

Declaration for the establishment of a Marine Mammal and Shark Sanctuary in the Caribbean Netherlands

The State Secretary of Economic Affairs, responsible for nature conservation,

GIVEN the letters of support from the executive councils of the Public Entities Bonaire, St. Eustatius and Saba;

GIVEN the Nature Policy Plan Caribbean Netherlands 2013-2018 and the Management Plan for biodiversity and fisheries in the EEZ of the Caribbean part of the Kingdom;

CONSIDERING the great diversity of species of marine mammals and sharks occurring in the Caribbean Netherlands and the Caribbean in general;

CONSIDERING the actual and potential threats to marine mammals and their habitats in the Caribbean Netherlands and the Caribbean

CONSIDERING that the waters surrounding the islands of Sint-Eustatius and Saba are areas of particular importance for the conservation of marine mammals and especially for breeding, calving, feeding, resting, and migration behaviours, these areas are commonly defined as critical habitat for marine mammals;

CONSIDERING that the preservation of good ecological health of marine ecosystems is essential to maintain or improve the capacity of these critical habitats;

CONSIDERING the importance of healthy shark populations to healthy ecological condition of marine ecosystems;

CONSIDERING the importance of sharks for dive tourism;

CONSIDERING the recommendations of the action plan for sharks EEZ Caribbean Netherlands drafted by IMARES Wageningen University, in cooperation with SeaSaba, Mare ECon, NEV and VHL (2013)

CONSIDERING the recommendations of the 18th Annual Meeting of the European Elasmobranch Association in Leeuwarden, 7-9 November 2014;

CONSIDERING the vulnerability of sharks to overfishing and bycatch, because many shark species grow slowly, do not reach sexual maturity until a late age, and produce only few young;

CONSIDERING the vulnerability of sharks to loss of habitat for foraging and reproduction;

DESIRING to work for the conservation of marine mammals and sharks in the Caribbean Netherlands and the Caribbean;

DESIRING to ensure the harmonious coexistence of humans and marine mammals in the context of sustainable development;

DESIRING to strengthen tourism in the islands;

DESIRING to assert the Dutch position to promote marine mammal and shark conservation at an international level;

DECLARES THAT:

1. For the purposes of this Declaration the following definitions will apply:
 - a. "Marine mammals": all whales, dolphins and manatees
 - b. "Sharks": all shark and ray species
2. A refuge for the protection and conservation of marine mammals and sharks, hereinafter called Sanctuary, is established in the waters under Dutch sovereignty and jurisdiction in the Caribbean Netherlands, that is to say the territorial waters and exclusive economic zones of the islands of Bonaire and Saba.
3. Appropriate measures, referred to in the following paragraphs, will be taken in the Sanctuary to ensure the protection of marine mammals and sharks and their habitats from negative impacts of human activities, whether direct or indirect, actual or potential.
4. In the Sanctuary, in accordance with the Nature Conservation Act BES and the Bonaire Island Nature Ordinance, it is prohibited to kill, maim, capture or intentionally remove, disturb and transport or trade in marine mammals. Exemptions may be granted in cases of emergency, for scientific research performed in situ and in accordance with this declaration, to reintroduce or strengthen populations.
5. In the Sanctuary, provisions will be considered and implemented where necessary, to supervise or regulate activities that may have a negative effect on marine mammals, such as:
 - a. observation of marine mammals for purposes of tourism, research, education, or opportunistically, in order to ensure freedom of movement and avoid disturbance of the activities of marine mammals;
 - b. Seismic studies and other activities using sound waves, other than within the context of national defense;
 - c. The use of fishing gear that can lead to the capture of marine mammals;
 - d. speedboat races;
 - e. Maritime transport and other travel of motorized vessels;
 - f. Any other activity likely to prejudice the welfare of marine mammals or the integrity of their populations Will be sought innovative mechanisms to limit the effects of these activities.

Innovative mechanisms aiming at limiting the impact of these activities on marine mammals will be sought.
6. In the Sanctuary, provisions will be considered and implemented as necessary to regulate activities that may have a negative impact on sharks, such as:
 - a. A ban on targeted capture, killing, deliberate removal and disturbance of sharks or the maiming or removal of fins or tails or otherwise damaging them;

- b. A ban on fishing gear that could lead to bycatch of sharks;
 - c. An obligation to immediately release or set free any shark caught accidentally or unintentionally, regardless of whether it is alive or not, ensuring that live sharks are released in such a way as to maximize their chance of survival;
 - d. A ban on the possession, holding, receiving, selling or offering for sale, transporting, importing, exporting, storing or transshipping of sharks, shark fins or other parts of sharks
 - e. Developing guidelines to regulate the above activities.
7. Non-detrimental scientific research on marine mammals and sharks will be encouraged in the Sanctuary and in the Caribbean in general, and resources will be sought for the periodic evaluation of the status of marine mammal and shark populations and of existing or potential threats to these animals within the Reserve.
8. Information, awareness and education programs will be considered and implemented as necessary for professional and other sea users, but also for the general public in order to make them aware of the Sanctuary, marine mammals, sharks, and the marine environment in general. Some programs will focus specifically on prevention of vessel strikes and stranding response.
9. Monitoring of marine mammals and sharks in the reserve will be ensured.

The Bottom, Saba, August 31, 2015

Kralendijk, Bonaire, September 1, 2015

Sharon A.M. Dijkma
State Secretary
of Economic Affairs

Commissioner Chris Johnson
Public Entity of Saba

Commissioner Gerald Silberie
Public Entity of Bonaire