

Appendix I

Rules of Procedure for Activities of the Signatories to the Hamilton Declaration

Adopted 17 October 2023

I - PURPOSE

These rules of procedure guide the activities of the Signatories of the Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea.

2 - DEFINITIONS

For the purposes of these Rules:

- a) "Approve" or "Approval" means a decision authorizing a proposed action, activity, or draft document.
- b) "Advice and Guidance" means a recommendation that is a consensus suggestion of the Signatories made after consideration with respect to an issue or activity properly before the Signatories.
- c) "Body" means an organization or forum of two or more States, governments, or non-governmental entities constituted or created under a legal or political document with the authority or ability to regulate, shape, or influence activities related to the conservation of the Sargasso Sea.
- d) Collaborating Partner means a relevant regional or international organization, or other body or entity, that wishes to contribute to efforts to conserve the Sargasso Sea ecosystem in accordance with the Declaration.
- e) "Commission" means the "Sargasso Sea Commission" the legal entity established under Bermudian law pursuant to paragraph 6 of the Hamilton Declaration. The Commission is composed of distinguished scientists and other experts serving in their personal capacity and selected by the Government of Bermuda in consultation with the other Signatories.
- f) "Communicate" means the informal or formal sharing or exchange information.
- g) "Consensus" means that no Signatory affirmatively objects to the proposed decision or advice and guidance .
- h) "Decision" means a consensus determination of the Signatories made after consideration with respect to an issue or activity properly before the Signatories under the Declaration.
- i) "Declaration" means the Hamilton Declaration and any referenced annexes as signed on 11 March 2014.
- j) "Executive Secretary" means the head of the Secretariat.
- k) "Meeting" means any assembly of the Signatories, either in person or virtual, at which a quorum of Signatories is present.
- l) "Quorum" means two thirds of the total number of Signatories present.
- m) "Rules" means the rules of procedure for meetings and other activities of the Signatories.
- n) "Secretariat" means the Secretariat of the Sargasso Sea Commission and of the Signatories.
- o) "Signatories" means the governments that have signed the Hamilton Declaration.

3 – FOCAL POINTS OF SIGNATORY GOVERNMENTS

Each Signatory is to designate a representative to serve as the focal point for communication among Signatories, with the Secretariat, and with the Commission. Each Signatory is to provide the Secretariat with the name of and contact information for its representative. Should a Signatory designate a new representative, it is to promptly inform the Secretariat.

4 – ACTIVITIES OF THE SIGNATORIES

4.1 The Signatories are to communicate regularly with the Commission, including through the Secretariat, and provide advice and guidance for the Commission in its role under the Declaration for promoting the conservation of the Sargasso Sea.

4.2 The Signatories are to review and comment on the Commission's proposed work programme and action plans.

4.3 The Signatories are to make proposals for Commission initiatives and activities.

4.4 The Signatories are to review and comment on any proposals developed by the Commission and/or the Secretariat under Section 8 of the Hamilton Declaration. Signatories, may jointly decide or individually elect with the disclaimer set forth in 4.8 to submit such proposals for consideration by regional or international organizations with relevant competencies.

4.5 The Signatories are to review and comment on any draft Memorandum of Understanding (MOU) or other arrangement that the Secretariat or the Commission proposes to sign or join.

4.6 The Signatories are to review and comment on proposed Commission budget and financial reports.

4.7 The Signatories may provide advice and guidance regarding the Commission's proposed work programme, actions plans, proposals, budget and financial reports, or any other proposed action or activity properly before the Commission or Secretariat under the Declaration.

4.7 (a) Signatories have 15 business days to review, and approve when relevant, draft documents when circulated. In the absence of any comment or other objection by one or more of the Signatories during those 15 business days such document will be considered accepted. Should a Signatory submit any comments during the 15 business days, a revised version will be developed and the document will be circulated for another 15 days applying the procedure set forth in this paragraph.

4.8 Unless the Signatories take a Decision otherwise, any document prepared by the Secretariat, the Commission, or one or more of the Commissioners on behalf of the Commission for transmission to another person, body, or entity, or for public posting, is to display an appropriate disclaimer.

4.9 The Signatories are 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, 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, subject to the availability of existing resources.

4.10 The Signatories are to liaise and cooperate with the Commission, as well as other governments with an interest in the region and appropriate national, regional and international organizations with relevant competencies, to obtain a better understanding of issues of common concern and interest and, where appropriate, decide to develop an exchange of data, sharing of databases, and collection of data in standardized or harmonized formats. Data collection and sharing is to be undertaken consistent with applicable laws of the Signatories.

4.11 A selection of Commissioners to the Sargasso Sea Commission is to take place annually using the procedure set out in Annex I. The Signatories may decide to increase or decrease the number of Commissioners serving on the Commission.

4.12 The official and working language of the Signatories is English.

4.13 No Signatory or any other person or entity may purport to represent the Signatories and no Signatory may purport to represent the Commission, or the views of either to the public or to any other Body absent the express prior approval of the Signatories. Neither the Commission nor any Commissioner may purport to represent the views of one or more of the Signatories to the public or to any other body absent the express prior approval of the Signatories.

5 – DECISIONS OF THE SIGNATORIES

5.1 Decisions under the Declaration are adopted by consensus of the Signatories.

5.2 Decisions under the Declaration are ordinarily made during in person or virtual Meetings of the Signatories, or intersessionally by electronic correspondence, as appropriate.

6 – MEETINGS

6.1 The Signatories are to meet on a regular schedule in a virtual format, and in person at least once annually. The time and place of the annual in-person meeting is to be decided either by the Signatories at the preceding meeting or by electronic correspondence among the Signatories with the assistance of the Secretariat if requested, no later than three (3) months prior to the proposed date of the meeting.

6.2 The Signatories may invite the Commission to join them for part or all of any Meeting.

7 – ROLE OF THE CHAIR AND VICE CHAIR OF THE SIGNATORIES

7.1 The Signatories are to decide on a schedule according to which a representative of one of them is to serve as Chair of the Meetings of the Signatories for one calendar year and a representative of another of them is to serve as Vice Chair of the Meeting of the Signatories. Outgoing Chairs are, to the best of their abilities, to aid the incoming Chair with transition into the role. The Signatories are to review the schedule of Chair rotations before the end of each calendar year and decide on adjustments if necessary.

7.2 The role of the Chair is to:

- a) Consult with the Signatories to set the agenda for Meetings;
- b) Transmit all communications intended for the Commission from Signatories through the Secretariat;
- c) Chair virtual and in-person Meetings; and
- d) Ensure adherence to the Rules.

7.3 Whenever the Chair is unable to act, or whenever the Chair requests, the Vice-Chair is to assume the role of the Chair.

8 – ROLE OF THE SECRETARIAT IN ASSISTING THE SIGNATORIES

8.1 The Secretariat is to assist the Signatories in carrying out their activities, including meetings, under the Declaration.

8.2 The role of the Secretariat in assisting the Signatories includes:

- a) Facilitating Meetings of the Signatories, such as by arranging logistics, providing administrative support, booking the venue for in-person meetings, and such other duties as requested by the Chair;
- b) Serving as rapporteur for each Meeting of the Signatories (including joint Meetings of the Signatories and Commissioners) and preparing a draft Meeting summary for review and approval by Signatories before posting it to the Commission website, unless otherwise decided by the Signatories;
- c) Maintaining and updating the Commission website and releasing information to the media or stakeholders;
- d) Providing Signatories and Commissioners with information related to the development of proposals, work programmes, action plans, and other Commission initiatives;
- e) Updating and informing the Signatories of the annual budget of the Secretariat and of the Commission, and any administrative matters that warrant the attention of the Signatories;
- f) Preparing any proposed MOUs or other arrangements as well as draft applications for Collaborating Partners;
- g) Circulating any proposed letters, comments, or statements proposed to be made by the Secretariat or the Commission to other bodies (*e.g.*, such as comments to or endorsements of processes in other fora) to decide if the Signatories want to join;
- h) Communicating any suggestions of the Commissioners to the Signatories for consideration;
- i) Preparing and providing the Commission's proposed work programme and actions plans for Signatory review on an annual basis; and
- j) Administering the Commissioner nomination and selection process.

9 - NEW SIGNATORIES TO THE HAMILTON DECLARATION

The Signatories are to encourage participation by any other interested government or regional economic integration organization in efforts to conserve the Sargasso Sea ecosystem by inviting such government or organization to become a Signatory.

10 - COLLABORATING PARTNERS

10.1 The Signatories are to encourage relevant regional and international organizations, as well as other bodies which wish to contribute to efforts to conserve the Sargasso Sea consistent with the Declaration, to express their interest in participating as Collaborating Partners by notifying the Secretariat.

10.2 The Commission is to inform the Signatories of any notification received of interest to participate as a Collaborating Partner. Once informed, the Signatories are to have 15 business days to review the notification. One or more Signatories may request that the Commissioner, with the assistance of the Secretariat, prepare an assessment of each potential Collaborating Partner's application, the nature and scope of its competence pertaining to the Sargasso Sea, the composition of its membership, as well as its ability and demonstrated commitment to advance the Declaration's common vision.

10.3 If no assessment is requested, the potential Collaborating Partner application will be deemed approved by automatic Decision of the Signatories.

10.4 If one or more Signatories requests an assessment, the Signatories are to have 15 business days to review the application along with the assessment and request any additional information they may

deem necessary to their review. If one or more Signatories do not request any additional information during the 15 business days and do not otherwise object, the potential Collaborating Partner application will be deemed approved by automatic Decision of the Signatories.