

**MINUTES OF THE ISLAND COUNCIL (AIC)**  
**MEETING HELD AT THE COURT HOUSE,**  
**Friday, 30<sup>th</sup> October 2015 at 14.00 hrs**

Present: (by telephone) Deputy Governor, Sean Burns  
Marc Holland, Administrator  
Walter Scott, Solicitor General  
Jamie Manson, Director of Resources  
Councillor Cyril Leo  
Councillor Nicholas John  
Councillor Larry Poultney  
Councillor Samantha Arms-Lawrence  
Councillor Jacqueline Ellick  
Councillor Caroline Yon

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

Apologies: Councillor Keturah George

**1. Introductory Remarks**

The Administrator welcomed the Deputy Governor and gave a brief overview of the meeting.

The Deputy Governor informed the group that the Attorney General was unable to attend the meeting as she was in Court.

**2. Letter of Instruction from Minister Shapps to the Governor**

The Governor had shared the letter of instruction from Minister Shapps with the Council. It made clear the UK Government's stance on having a Marine Protected Area (MPA) around Ascension and not permitting more than 50% fishery in the Exclusive Fishing Zone (EFZ). Councillors were invited to give comment on the letter.

Council also had sight of the draft reply from the Governor to Minister Shapps, which they could comment on as well.

Councillor Yon referred to paragraph two of Minister Shapps' letter, which stated that the UK Government wished to seek the views of the local community. The Council had made their views clear for the past twelve months and she wondered whether the UK Government would continue to seek the view of the local community until that view resembled theirs. The Administrator had discussed this issue with Mr Letwin, who advised that consultation would be on the size and shape of the MPA and not on the principle. Councillor Yon felt that the UK Government never intended on opening a full fishery and that this should have been made clear at the 2014 Joint Ministerial Council (JMC). Instead, Council had wasted a year debating a decision that was never its decision to make.

Councillor John questioned why the letter didn't give reasons for the UK Government going against Council's advice and whether they thought Council had acted unconstitutionally. He felt that Council was being dictated to and that NGOs were running Council. The Solicitor General (SG) advised that it was not the Secretary of State's position to decide whether Council had acted wrongly. He explained that the FCO never considered the actions of the Island Council to be anything but constitutional, within its statutory powers and reflective of good governance. The UK Government had unsuccessfully tried to work with and persuade the Island Council to see their political agenda and political needs. The Ascension Constitution allows the UK Government

to enforce their views and there is stated case law that permits the UK Government to put their own interests ahead of the Overseas Territories' (OTs), when making directions and instructions. The SG questioned whether Councillors wanted to reflect the conflict between the Island Council's view and the Minister's instruction within the drafted response letter, which currently didn't reflect this.

Councillor John felt that the letter of instruction was not sufficiently detailed. Council should have been given a reason why their model wasn't accepted. The SG confirmed that the previous letter gave more detail as to why a 50/50 approach would work better. Councillor John's overall opinion was that the UK Government was being led by the NGOs and not acting in the best interest of the OTs.

Councillor Yon accepted that the UK Government had an obligation to meet commitments in its manifesto, but said that those commitments were made and published without first consulting the OTs and investigating the potential consequences of these commitments.

Councillor John worried that post-2016 access was still uncertain and that they were giving away the Island's only bargaining chip.

The Administrator assured that the instruction would give some security for future years should Ascension be left with the financial liability as it showed where the decision was made. The UK Government was in a position that meant they couldn't forget Ascension in a few years' time; it would not be popular with the media and NGOs should the UK Government suddenly abandon Ascension.

Councillor Yon said that NGOs had tried to sell an MPA as a hook to bring in tourism, but tourists couldn't be brought in to any extent that would make any significant revenue because of the way the island was currently set up and governed. Council had asked for help and there had been no movement from the UK Government to redress this significantly. This was going to be the long-term challenge for Ascension.

The Administrator advised that there had been discussions about the 'Future of Ascension', although currently only within the UK Government at this stage, he felt reasonably satisfied that they were being conducted in good faith. There were no solutions as yet, but preliminary work would be completed in readiness of the JMC. He advised that Councillor Yon and Councillor Ellick would be able to ask about this work when they meet the Minister at the JMC and that they would be within their rights to question where lost revenue from the fishery would come from. He added that Ascension's future was on the agenda in London in a way that it hadn't been for a number of years.

Councillor Poultney conveyed the following message to Council.

*'By the due democratic process, all the Councillors around this table have been voted in by members of the Ascension Island Community who have placed their faith and trust in us, and have a desire for the Island Councillors to make decisions, and advise Government for the good and benefit of the Island and its community.'*

*The action taken by the Right Honourable Grant Shapps MP Minister of State, to support his party's manifesto, highlighted as the Governor received a reply to our decisions in under 24 hours, has had the effect of reducing the capability of Council to make sound decisions in favour of the Island and the community.'*

*Taking this attitude is in my opinion not an acceptable action to take to small struggling overseas communities such as ours.'*

*Initially my reaction was one of anger, especially when taking into account the vast amount of time and debate, we as a group have put into arriving at our final decision. Which, I wish to remind all was not taken lightly.*

*My thoughts were in turmoil and I seriously considered resigning from Council as a protest action, but my Army background where I have never walked away from anything influenced my thoughts, and in this case reversed my decision and I have decided to stay, and have certainly not changed my stance on this subject matter.*

*I was on the Council which was having serious funding issues and hovering exceptionally close to bankruptcy, due to the MOD refusing to pay its due legal taxes for over 7 years, and interestingly to note which no assistance or interest was shown by the UK Government. However after some 18 months of hard work the problem was eventually resolved and the MOD forced to pay up. But leading up to that point very difficult decisions had to be arrived at by Council resulting in Islanders losing their livelihood, jobs and having to be repatriated as cost saving measures, as I have stated this was all happening with no external assistance from the UK Government.*

*My major fear on the decision taken by the Rt Hon Grant Shapps is there is a risk it will steer us back in that direction when the alleged funding, which has far too many caveats attached to it anyway, runs out and disappears in around 3 to 4 years' time, resulting in serious Government funding issues. Has the Rt Hon gentleman researched his decision, due to the extremely rapid reply, I would suggest not.'*

Councillor Poultney reiterated Councillor Yon's point on issues involving tourism and added that the movement of tourists on the island was practically banned because of the Bahamas Agreement.

The Administrator said it was important that Council had a chance to express their views about the instruction and that their views would be made known to London and relayed to the JMC.

### **3. Closed Area Zone**

#### **i. Proposed closed area to fishing**

Council were asked to consider the proposed shape of the closed area, which was a straight line directly across 8 degrees south. Everything south of 8 degrees would be closed which would include the three seamounts. The DoF explained the reasons for the proposal and that a 50 nautical mile (nm) ring around the island would also be included to provide protection for the inner reef species and potentially local semi-resident tuna populations. The overall percentage of closed area would be 52.5%. She told Council that Jonathan Hall had queried whether Council would consider extending the closed area by an extra 6333km<sup>2</sup> because it would make a nice strap line as it would then be the same size as the UK.

Councillor Yon said that Jonathan Hall's query was an example of another concern that she had, her personal wish would be to put an end to long line fishing and that she was not a supporter of long line fishing vessels. However, as a Councillor and an elected representative she had put aside her personal feelings to make decisions that were in the best interest of Ascension. She felt that the instruction from the UK Government and particularly Mr Hall's comment illustrated that they didn't care what 50% was declared closed, as long as they had a physical area that they could put to the media. She felt that there was no real desire to protect the environment and that there was no thought, scientific research or reasoning behind having a closed area.

The DoF advised that a percentage of the money funded from the UK Government and Blue Marine would be used on scientific research so that some scientific justification could be gathered to determine the final shape of the MPA (currently just a closed area).

Councillor Yon wondered what would happen should evidence show there is nothing of high value in the proposed area. She said that NGOs would then want to start closing areas in the last remaining 47.5% of the EFZ and questioned who was going to fund revenue losses and protection should this happen. She concluded that she couldn't agree or disagree with the proposed closed area.

The Administrator advised that it hadn't been easy deciding on the proposed shape. Having a larger ring around the island was self-explanatory and the best option but this would deplete any income and be extremely difficult to fish. The aim was to choose an area that would leave open an area that would produce as much income as possible, whilst closing an area which would protect the more vulnerable areas ie a 50nm inner ring around the island and the area around the seamounts.

The DoF further explained that the proposed area was based on the historic fishery and that it was chosen as it would bring in the best income.

The SG stated that it was Council's right to advise what 47% was opened for the fishery.

Councillor Yon wanted it on record that Council were being instructed on the back of a manifesto and that the way the instruction had been given didn't demonstrate any commitment to serious environmental protection. She appreciated that the closed area was going to happen but couldn't support it.

Councillor Ellick asked whether the fishery could be opened without accepting the funding. The DoF said that it could, but accepting funding would mean any revenue generated would be profit. The funding would also pay for the enforcement costs which were necessary regardless of the size and shape of any closed area.

The DoR advised that financially AIG needed to accept and make the most of the money that was forthcoming from the NGOs. This would bide time over the years to come up with a model that worked for Ascension as well as the UK Government. He advised that accepting the £300K would offset some of the costs and help generate more income.

The DoF had spoken to Blue Marine regarding the intended expenditure of monies. She would also draft a MOU which would be circulated to Council.

The DoF advised that she had been talking to funders and was trying to secure funding before December as funding was needed as soon as the fishery was opened. She would start issuing applications the following Monday, with the expectation that the legislation would be signed off in two to three weeks.

Councillors took a vote on the shape of the closed area.

**5 councillors abstained from voting.**

Before casting his vote, Councillor Leo conveyed the following message to Council.

*'Deputy Governor,*

*I firmly believe that integrity and trust are crucial to the on-going partnership between the United Kingdom and Ascension as set out in Chapter 2 of the Ascension Island Constitution.*

*In his letter to the Governor dated 15 October 2015, the Minister of State provided a direction to find common ground on a MPA and a fishery for Ascension. It is absolutely important that*

*Councillors send a clear message to the Minister that we can never be expected to rubber-stamp and commit the taxpayers of Ascension to any financial liabilities of a MPA. Therefore, at the last formal Council meeting, all elected members were against immediately establishing the 50% closed area as stipulated by the Minister in his letter. Through democratic process, the majority of the Councillors officially voted to reopen a well-managed, 100% fishery.*

*The Minister, in turn, issued a prepared instruction to His Excellency Governor Capes; instructing the Governor to ensure that no fishing licences are issued in at least 50% of the Ascension EFZ. This overpowering of our fledgling democracy by the United Kingdom has been extremely disappointing for elected representatives and will be so for the electorate of Ascension.*

*Acting Governor, in the interests of restoring some confidence in the fragile democracy we have on Ascension and upholding good governance according to (a) (b) and (c) of the Partnership Values of the Ascension Constitution, please can you kindly request Governor Capes ask the Minister of State to consider withdrawing the instruction in favour of further discussions on MPA, fishery and other pressing matters that are of concern to Councillors.'*

Councillor Leo requested a delay on the instruction.

The SG clarified procedure for casting votes and advised that had it been anticipated Councillor Leo would request a delay, this would have been put to Councillors before they were asked to vote.

Councillor Leo commented that the instruction had damaged democracy.

The SG worried that any further delay would jeopardise bids to seek interest for the fishing season. He suggested that Council proceed under the vote as this wouldn't necessarily derail a reversal of the instruction.

The Deputy Governor advised that a delay was unlikely and that there was little hope of reversing the instruction.

**Councillor Leo abstained from voting on the shape of the closed area.**

Councillors took a vote on the reopening of a 47.5% fishery.

**5 councillors voted in favour of the reopening of the 47.5% fishery. Councillor John abstained from voting.**

#### **ii. Updated Fishing Licence Application Form and Supplementary Documentation**

There had been a minor change to the language of the licencing agreement. Annual fee of £20K had been changed to licence fee. These would avoid the fee having to be decreased should someone purchase a licence later in the year. All six councillors were in favour of the changes.

Councillors were also happy for the DoF to continue correspondence with Blue Marine.

#### **4. Public Communications Strategy and Next Steps**

The DoF advised that although the decision reached was not Council's choice, it was good to give positive publicity for Ascension. The Administrator added that the next steps would be about getting the best deal for Ascension and to continue using the fishery as leverage to secure other priorities.

Having delivered their views regarding the fishery, Councillor Yon worried that Council would be perceived as inconsistent should they give good publicity for the decision made. She struggled to understand what deal would come out of this for Ascension.

The DoF said pushing FCO to provide funds for Ascension e.g. for major infrastructure projects (for example funding for roads had in recent years come through the EDF) was one way to get a good deal for Ascension. Councillor Yon said that this kind of funding would keep the island ticking over but wouldn't develop the island. The aim was to find alternative revenue streams in order for the island to generate a stable economy; she felt that this would be the best deal for Ascension.

The SG questioned whether Councillors preferred to present their own public statement that portrayed their views and opinions. Council would also approve the Government's notice which would have to be positive.

It was decided that a public statement would be drafted and circulated to Council for their approval before distribution to the public in the Islander newspaper.

The meeting drew to a close at 3.20pm.

**Emma Stroud**  
**Assistant Clerk of Council**