



The

Voice

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18th Annual Conference of the Attorneys General of the UK Overseas Territories

One of the hardships of being Attorney General is having to attend the annual conference that is held each year for the AG's of the UK Overseas Territories. As most of the participants at the conference are from the Caribbean Overseas Territories (Anguilla, Bermuda, BVI, Cayman, Montserrat, Turks and Caicos) the conference takes place on one of those islands. AG's from the Falkland Islands, St Helena and its dependencies, and Gibraltar are also invited to attend.

Importantly, the Conference is chaired by the Attorney General of England and Wales. And the current holder of that office, Baroness Scotland, chaired the most recent conference that was held in Anguilla at the end of May, and that was particularly appropriate given that she was born in the West Indies and is a member of the Antigua Bar.

The Conference, which lasted for 3 days, considered a number of topics including

- A briefing from the Director of the FCO Overseas Territories Department
- A briefing on Constitutional Reviews taking place in OT's, which included the coming into effect of the new Falkland Islands Constitution
- The difficulties of selecting impartial juries in criminal and civil trials in the OT's – the conference had a paper and a presentation from the Chief Justice of St Helena
- An update by each AG of relevant legal issues in their Territory over the preceding year
- An update given by the Regional Financial Adviser on the FCO's Financial Services Strategy and the implications of recent international developments affecting OT's financial services centres (of particular importance to OT's such as Cayman and Bermuda)
- Problems arising from crimes committed on OT and UK registered vessels
- The independence of the office of AG and connected issues
- Prison reform
- Criminal justice issues including alternatives to custodial sentences
- A judge's perspective on court discipline issues.

The Conference was also attended by representatives of the US Department of Justice, and the Canadian Department of Justice.

A visit was made to the Regional Law Revision Centre, which is based in Anguilla.

As well as the work sessions at the Conference, there were a number of official functions and dinners for the AG's to meet local politicians, lawyers, and others from Anguilla.

These gave an opportunity to see something of Anguilla itself, which is a beautiful place, but really struggling with the impact of the recession on its only real source of income, Tourism. Many of the tourists come from the US, and occupancy rates at the main hotels have plummeted to 30%. A number of hotels had simply shut for the season, and flagship developments are in severe financial difficulties. As a result, government revenues had also been significantly reduced, and the civil service was having its pay reduced by 10 – 15% to reflect this. It was hoped this was a temporary measure !

The Conference is a very valuable forum to attend, and the establishment and maintenance of links with those attending, particularly the AG of England and Wales, is particularly important.

The real downside is the travel involved in attending from the Falkland Islands. The route involved leaving on the LAN flight on Saturday, and travelling to Anguilla via Santiago, Miami and Puerto Rico, arriving in Anguilla on Monday afternoon. Entering the US at Miami at 5am is not the best way to start a day, but at least there are no queues at that time, and the Homeland Security person who processed my entry was actually very friendly and offered a number of suggestions (not many of them flattering) as to what the collective noun for a gathering of AG's might be !

Biosecurity in the Falkland Islands

The role of biosecurity in the Falkland Islands is to prevent the entry of unwanted pests and diseases that could be detrimental to the Islands' economy, such as foot and mouth disease or even another earwig! We need to protect both our own environment and export markets and importers of Falkland Islands produce need to know that we are proactive in managing these risks.

The biosecurity post in the Department of Agriculture is relatively new, first created in 2005, following recommendations in a review conducted by a visiting New Zealand consultancy company. Before the appointment, duties were shared between the agronomy and veterinary sections of the DoA for products of plant and animal origin, which was difficult to manage due to other working commitments by the relevant sections.

The main roles of the Biosecurity Officer are to manage and monitor all import procedures for plant and animal products and all in-transit goods. There is also the responsibility of assisting with continual reviews of biosecurity procedures to improve the systems already in place, such as legislation (which is currently very fragmented), MOD imports and waste from incoming vessels. The Biosecurity Officer also works closely with the Customs Department and the Environmental Planning Department.

As funds allow, research into defining potential threats and risks will be carried out in an attempt to make importation easier, without compromising our biosecurity standards. There is also ongoing training of DoA and Customs staff being provided by the South Atlantic Invasive Species project.

Falklands Stamps Good for FIG Business

A lot of people probably don't know how much business the Post Office and Philatelic Bureau does. The small team headed up by Moira Eccles quietly goes about handling over 560,000 items of our mail each year but what a lot of people don't realise is that they also sell stamps and first day covers to an overseas mailing list of around 2,500 people. This extraordinary behind the scenes operation alongside the postal activity keeps the department in the black to the tune of around £100,000 per annum. So not only is the Post Office a FIG department that covers its costs, it makes a handsome profit.

Moira says that there is hardly a country in the world that Falkland Islands stamps aren't sent to each year. A look through the specialist collectors' catalogues may help to explain that. Falkland Islands stamps have a good track record as a sound investment. A particular stamp that is still for sale now in Stanley with a face value of 1p is listed in a stamp catalogue at 5p.



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Road Traffic Law in the Falkland Islands

Road Traffic law in the Falkland Islands is rather complicated. It seems that no-one is ever certain where the law applies and where it does not. An updated Road Traffic Ordinance should be available in the near future, but for now, the following presents a basic guide to current legislation.

Road traffic law applies to all roads and public areas within Stanley, and to roads and public areas within four miles of the boundary of Stanley.

Road traffic law also applies to any other road which the Governor has declared to be a road for these purposes. The following roads have been declared to be roads to which road traffic law applies:

1. the road from Stanley to Darwin;
2. the Port Louis road;
3. the Fitzroy road;
4. the roads within Mount Pleasant Complex;
5. the roads within the Naval port at Mare Harbour; and
6. the Mare Harbour Road.

Any road which is not within Stanley or within four miles of boundary of Stanley and is not listed above, whether on East or West Falkland, is not subject to any road traffic law except the law requiring the wearing of seatbelts (which applies widely throughout the Falkland Islands).

As a result, there is no requirement for a driver to hold third party insurance to travel on a road which is not subject to the road traffic law, and there is no offence of drink driving on such roads. However, if a person suffers injury because the vehicle in which the person was travelling is hit by another vehicle whose driver had consumed alcohol and was driving negligently, the injured person could seek compensation through the civil courts.

Police and Customs Training

The Royal Falkland Islands Police Force together with FIG's Customs & Immigration Department have recently had the benefit of a week long training course provided by Mervyn "Darby" Allen.

Darby is a former police officer with the Devon and Cornwall Constabulary. He has a long history in training police in a wide variety of topics. Following retirement from the police he has continued to train police not just in the UK, but in various overseas jurisdictions, including Malawi, British Virgin Islands, Turks and Caicos, St Helena and Ascension.

Darby was invited by the Chief of Police, Superintendent Paul Elliott, to deliver training on interview techniques and file preparation. Both elements are aimed at professionalising investigations and file submission standards, areas highlighted for improvement in Supt Elliott's 2008 review of the RFIP.

By improving the quality of interview technique and file preparation, the efficiency of investigations is increased, thereby increasing the number of successful prosecutions.

Members of the RFIP and Customs & Immigration attended the week-long course. The first half of the course introduced officers to the "PEACE" interview technique. PEACE stands for

- P – preparation and planning
- E – Engage and explain
- A – Account
- C – Closure
- E – Evaluate

PEACE is the UK recognised model for best interviewing practice for both suspects and witnesses. In effect, it reduces the interview process to its fundamental parts, allowing a systematic approach to assist in the ultimate aim, namely obtaining evidence to prove or disprove a suspect's involvement in an alleged offence.

The candidates learned the core skills required for interviewing, including planning and preparation and effective note and statement taking. They took part in mock interviews, some of which were frighteningly realistic. In fact, those candidates playing the part of the suspect were often too realistic for comfort!

Darby then instructed the RFIP and Customs & Immigration in the use of "MG" forms. "MG" (standing for Manual of Guidance) forms were introduced in their current form in the UK in 2004. The purpose of the forms was to assist investigators in preparing standard files for the purpose of prosecution. Any element of a prosecution case has a prescribed form for completion for example witness statements, charge sheets and interview records. By following the numbered MG system, the file build is logical and standard. The methodology provides a useful aide memoir for the investigating officer, and indexes a file in such a manner as to allow for easy reading and expeditious analysis by the prosecutor.

All the candidates expressed how instructive they found the course, some visiting the topics for the first time, and others benefiting from the useful refresher course.

The RFIP have now implemented the MG system, and are producing standard files. Time will tell whether, as promised, the system bears fruit, but even at this early stage, those involved in investigation and prosecution can see the obvious benefits.

Darby himself has expressed an interest in returning to the Falklands to provide further training to the RFIP and Customs & Immigration. Any such guidance can only help in providing the community with the professional and up to date law enforcement agencies it deserves.

Elliott Taylforth
Crown Counsel

Cobbs Wren Conservation Project

A two year **Cobb's Wren Conservation Project** has commenced (under the management of Project Officer, Sally Poncet and with administrative assistance from the FIG Environmental Planning Department EPD) that will help address the conservation needs for Cobb's Wren (*Troglodytes cobbi*), an endangered (rated as *Vulnerable*) endemic bird of the Falkland Islands.

The Cobb's Wren is a small passerine bird restricted to offshore islands that have remained free of introduced rodents, cats and foxes. As such, it is an excellent indicator species for islands with a high biodiversity and the conservation work identified for the **Cobb's Wren Conservation Project** will benefit a wide range of other native wildlife in the Falkland Islands (including plants and invertebrates).

The Cobb's Wren Conservation Project will involve surveying islands where there is currently no known data on Cobb's Wren, eradication of rats from islands where these rodents are known to be present and implementation of biosecurity plans, thereby securing for the long term future, the rodent free status for islands of special importance to Falkland Islands biodiversity.

The project will also engage trainees in island survey and eradication techniques and will fund several trips to take school children and young adults to see Cobbs Wren in the wild on Kidney Island.

Built into the project is: abundance monitoring, island restoration (through the fencing of two rodent-free but sheep-grazed islands) and the exploration of Cobb's Wren translocation to newly rat-free islands.

The Project will be completed in March 2011.

More information is available from the EPD website www.epd.gov.fk

