and Spanish fishermen**, and advising the Government of Gibraltar over management of its marine resources.
- Led in the proposal and co-ordination of the EU-supported **project, Sustainable Management: Management of Protected Areas to Support Sustainable Economies (MPASSE)**. The other partners in the project are National Trust for the Cayman Islands, Turks & Caicos National Trust and the National Parks Trust for the [British] Virgin Islands. UKOTCF continues in an advisory and monitoring role.
- Project partner for UK territories in the EU-supported project, ***Networking tropical and subtropical Biodiversity research in OuterMost regions and territories of Europe in support of sustainable development (Net-BIOME)***, securing funding for biodiversity research. The other partners in the project were the governments of the Overseas Territories and Outermost Regions of other EU member states.
- **Developed, and initiated, a biodiversity management plan around a major protected wetland site** in the Turks & Caicos Islands, working with local partners. This included conducting baseline biodiversity assessment of target habitats (tropical dry forest, wetland, cave systems – designated Ramsar sites), local training, the drafting of a management plan – and then designing and opening nature trails and an interpretative centre, including production of trail guide-booklets, training local people as guides, and helping local small businesses using this natural resource sustainably.
- **Conducted breeding seabird counts on the isolated outer cays** of the Caicos and Turks Banks. These established the area as Important Bird Areas (surveys conducted 2002 & 2011).

Influencing policy development

- **Reminds the UK Government of its responsibilities** to the UKOTs/CDs under Multilateral Environmental Agreements (MEAs, including International Conventions) through formal consultations, informal discussions and other means.
- **Provides evidence to Parliamentary Select Committee inquiries**, including the House of Commons Environmental Audit Committee inquiry, in April 2008, into Halting Biodiversity Loss. Its report, published in November 2008, drew heavily on UKOTCF's submission, and identified areas where the UK Government needed to adapt its approach.
- Several years of lobbying and, more recently, evidence from UKOTCF to UK Parliamentary Select Committees resulted in the UK Department of Environment, Food & Rural Affairs (DEFRA) taking greater responsibility for conserving the globally important biodiversity of the UKOTs in 2009. DEFRA earmarked part of its Darwin Initiative funding specifically for UKOTs and, in the short term, has provided extra resources to its agency, JNCC, to spend on UKOT environmental matters (although the former funding is threatened in 2012 – see main report – and the latter was used without consulting or involving NGOs).
- UKOTCF is neutral in respect of political parties, and so briefs all. It appears that briefing (while the parties were in opposition) has had some benefits in bringing wider recognition in the present UK Coalition Government as to the nature of UKOTs.
- Both Netherlands and French OT personnel have explored with UKOTCF the applicability of similar models to UKOTCF in their countries. **UKOTCF and its partners for French and Netherlands territories are now collaborating via *Bioverseas*** and other initiatives. This partnership originally suggested to the European Commission's Environment Directorate-General the idea that has become *BEST*. This is the experimental programme that, if Overseas Countries & Territories voluntarily adopt protected area approaches inspired by the European Union's *Natura 2000* scheme, the EU offers some grant support.
- Is exploring the opening up of UK National Lottery funding to the UKOTs.

Raising awareness of the UKOTs/CDs and their biodiversity

- Developed **one of the principal and most widely used sources of information** on UKOTs/CDs - the Forum's website (www.ukotcf.org). An interrogatable database was incorporated in response to requests from the Territories, designed so that information can be added and updated by partner organisations. The database modules help to track critical sites (and common issues across sites), conservation priorities, projects within the UKOTs/CDs, environmental education resources and other information on a wide variety of subjects.
- Uses **a series of display boards** *Promoting Biodiversity Conservation in the UK's Overseas Territories* supported by FCO and NGOs. These have been exhibited at various locations in the UK and UKOTs, as well as at international meetings and events, resulting in viewing by several thousand people. A booklet version is circulated widely and can also be downloaded from the Forum's website (www.ukotcf.org).
- Promoted the UKOTs through an exhibit and lectures at the annual British Bird Fair, bringing together 30,000 bird enthusiasts over one weekend in August.

Some previous roles

- **Facilitated participation** of UKOT representatives as part of the national delegations (or as observers) at Conferences of Parties to MEAs such as the Ramsar Convention, and promoted the interests of partners in the UKOTs/CDs at other international meetings.

- For 20 years, arranged and jointly chaired twice-yearly meetings to **resolve issues and develop collaboration** between UK Government departments with responsibilities in the UKOTs/CDs, representatives of those Territories, and conservation NGOs – until unilaterally ended by FCO in 2007.
- Worked with the UK Government to develop **new funding sources** or improve access of the UKOTs to existing funding mechanisms. In doing so, UKOTCF has:
 - Worked with the Foreign and Commonwealth Office (FCO) to create the Environmental Fund for Overseas Territories (EFOT), and subsequently with FCO and the Department for International Development (DFID) to create the **Overseas Territories Environment Programme (OTEP)**. The Forum advised on the development of the programme, which funded projects throughout the UKOTs, until UK Government terminated the programme without consultation.
 - Helped UKOTs apply successfully for funds under the **Darwin Initiative**, resulting in projects being funded in most Territories.

In all its actions, UKOTCF is guided by its UKOT Member and Associate bodies and other partners.

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