HAMILTON DECLARATION ON COLLABORATION FOR THE CONSERVATION OF THE SARGASSO SEA

Hamilton, Bermuda
11 March, 2014

WE, THE SIGNATORIES LISTED BELOW:

Recognising that the islands of Bermuda are the only land territory within the Sargasso Sea and that the Government of Bermuda has taken a leadership role in marine conservation;

Commending the Government of Bermuda for its important leadership role in bringing to international attention the global significance of the Sargasso Sea and for initiating and continuing a process leading to the convening of this meeting in Hamilton;

Recognising the challenges in protecting areas beyond national jurisdiction including effective monitoring and development of protection measures for important marine ecosystems in such areas;

Reaffirming that the 1982 United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out, including the obligation to protect and preserve the marine environment;

Recognizing also that there are other international instruments that articulate how States may use their jurisdiction over vessels and persons to control certain activities in areas beyond national jurisdiction including within the Sargasso Sea;

Noting that the Sargasso Sea is the world's only holopelagic seaweed ecosystem, home to a wide diversity of species including several identified for protection by a range of regional and international instruments;

Recalling the findings of "*The Protection and Management of the Sargasso Sea: the golden floating rainforest of the Atlantic Ocean. Summary Science and Supporting Evidence Case"*, including the identification of threats to the Sargasso Sea, prepared by the Sargasso Sea Alliance on behalf of the Government of Bermuda;

Recognising that the ocean is a vital global resource; and

Acknowledging that this Declaration is not legally binding and is without prejudice to the existing legal rights and obligations of the Signatories under international law or to the competences of regional and international organisations.

We hereby:

Common Vision

1 Recognize that the Sargasso Sea is an important open ocean ecosystem, the majority of which lies beyond national jurisdiction, which deserves recognition by the international community for its high ecological and biological significance, its cultural importance and its outstanding universal value.

2 Affirm that the guiding principle of this Declaration is to conserve the Sargasso Sea ecosystem for the benefit of present and future generations.

3 Decide to collaborate, to the extent possible, in pursuing conservation measures for the Sargasso Sea ecosystem through existing regional and international organisations with relevant competences.

Geographical Area of Collaboration

4 Recognize the geographical area of collaboration of the Sargasso Sea is defined in Annex I.

Institutional Arrangements for Collaboration

5 Establish a Meeting of Signatories of the Hamilton Declaration composed of representatives from each Signatory that will meet either physically or virtually at regular intervals. Each Signatory will designate a focal point for communication among Signatories and with the Secretariat. The Meeting of Signatories will:

- Pursue collaboration and cooperation in furtherance of the common vision of this Declaration;
- Provide advice and guidance for the Commission (referred to in paragraph 6 below) in its role of promoting the conservation of the Sargasso Sea;
- Review and comment on the Commission's proposed work programme and action plans;
- Make proposals for Commission initiatives and activities;
- Review and comment on proposals developed by the Commission that Signatories, individually or jointly, may elect to submit for consideration by regional or international organisations with relevant competences;
- Review Commission financial reports;
- Develop rules relating *inter alia* to the process of nomination of individuals to serve on the Commission and to their length of service; and
- Develop other rules and procedures as appropriate.

6 Welcome the proposal of the Government of Bermuda to establish a Sargasso Sea Commission, to be based in Bermuda, as well as a Secretariat to assist the Commission and the Signatories. The Commission would, at the outset, be established under Bermudian law. It would be composed of distinguished scientists and other persons of international repute committed to the conservation of high seas ecosystems that would serve in their personal capacity. The Government of Bermuda, in consultation with the Signatories and Collaborating Partners (referred to in paragraph 11 below), will select qualified individuals to serve on the Commission. Details of the Commission's initial mandate are set out in Annex II.

7 Decide to consider the means and modalities by which Signatories could, according to their mandate and their means, support the work of the Commission by the provision of assistance, subject to the availability of existing resources, either by financial contributions or by contributions in kind, including the assignment or secondment of staff, provision of equipment or services or coordination of existing activities.

8 Decide that the Commission will also develop, for consideration by the Signatories, proposals that the Signatories, individually or jointly, may submit to, or support at, regional or international organisations with relevant competences. In developing such proposals, the Commission will use the best available science, and apply an ecosystem approach and the precautionary approach, as appropriate. Such proposals may include:

8.1 Measures to control, minimize, and where possible, eliminate the adverse effects of international shipping activities which may be adopted through the International Maritime Organization (IMO);

8.2 Measures to minimize, to the maximum extent possible, the adverse effects of fishing activities, including for the protection of vulnerable marine ecosystems, which may be adopted through the Food and Agriculture Organization of the United Nations (FAO) and/or regional fisheries management organisations or arrangements; and

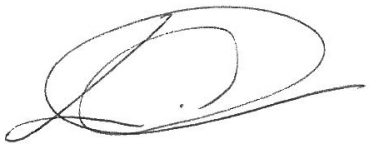
8.3 Any other measures to maintain the health, productivity and resilience of the Sargasso Sea and to protect its components, including the habitats of threatened and endangered species, from the adverse effects of anthropogenic activities.

9 Welcome the establishment of a financial mechanism including a dedicated trust fund to support activities in furtherance of this Declaration, including the work of the Commission and the Secretariat. The financial mechanism would be available to receive voluntary contributions from both public and private sources.

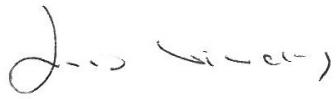
10 Encourage participation by any other interested government or regional economic integration organisation in efforts to conserve the Sargasso Sea ecosystem in accordance with this Declaration including by becoming a Signatory to this Declaration.

11 Encourage relevant regional and international organisations, as well as other bodies and entities, who wish to contribute to efforts to conserve the Sargasso Sea ecosystem in accordance with this Declaration, to participate as Collaborating Partners by notifying the Secretariat of their interest in doing so.

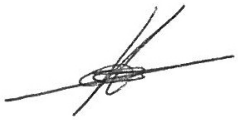
Adopted in Hamilton, Bermuda on 11 March 2014



For the Government of Bermuda



For the Government of the Azores



For the Government of Monaco



For the Government of the United Kingdom of Great Britain and Northern Ireland



For the Government of the United States of America

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Original adopted and signed 11 March, 2014

Additional Signatures

Supplementary Page 5A



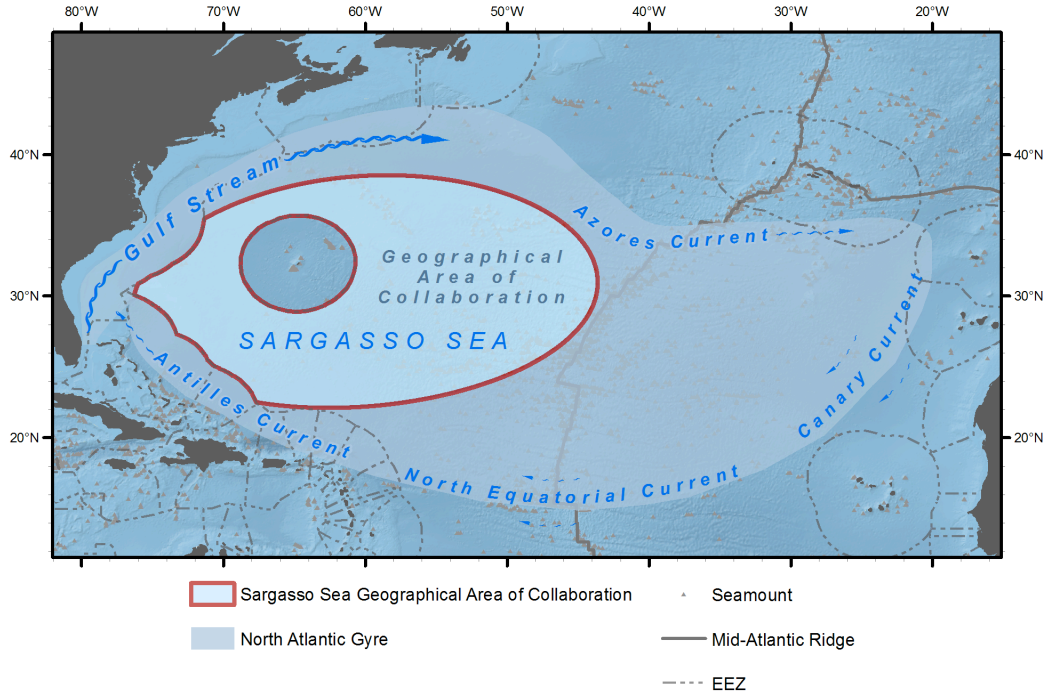
For the Government of the British Virgin Islands

Date: 29/1/16

ANNEX I

Geographical Area of Collaboration

For the purposes of this Declaration the Sargasso Sea is the portion of high seas and the Area[1] under that portion of the high seas, (excluding the exclusive economic zone (EEZ) and territorial sea around Bermuda, and the extended continental shelves of neighbouring states) shown on the illustrative map below. [2]



Scientific Note

The Sargasso Sea is an area of open-ocean situated within the North Atlantic subtropical gyre, and bounded on all sides by the clockwise flow of major ocean currents. The Gulf Stream and North Atlantic Drift form the western and northern boundaries, the Canary Current forms a more diffuse eastern boundary, and the North Equatorial Current and Antilles Current form the southern boundary. As these currents vary, the precise boundaries of the Sargasso Sea also vary. To refine this general location and to ensure that the area of interest incorporates a core area containing essential oceanographic and environmental characteristics the Sargasso Sea Alliance commissioned a new map based on criteria such as ocean current and eddy occurrence, remote sensing of *Sargassum* weed, and seabed topography. The resultant map agrees broadly with the overlap of previous delineations and is shown above. The Sargasso Sea study area occupies ~ 4,163,499 km^2 in an area extending between 22°–38°N, 76°–43°W and centred on 30°N and 60°W. Because the Canary current is more diffuse and variable than the other currents the eastern boundary is more ill-defined, so the eastern boundary of the Sargasso Sea Alliance Study Area is pragmatically considered to lie to the west of the mid-Atlantic Ridge in the western basin of the Atlantic Ocean. Again for pragmatic reasons all of these boundaries were placed outside the EEZs of all adjacent countries or territories. [3]

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[1] The Area is the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. See 1982 UN Convention on the Law of the Sea, Article 1(1)(1).

[2] The Geographical Area of Collaboration was generally described by the scientific experts attending the CBD Wider Caribbean and Western Mid-Atlantic Regional Workshop to Facilitate the Description of Ecologically or Biologically Significant Marine Areas (EBSAs), 28 February-2 March 2012 in Recife, Brazil, as meeting the CBD scientific criteria for an EBSA adopted by the Conference of the Parties to the CBD, at its ninth meeting, in annex 1 to Decision IX/20.

[3] See Laffoley, D.d'A and Roe, H.S.J., *et al.*, 2011. *The Protection and Management of the Sargasso Sea: the golden floating rainforest of the Atlantic Ocean: Summary Science and Supporting Evidence Case*, Sargasso Sea Alliance, pp. 7-8.

ANNEX II

Mandate of The Sargasso Sea Commission

Pursuant to paragraph 6 above, the Sargasso Sea Commission, which has no management authority, will:

a. Exercise a stewardship role for the Sargasso Sea and keep its health, productivity and resilience under continual review;

b. Develop a work programme and action plans for the conservation of the Sargasso Sea ecosystem;

c. Develop its rules and procedures as appropriate;

d. Develop a regular budget and generate necessary financial reports;

e. Serve as a focal point for the gathering and exchange of such information and data, develop a repository of information and scientific data relating to the condition of the Sargasso Sea ecosystem and make it publically accessible;

f. Foster and promote outreach, public awareness and scientific research and observation, and liaise with appropriate national, regional and international organisations to this effect;

g. Publish and/or publicise reports of the results of scientific research and, as appropriate, submit such reports to governments, national, regional and international organisations with relevant competences for their consideration;

h. Monitor the effects, including cumulative effects, of any anthropogenic activities in order to determine whether such activities are likely to have adverse impacts on the Sargasso Sea ecosystem and to assess the appropriateness and effectiveness of any measures being adopted for the conservation of the Sargasso Sea;

i. Liaise with the Signatories, as well as with other governments in the region and appropriate national, regional and international organisations with relevant competences, including those with competence in adjacent marine areas, to obtain a better understanding of issues of common concern and interest through, where appropriate, developing exchange of data, sharing of databases and collecting data in standardised formats;

j. Cooperate with governments, national, regional and international organisations with relevant competences in the development of environmental impact assessments, strategic environmental assessments and equivalent instruments;

k. Encourage cooperation among governments, national regional and international organisations with relevant competences in developing and promoting contingency plans for responding to any significant pollution incidents; and

l. Undertake such other tasks as may be deemed appropriate by the Meeting of the Signatories.