

**MINUTES OF THE ISLAND COUNCIL (AIC)
MEETING HELD AT THE COURT HOUSE,
Thursday, 22nd October 2015 at 09.30 hrs**

Present: (by telephone) HE Governor, Mark Capes
Marc Holland, Administrator
Walter Scott, Solicitor General
Jamie Manson, Director of Resources
Councillor Keturah George
Councillor Cyril Leo
Councillor Nicholas John
Councillor Larry Poultney
Councillor Samantha Arms-Lawrence
Councillor Jacqueline Ellick

In attendance: Judith Brown, Fisheries Director
Emma Stroud, Assistant Clerk of Council

Apologies: Councillor Caroline Yon (on leave)

1. Introductory Remarks

The Administrator welcomed the Governor who was attending the meeting by telephone. He informed him that Ben Merrick, Deputy Director for the Overseas Territories, FCO, would be observing the meeting from the public gallery. Mr Merrick had arrived on the morning flight for a two day visit.

Councillor Poultney would also join the meeting shortly; he too had arrived on the morning flight. Councillor Yon was unable to attend the meeting, however, the Director of Fisheries (DoF) had received a message from her that would be read out during the meeting.

The Governor thanked Councillors for their input and hard work relating to the fisheries and said he looked forward to hearing their views.

2. Fishery - The Island Council's response to Minister Shapps' letter and advice from the UK Government (Annex A)

The Administrator invited Councillors to give their response to Minister Shapps' letter individually.

Councillor George started and advised that Councillors had considered the proposals by NGOs and studied the Cefas report over ten months and had come to the decision that the most responsible choice would be the one that would benefit Ascension the most. Councillor George advised that having read Minister Shapps' letter, she remained confident that a full fishery was the way forward for Ascension, as this would bring in much needed revenue for the island. She went on to say that the historic fishery had brought in a large percentage of the island's budget and solutions as to how to replace this lost revenue had not been provided. Her main concern was that the island would be left without long-term financial viability, should funding cease after three years.

The DoF read Councillor Yon's message to the group.

'My thoughts remain the same; we cannot commit to 50% no take and risk losing revenue from the fishery by doing so. Equally there is no long term funding beyond three years on offer. There is also as yet no indication of a substantial movement on the development of the island to allow

the revenue to be raised by other means such as tourism, eco or otherwise. My view is that we need to put strategies in place to cover future potential liabilities before we put ourselves at risk.'

The Administrator commented that this message was consistent with Councillor Yon's approach to date.

Councillor Ellick said that she agreed with Councillor George and Councillor Yon and that she supported a full fishery. She explained that she was concerned that the island would be left with financial liabilities should the 50% Marine Protected Area (MPA) option be adopted.

Councillor Arms-Lawrence echoed the views of her fellow Councillors and that she too was in support of a full fishery.

Councillor John also voiced support for a full fishery. He commented that agreeing to any form of MPA could result in another Bahamas Agreement with the UK Government, suppressing any progress for the island. He felt that it would be an error of judgement should the UK Government insist on a 50% no take zone.

Councillor Leo's overall opinion of Minister Shapps' letter was that he was trying to reach common ground. He said that Council had the opportunity to influence important decisions that would decide the future of the 200 nautical mile (nm) Exclusive Fishing Zone (EFZ) around Ascension and that they couldn't allow Ascension's EFZ to continue being plundered at will by foreign fishing ships. Considering all arguments, he had come to the conclusion that supporting both an MPA and fishery would fulfil both international and local responsibilities. However, the implementation of an MPA, without first securing long term financial guarantees to fund it, was not in the long term best interests of the taxpayers of Ascension. He advised that until he was convinced otherwise, he would support a full fishery for Ascension. He submitted a separate document with his position on an MPA. He said that he believed the Island Council, UK Government and NGOs could find common ground and reach agreement for both a fishery and an internationally recognised MPA for Ascension.

Councillor Poultney said that it was evident, after receiving reports and information, that fishing was sustainable and that regulating and issuing of licences would reinforce this. He agreed that a full fishery should be opened.

The Administrator summarised Councillors views; four of the five Councillors present were in support of a full fishery. Councillor Yon's statement also indicated that she was in favour of a full fishery. Councillor Leo's position was a new one that involved him seeing the benefits of a mixed approach; Councillor Leo was in favour of a full fishery on the economic grounds, although his long term aim would be a combination of an MPA and a fishery.

Councillor Leo advised that he wasn't completely against a full fishery; however he had an alternative proposal for Council and the UK Government to consider, in the hope of reaching common ground. He directed his colleagues' attention to the sketch he had provided to go alongside his proposal. The DoF estimated that the area of MPA proposed represented approximately 30%. Councillor Leo anticipated that a 30% MPA would keep Ministers and NGOs appeased, which would be in the best interest of Ascension. He explained that implementing a smaller MPA at the outset would mean that the cost of a licence would be similar to the cost of a licence for a full fishery. He felt that the introduction of an MPA at a later date would result in the licence fees being reduced resulting in the fishery bringing in less income.

The Governor thanked Councillor Leo and told him that he appreciated his input. He said that he understood that Councillors' overall sentiment was for a full fishery, for the reasons set out that morning and during previous meetings. He said that he accepted Council's advice and would convey their wish to enable a full fishery to London. He told Councillors that he anticipated that

he would receive instruction from the UK Government, enforcing a 50% MPA as set out in paragraph 3 of Minister Shapps' letter.

Councillors acknowledged this and understood the possible outcome.

The Governor once again thanked Councillors for their contribution and said that he valued the role of Council on Ascension.

The Administrator asked the DoF to prepare a short note for the Governor to submit to the UK Government.

3. Legislation

Councillors had previously discussed the proposal to improve legislation. The DoF said that this legislation had also been discussed with the Attorney General, FCO and their legal advisors. She explained that the legislation was based on a model legislation document that had been provided by FCO and adapted for Ascension. This legislation was also successfully used in the South Georgia Fisheries. She noted that FCO had emailed her their agreement with the updated legislation as proposed.

The DoF advised that it was vital to have legislation in place, regardless of the size of the fishery. The legislation alleviates issues that were highlighted with the historical fishery, with improved licencing conditions to go alongside. This combination would improve the credibility of the fishery and show that Ascension was committed to having a well-managed fishery. This would also form the framework under which an inshore fishery Order would sit, which would be put to Council after they have had the opportunity to consult with the Inshore Advisory Committee (a meeting which the DoF would arrange).

Two minor changes to the legislation were pointed out; section 4 (2) Administrator changed to Governor; and section 6 (3) Ascension Island Government Vessel Monitoring System changed to Vessel Monitoring System nominated by Ascension Island Government.

Councillor Leo asked whether the legislation would be enacted. The Solicitor General advised that it was for Council to recommend to the Governor that the legislation be enacted. Councillor Leo felt that recommending the legislation would contradict his previous comments. The DoF explained that the size of the fishery was not specified in the legislation but would be included in the licencing conditions. The Solicitor General said that it was right that enacting the legislation would also mean accepting the licencing documents; however, Councillor Leo should make it clear that he was not in favour of the licencing documents. He further explained that the licencing conditions would be amended should an instruction be received from London.

Councillors took a vote on the legislation, orders and licencing documents.

- i. The Fisheries (Conservation and Management) Ordinance, 2015

All six Councillors voted to recommend the ordinance to the Governor for enactment.

- ii. Fishery Limits (Licencing of Fishing) (Offshore Zone) Order, 2015

All six Councillors voted to recommend the order to the Governor for enactment.

- iii. The Fishery Limits (Licencing of Transshipment) Order, 2015

All six Councillors voted to recommend the order to the Governor for enactment.

- iv. Fishing Licence Application Form and supplementary document

Councillor Leo voted against recommending the policy documentation to the Governor for enactment. The remaining five Councillors voted to recommend the policy documentation to the Governor for enactment.

The Governor thanked Councillors and the DoF for their individual contributions, continuous commitment and hard work which had allowed a conclusion to be reached. He told them that he would be in touch with them as soon as he received a response from London.

The Administrator suggested that next formal Council meeting would take place whilst the Governor was on island in November.

There was no other business and the meeting came to a close.

Emma Stroud
Assistant Clerk of Council

15 October 2015

Mark Capes
Governor
St Helena, Ascension and Tristan da Cunha



Foreign &
Commonwealth
Office

King Charles Street
London SW1A 2AH

Dear Governor,

1. Oliver Letwin and I have discussed the issues surrounding the reopening of a fishery around Ascension Island. We would be content for a sustainable commercial fishery to operate around the Island which, if managed effectively, could make an important contribution to the Island's economy. However, it is crucial that the criticism levelled at the fishery that led to its suspension has been properly addressed. In particular, the licensing and regulating conditions of a re-opened fishery must meet stringent international standards, and appropriate monitoring and enforcement must be in place. I understand that the proposed new licensing conditions have addressed many of the previous concerns, so much so that the fishery could be among the best managed in the world. This is excellent news and it is vital that these high standards are maintained. Any fishery would therefore need to be reviewed annually to ensure it continues to lead the way in implementing measures that mitigate impacts on the Island's internationally important biodiversity.
2. Ascension was highlighted as critical to the future well-being of the world's oceans at the 'Eye on the Earth' global summit earlier this year, which provides further proof that the Government's commitment to protecting the marine environments across the OTs is well founded. We gave specific mention to Ascension Island in our manifesto commitments, and to the establishment of an MPA to conserve this important area.
3. We have listened to the views of the AIG in taking this forward and would be in favour of achieving a balance between a sustainable fishery and large MPA to meet this commitment. In light of that, I would only be content to allow a re-opened fishery to operate in no more than 50% of Ascension's total EEZ for at least the coming two years. Further discussion would need to be had as to the precise shape of this area, but it should encompass the protected areas you have already proposed. During the next two years, we would then ask you to consider further the precise location of a final MPA, with a view to a formal designation being made in 2017.

4. I recognise the need to ensure enforcement costs for a fishery are met. Oliver Letwin has accordingly secured agreement from the Chancellor for £300,000 per annum to be used to pay for enforcement. This funding would cover the period of the Spending Review, from 2016/2017 until 2019/2020. The Blue Marine Foundation has told us that they are prepared to fund enforcement for the 2015/2016 financial year (and make some contribution also to 2016/2017). As part of this they are likely to want to understand how that money would be spent. We would also want to see some of the HMG money allocated being used to fund further marine research to identify the optimal location for the final MPA.
5. I appreciate you will want to consider this proposal carefully, and to work out in detail what you would need to apply to the Blue Marine Foundation to fund. I hope however that we can move swiftly towards an agreement.
6. At the point of designation of the final proposed MPA, we would, of course, need to consider the longer term funding model, to ensure Ascension is not left with costs it cannot meet. I have asked Oliver Letwin for his support on this matter and he agrees.
7. I would also like to take this opportunity to reassure Councillors that work on the wider issues they outlined in their letter to Mr Duddridge of 13 May continues, as indicated by the recent progress made on the airlink between St Helena and Ascension.



The Rt Hon Grant Shapps MP
Minister of State