

Negotiations Over a Proposed Large Scale Marine Protected Area in Bermuda, 2010-2015



Bermuda's EEZ from shore. Photo by L. Acton.

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# Human Dimensions of Large Marine Protected Areas: Negotiations Over A Proposed Large Scale Marine Protected Area in Bermuda, 2010-2015

### About this report:

This report summarizes results of research undertaken in Bermuda as part of the Human Dimensions of Large Marine Protected Areas research project (2014-2018), led by Rebecca Gruby (Colorado State University), Noella Gray (University of Guelph), and Lisa M. Campbell (Duke University). The project had five key aims: 1) to scope and describe the human dimensions of large marine protected areas, and to understand 2) the emergence and spread of LMPAs, 3) their governance features, 4) the politics associated with them, and 5) their social outcomes. The project supported in-depth research on five case studies, in Bermuda, Rapa Nui (Easter Island, Chile), Palau, Kiribati, and the Commonwealth of the Northern Mariana Islands/Guam (USA). For more information about the project, please visit: <a href="https://humansandlargempas.com/">https://humansandlargempas.com/</a>

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# Human Dimensions of Large Marine Protected Areas: Negotiations Over A Proposed Large Scale Marine Protected Area in Bermuda, 2010-2015

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#### **Executive Summary**

This report describes results from a research project examining negotiations over a proposed Large Scale Marine Protected Area (LSMPA) in the offshore waters of Bermuda. Negotiations occurred from 2010-2015, and did not result in the designation of an LSMPA. Although Bermuda may eventually declare an LSMPA, the report focuses on the 2010-2015 efforts. Acton spent approximately six months over the years 2014-2016, collecting qualitative data for this project in Bermuda, London, Washington, DC, and Sydney, Australia. In this report, we summarize some of the social, political, economic, and governance aspects of these negotiations. In particular, we focus on the key actors involved and their roles in negotiations, the divisive politics that emerged through these negotiations both within Bermuda and at an international level, and the outcomes of the negotiations as reported by project interviewees. Key outcomes of these negotiations included the erosion of trust and relationships, increased public engagement with oceans governance in Bermuda, interactions with other ocean conservation efforts, and greater insights concerning how Bermudians and others value Bermuda's offshore ocean spaces. The report concludes with lessons learned from this case study about the "human dimensions" of LSMPAs more broadly.

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#### 1. Introduction:

This report focuses on negotiations concerning a proposed Large Scale Marine Protected Area (LSMPA) in the offshore waters of Bermuda. An LSMPA was considered for approximately 4 years, between 2010-2015. The Pew Charitable Trusts, a global NGO, advocated for an LSMPA called the Blue Halo. Although the Blue Halo proposal was never formally adopted by the government of Bermuda, discussion of it circulated widely in the press and among the public. The proposed Blue Halo would have encircled Bermuda, extending from 50nm offshore to the limit of Bermuda's EEZ, 200nm offshore. In early 2015, the Government of Bermuda announced its inability to fund an economic study of its EEZ, and it put further discussions about the future governance of its EEZ on hold. Although an LSMPA may yet be established in Bermuda,<sup>3</sup> for the purposes of this report, we consider this particular effort to establish an LSMPA as failed. The report summarizes findings of research to understand the proposal of, negotiations over, and failure of the LSMPA initiative and other related outcomes of the process.

Although the report focuses on the LSMPA proposed for Bermuda's EEZ, the initiative to establish an LSMPA arose out of and then coincided in time with international efforts to protect the Sargasso Sea. As an early leader of this multi-country effort and given that its EEZ falls completely within the Sargasso Sea, Bermuda was encouraged to demonstrate its commitment to Sargasso Sea conservation by establishing an LSMPA within its EEZ. Figure 1 shows the Geographical Area of Collaboration for the conservation of the Sargasso Sea, established through the *Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea* in 2014 (hereafter the Hamilton Declaration). The circle within the Area of Collaboration is Bermuda's EEZ, and a proposed LSMPA would have fallen within this circle. The two policy processes – the Sargasso Sea efforts at the international level and the LSMPA initiative at the national level – intersected and influenced one another in various ways. Although Acton has conducted additional research on the Sargasso Sea conservation effort (e.g. see Acton et al. 2019), this report only covers that effort through its interactions with the LSMPA proposal.

<sup>&</sup>lt;sup>3</sup> In June 2019, Bermuda's Ministry of Home Affairs, the Waitt Institute, and the Bermuda Institute of Ocean Sciences signed a Memorandum of Understanding to establish the Bermuda Ocean Prosperity Programme. The programme may include designating a marine protected area in Bermuda's EEZ (Lagan 2019).





Figure 1. "Sargasso Sea Geographical Area of Collaboration." Source: Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea 2014, Annex I.

#### 2. Methods:

Research on the proposed LSMPA and the Sargasso Sea conservation effort occurred simultaneously and overlapped; this section therefore describes methods used to conduct research on both as one case study. Note also that while research covered the parallel negotiating processes from 2008 – 2015, this report focuses mainly on negotiations over the proposed LSMPA from 2010 – 2015. Acton spent a total of four months in Bermuda (2014-2015), one month in and around London (2016), two weeks in Washington, DC (2015), and one week at the World Parks Congress in Sydney, Australia (2014) collecting data for this case study. Campbell spent one week at the World Parks Congress in Sydney, Australia (2014) and two weeks in Bermuda (2015) in an advisory role. Data were collected from 115 semi-structured interviews with 104 key actors (see Table 1); documents including laws and regulations, reports, articles, presentations, speech transcripts, promotional films, maps, meeting minutes. correspondence, promotional brochures and pamphlets; and participant observation of LSMPA-related events, in person or filmed. Drs. Acton and Campbell also conducted participant observation during a two-day scientific research cruise in the Sargasso Sea. Semi-structured interviews were transcribed, and data were uploaded into QSR NVivo software for qualitative analysis.



**Table 1: Semi-Structured Interviews** 

Interviewee Primary Role <sup>4</sup>	Description of Role	Total number of interviewees
International NGO	International environmental NGO staff	21
Local NGO or community organization	Bermudian environmental or community NGO staff	15
Fisherman	Recreational or commercial fishermen	15
Industry	Tourism, deep-sea mining, deep-sea cables, environmental consulting	8
Civil Servants	Bermudian or foreign government staff	16
Researchers and Contractors	University, non-profit, and other researchers	25
Other informed actors	Media, lobbyists, and other actors informed about this process	4

#### 3. Stakeholders:

Many actors had interests and played a role in negotiations over the proposed LSMPA in Bermuda. These included the Bermuda government, the UK government, recreational and commercial fishermen, actors interested in the potential for deep-sea mining, the deep-sea cable industry, the tourism industry, local Bermudian environmental NGOs and community organizations, international NGOs and intergovernmental organizations, foreign donors, researchers, and others. This section reviews their roles and interests in this ocean space. Note that this section presents the predominant interests and roles of actors within each group, as expressed through interviews, newspaper articles, reports, and other data; the interests and/or roles of individual actors within a group may differ from the general description presented here.

**Bermuda government:** The two major political parties as well as various government departments had interests in negotiations over the proposed LSMPA. The names, objectives and civil servants staffing some departments shifted during the course of negotiations due to government restructuring and, in 2012, a change in the ruling political party from the Progressive Labour Party (PLP) to the One Bermuda Alliance (OBA). The major government actors and departments involved in this process, as well as their roles and interests, are described below. Interviewees included civil servants from each of the government departments specifically described below; no elected officials were interviewed for this project.

<sup>&</sup>lt;sup>4</sup> Many interviewees played multiple roles in this process; for instance, one interviewee might be a researcher, civil servant, and fisherman. This table reports the primary role that each actor played in the LSMPA negotiations.



Sustainable Development Department (SDD) was housed within the Cabinet of Bermuda and supported long-term sustainability planning in Bermuda. The Cabinet directed the SDD to run a national public consultation concerning the proposed LSMPA. The Department oversaw the public consultation in the fall of 2013 and produced a report summarizing the outcomes of this process in the fall of 2014. As of this writing, the SDD no longer exists; some of its objectives and staff are now housed in the Policy and Strategy Section within the Cabinet Office, which directly advises the Cabinet.

Department of Environmental Protection oversaw resource management, including fisheries and other marine resources, during most of the negotiating process. A small staff carried out daily regulatory tasks, and the marine police and fisheries wardens shared enforcement responsibilities in the marine environment. Many interviewees for this research noted that the Department had historically been understaffed, underfunded, and thus unable to effectively enforce regulations in Bermuda's inshore waters. The Department of Environmental Protection, under the Ministry of the Environment, Planning, and Infrastructure Strategy, played a leading role in early negotiations concerning the conservation of the Sargasso Sea and, later, the proposal of the LSMPA within Bermuda's EEZ. Since the completion of this research, the Department of Environmental Protection has merged with the Department of Conservation Services to become the Department of Environment and Natural Resources.

**Department of Conservation Services** oversaw the ecological and cultural conservation of Bermuda's marine resources and heritage. The Department of Conservation Services also played a prominent role in early discussions about Sargasso Sea conservation. Government restructuring in 2011 moved the Department into the Ministry of Public Works, reducing its participation in negotiations. The Department of Conservation Services has since joined the Department of Environmental Protection to become the Department of Environment and Natural Resources.

**Progressive Labour Party (PLP)** was the ruling political party in the Bermuda government from the initiation of discussions about designating an LSMPA in Bermuda's EEZ in 2010 until it lost a political majority in Cabinet, and thus ruling power, in late 2012. It regained power in July 2017, two years after negotiations over the proposed LSMPA had stalled.

One Bermuda Alliance (OBA) was the ruling political party from late 2012 until negotiations over the proposed LSMPA stalled in 2014. It lost power in July 2017.

**UK government:** Bermuda is an overseas territory of the UK. The UK government oversees Bermudian foreign relations, internal security and defense through the UK Foreign Commonwealth Office (FCO). The UK established an EEZ around Bermuda in 1996, under the authority of UNCLOS (Governor and Commander-in-Chief of Bermuda



1996). While a recent study produced no evidence of a legal transfer of this authority from the UK, and specifically the Crown, to Bermuda (Environmental Law Institute 2016), several interviewees referenced a verbal assurance from the FCO in 2012 that the Bermudian government had complete authority over the governance of its EEZ. Bermuda also requested and was granted permission from the UK to lead the international Sargasso Sea conservation initiative and to negotiate an international agreement for Sargasso Sea conservation according to its own interests.

The Sargasso Sea Alliance was formed in 2010 to promote international conservation of the Sargasso Sea. The Sargasso Sea Alliance (SSA) was officially led by Bermuda, supported by an Executive Director and an Executive Committee, and consisted broadly of a loose network of advisers including scientists, legal experts, environmental NGOs and international organizations, and other interested individuals. Five key donors funded early SSA efforts: Dr. Richard Rockefeller, Ted Waitt, Erik H. Gordon, David E. Shaw, and Conn Nugent. SSA headquarters was located within the International Union for the Conservation of Nature in Washington, DC. After the signing of the Hamilton Declaration in 2014, the SSA was dissolved and replaced by the Sargasso Sea Commission, which currently leads international Sargasso Sea conservation efforts with support from the Meeting of the Signatories and the Sargasso Sea Secretariat.

**Pew Charitable Trusts** is a global NGO based in the US, with additional offices in London and Brussels. The Global Ocean Legacy branch of Pew Charitable Trusts (Pew) was formed in 2006 to promote the designation and implementation of LSMPAs globally. In 2010, after the official formation of the SSA, the Bermuda government invited Pew to assist the government in leading national negotiations about the proposed LSMPA in Bermuda's EEZ.

The Waitt Foundation is a US-based philanthropic foundation that funds oceans research and conservation initiatives with the goal of improving oceans health globally. During negotiations over the proposed LSMPA in Bermuda's EEZ, the Waitt Foundation partnered with the Bermuda government, the Bermuda Institute of Ocean Sciences (BIOS) and the Sustainable Fisheries Group at the University of California Santa Barbara to carry out marine spatial planning in Bermuda's nearshore waters (see Lester et al. 2017). The Waitt Foundation was one of the key donors to the early Sargasso Sea conservation initiative and the SSA, and it has contributed funding to the Global Ocean Legacy branch of Pew Charitable Trusts.

Commercial fishermen: Bermuda has a small fleet of commercial fishermen who land and sell their catches locally. There is currently no viable market to sell locally caught seafood outside of Bermuda. In 1990, the Bermuda government banned use of fish pots in Bermuda, leading fishermen to hold public demonstrations in front of government buildings in opposition (Bermuda Government 2000). While some interviewees indicated that, today, many fishermen view the fish pot ban as necessary for the recovery of fish stocks and ecosystem health, the fish pot ban contributed to many fishermen's distrust in government. Lingering tensions between fishermen and the



government based on this historical distrust influenced both fishermen's perceptions of and reactions to negotiations over the proposed LSMPA, and, in turn, government actors' strategies in LSMPA negotiations.

**Recreational fishermen:** Bermuda is famous for its recreational billfish fisheries. Each year, Bermuda hosts high value fishing tournaments; visitors participating in these tournaments contribute millions of dollars to Bermuda's economy. The Billfish Foundation is an influential, US-based recreational fisheries organization, whose members regularly participate in Bermudian tournaments. This stakeholder group includes both foreign and local Bermudian recreational fishermen, some of whom also fish commercially.

**Local NGOs:** Numerous environmental and social non-governmental organizations (NGOs) in Bermuda are active in public education, knowledge production, community organization, volunteering, and/or political activism. Ten local environmental organizations formed the Bermuda Alliance for the Sargasso Sea (BASS) in 2011 to support efforts by the Sargasso Sea Alliance promoting international conservation of the Sargasso Sea.

**Deep-sea mining industry:** Ocean Projects Limited is the only company with a license to explore Bermuda's seabed for minerals. The company can also request and negotiate a lease with the Bermudian government to exploit such minerals in the future. No exploration or extraction of deep-sea minerals began before or during negotiations over the proposed LSMPA. Industry actors voiced concern that an LSMPA in Bermuda's EEZ may limit the potential for deep-sea mining in Bermuda.

Other industries in Bermuda: Bermuda has a long-established tourism industry and growing deep-sea cables industry. While Bermuda's economy relies most heavily on international business (Central Intelligence Agency 2017), both tourism and the deep-sea cables industry play a key role in Bermuda's international relations and image. Actors from these and other industries voiced key values, hopes, and concerns during negotiations over a proposed LSMPA in Bermuda's EEZ.

Researchers and contractors: Numerous individuals and organizations have produced research about the ecological and social aspects of Bermuda and its surrounding ocean, both in general and specifically as part of these negotiations. These include local researchers, such as those at the Bermuda Institute of Ocean Sciences (BIOS), the Bermuda Underwater Exploration Institute, and the Bermuda Aquarium, Museum, and Zoo (BAMZ), as well as foreign researchers, such as those funded by Pew Charitable Trusts and the University of California Santa Barbara.



#### 4. Initiation and Timeline:

Discussions about proposing an LSMPA in Bermuda's EEZ emerged through discussions about conserving the Sargasso Sea. The following timeline highlights key moments related to this process. Although interviewees varied slightly in reporting specific details of this process, their accounts and related meeting minutes were generally consistent.

**2008:** Sargasso Sea named as a high seas "gem" warranting protection at the World Conservation Congress in Barcelona (WCPA, IUCN, and MCBI 2008)

**2009:** Sylvia Earle, renowned advocate of oceans conservation, names the Sargasso Sea as one of her high seas conservation "hope spots"

Bermuda government is approached by global conservation NGOs and intergovernmental organizations to lead a multi-country initiative to protect the Sargasso Sea

2010 (February): Sargasso Sea initiative meeting in Bermuda

- o Management Committee is formed to lead Sargasso Sea conservation efforts
- Civil servant from the Bermuda government (Dr. Fred Ming) named committee chair; 6 of 10 members of the Management Committee are from Bermuda

(Summer): Sargasso Sea Management Committee and donor meetings

- Five key donors have expressed interest in the Sargasso Sea conservation initiative (Dr. Richard Rockefeller, Ted Waitt (the Waitt Foundation), Erik H. Gordon, David E. Shaw, and Conn Nugent)
- Discussions with the UK about Bermuda's role in Sargasso Sea negotiations begin, given that Bermuda is a territory of the UK; meeting minutes indicate that the UK verbally confirms Bermuda's authority to govern Bermuda's EEZ
- Idea of designating an LSMPA in Bermuda's EEZ emerges, possibly in the shape of a ring around Bermuda
- The Management Committee decides to include negotiations about this potential LSMPA in Bermuda's EEZ as part of negotiations about Sargasso Sea conservation

(September): Sargasso Sea initiative meeting at Pocantico Center in New York

- Unofficial leadership of the Sargasso Sea initiative shifts from within Bermuda to outside of Bermuda
  - The Management Committee is dissolved
  - A new Executive Committee is formed to guide Sargasso Sea discussions; 1 of 5 members are from Bermuda.
  - The broader Sargasso Sea Alliance (SSA) is formed and an Executive Director is hired from outside of Bermuda
  - SSA headquarters is established within IUCN offices in Washington, DC



- Pew's Global Ocean Legacy branch is introduced by the Waitt Foundation to assist Bermuda with the proposed LSMPA in its EEZ
  - Shortly following the meeting, the Bermuda government invites Pew to assist them in the LSMPA initiative
- Meeting participants agree to separate the efforts to designate an LSMPA in Bermuda's EEZ and the efforts to conserve the Sargasso Sea, given their different "legal, political, and financial realities" (Summary of Primary Points and Decisions Taken, 27-28 September, 2010, Meetings on the Sargasso Initiative, Pocantico, New York). The need for continued cooperation between the initiatives is also highlighted
- The Waitt Foundation agrees to fund a marine spatial planning project in Bermuda's inshore waters

#### 2010 - 2014: The SSA promotes Sargasso Sea conservation

- Members advocate for Sargasso Sea conservation within international and regional high seas governance institutions established through the United Nations Convention on the Law of the Sea (UNCLOS)
- The SSA produces "The Protection and Management of the Sargasso Sea" report, informally called "the Science Case," which argues for Sargasso Sea protection using scientific research (Laffoley et al. 2011)
- Sargasso Sea is declared an Ecologically and Biologically Significant Area (EBSA) by the Convention on Biological Diversity; much of Bermuda's EEZ is included within the EBSA
- Interested countries negotiate text for an international agreement to promote Sargasso Sea conservation, with guidance from the SSA

# **2011 – 2014:** Pew advocates for the designation of a no-take LSMPA in Bermuda's EEZ called the Blue Halo

- The advocacy campaign is led from Washington, DC
- o Pew hires two Bermudian consultants to direct day-to-day activities in Bermuda

# **2012 (December):** General elections in Bermuda result in a change in the ruling political party from the PLP to the OBA

# **2013 (September 3 – October 31):** Public Consultation on the governance of Bermuda's EEZ

- Led by the Sustainable Development Department (SDD) in Bermuda government
- Opinions and other data are accepted through hard-copy, mailed, and online surveys; in person focus groups; individual/group written or oral comments and information; and a public Town Hall meeting on October 28, 2013
- While the Public Consultation ends officially in October, focus groups continue until late 2013, and public comments are accepted into early 2014

#### 2014 (March): Hamilton Declaration signing

- Five countries: the Azores, Bermuda, Monaco, the UK and the US agree to promote conservation of the Sargasso Sea through existing international bodies
- Bermuda announces the removal of its EEZ from the Geographical Area of Collaboration defined in the Hamilton Declaration one week prior to the signing



**2014 (November):** SDD releases "The Future of Bermuda's Exclusive Economic Zone: Outcome of the Public Consultation, September 3 to October 31, 2013"

- Report concludes that there is insufficient evidence to make a final decision about the governance of Bermuda's EEZ
- o It calls for a "comprehensive economic analysis" of the four main governance options discussed during the Public Consultation, as defined through the SDD's analysis: the creation of a no-take LSMPA in Bermuda's EEZ, development of offshore commercial fishing in Bermuda's EEZ, exploration for valuable deep-sea minerals in Bermuda's EEZ, and extraction of those minerals if found (SDD 2014, p. 2).
- The Bermuda Cabinet, led by Premier Michael Dunkley, approves creating a request for quote (RFQ) to pursue this analysis (SDD 2014).

**2015 (March):** Premier Dunkley announces the government's decision to delay releasing the RFQ and conducting the economic analysis due to insufficient budgetary resources

#### 5. Blue Halo LSMPA Design:

When the idea of designating a large MPA in Bermuda's EEZ first emerged during discussions about Sargasso Sea conservation, Bermudian participants did not envision a 'no take' MPA; they assumed that specific regulations about access and use would be determined during negotiations. Discussions included potential shapes for the LSMPA, such as a ring around the island, but no design was solidified.

Pew began advocating for an LSMPA called the Blue Halo in 2011. The Blue Halo would be a no-take area extending in a ring around Bermuda from 50 nm out to 200 nm from Bermuda's coast, the outer limit of Bermuda's EEZ. "No-take" means that no extractive activity is allowed within the protected area. Two popular fishing spots, Argus Banks and Challenger Banks, are located about 25 nm from shore; thus, the Blue Halo would begin at twice this distance from shore, or 50 nm. Bermudians engage in little extractive activity beyond the 50 nm boundary; only one or two long-line fishermen reported occasionally fishing beyond this line. While it was clear that the term "no take" meant no fishing or deep-sea mining in the Blue Halo, the potential for other activities remained uncertain. For instance, interviewees reported that the ability to efficiently lay and maintain deep-sea cables running through the Blue Halo became a key point of concern toward the end of the Public Consultation.

Many interviewees reported confusion and uncertainty about how the Blue Halo would be monitored and enforced and how these activities would be funded. While no clear, comprehensive plan was provided and circulated among the public, various ideas and potential options were discussed. For example, the Blue Halo initiative argued that, if the Blue Halo was regulated as a no take area, any vessel fishing in it would be in violation of the law. Thus, any other vessel that saw them fishing could report it, making enforcement more efficient and cost-effective. Some suggested using currently available vessel tracking data, which is already collected in Bermuda. Pew itself offered



to fund enforcement of the Blue Halo in Bermuda for a year to get the program started, and Pew representatives cited discussions that they had begun with potential foreign partners to assist with monitoring and enforcement. These included branches of the US and UK military that had expressed interest in assisting with enforcement; organizations such as Skytruth, Eyes on the Sea and Catapult that could help with surveillance via satellite and/or drone technology; and potential funding from international NGOs and intergovernmental organizations.

Yet, many interviewees expressed concern about the uncertainty underlying these options. While the Blue Halo initiative representatives implied that the assistance from foreign partners described above would likely become available when/if Bermuda made a commitment to put a marine reserve in place, some interviewees characterized these potential options as "rumors" that may or may not materialize. Interviewees also had questions about how regulations would be enforced if violating vessels were identified. There was doubt that a foreign government would spend money or resources to assist Bermuda. Many were concerned that, after the first year, Bermuda would be unable to pay for continued enforcement or that the cost of the Blue Halo would limit available resources for other management issues, particularly when many argued that enforcement in inshore waters was already insufficient.

#### 6. Politics of LSMPA Negotiations in Bermuda:

Pew began an advocacy campaign to designate the Blue Halo in the fall of 2011. Pew representatives led the overall initiative from Washington, DC with periodic in-person visits to the island. They hired two local Bermudian consultants to lead the Blue Halo initiative on the ground, in Bermuda. The local consultants set up a website, gave interviews for local newspapers and radio programs, and performed outreach about oceans conservation and disseminated information about the Blue Halo at local schools, churches, concerts, and other venues. They handed out stickers, shirts and hats, wristbands, and cups, giving supporters the opportunity to announce "Blue Halo: I'm a believer" to the community. Local environmental NGOs (e.g. Greenrock) and social NGOs (e.g. the Chewstick Foundation) also publicly promoted the vision of the Blue Halo and helped distribute informational material produced by Pew. High-profile celebrities and oceans conservation activists, such as Sylvia Earle, Richard Rockefeller (Johnston-Barnes 2012), and Philippe Cousteau (Lagan 2013), visited the island to voice their support.





Figure 2. Bumper sticker showing support for the Blue Halo. Photo credit: Leslie Acton

According to interviewees and media articles from 2011 through much of 2012, Bermuda seemed unified in support of the Blue Halo. By the beginning of 2013, however, divisiveness began to emerge publicly. The two most visible groups voicing their dissent included foreign and local recreational fishermen and the deep-sea mining industry.

Fishermen discussed strategies for opposing Blue Halo designation in local angler club meetings and were supported in this by the Billfish Foundation. Billfish Foundation members shared lessons they had learned through opposing similar efforts to designate LSMPAs in other locations and posted a brochure to their website outlining the potential for the marine reserve to diminish sport fishing in Bermuda (Billfish Foundation 2013). The founder of Ocean Projects Limited gave interviews discussing the potential of deepsea mining and how the no-take Blue Halo would hinder exploration. Dr. David Saul, a shareholder in Ocean Projects Limited and former Premier of Bermuda, took this argument further, calling the designation of the Blue Halo "economic suicide" (Strangeways 2013).

When the government-led Public Consultation concerning the governance of Bermuda's EEZ began in September 2013, conflicts surrounding the Blue Halo designation had become highly divisive and heated. People communicated their arguments during informal, everyday conversations as well as on social media, websites, and through online responses to articles in the press. Interviewees explained that this highly politicized climate made it difficult for some organizations and individuals to come out either for or against the Blue Halo, for fear of backlash.

Many interviewees noted how various contextual factors contributed to the divisiveness of Blue Halo designation. The three most commonly discussed factors were the ways in which Pew's advocacy campaign related to Bermudian norms and culture; Bermuda's



changing economy after the global recession; and shifts in government leadership over time, particularly following the change in Bermuda's ruling political party in 2012. We describe each of these in more detail below. Interviewees also noted local race and class relations, historical relations between the Bermuda government and ocean users, and Bermudians' general perceptions of and values related to oceans as factors that influenced the negotiations; however, we do not explore these additional factors in detail here because of their complexity and in order to keep the report's length manageable.

Most Bermudian interviewees, regardless of their role in these negotiations or opinions on whether to designate the LSMPA, expressed frustration at Pew's approach to advocating for Blue Halo designation. Generally, they stated that Pew did not pay adequate attention to the local culture and context in planning and carrying out their campaign. They criticized Pew's inflexibility in the LSMPA's no-take design and their aggressive campaign strategy. Bermuda's colonial history with the UK and position as a small island located between the US and Europe have contributed to a general distrust of 'outsiders' or foreigners among Bermudians. Interviewees described a general perception in Bermuda that Pew was another 'outside' interest group trying to "roll out their way of doing things in Bermuda" (BDA Interviewee X10). This idea was strengthened by the perception that, although the two Bermudian Pew consultants were engaged with various local stakeholders, Pew representatives from the US-based headquarters did not sufficiently engage with or build trust in the broader local community; they mostly engaged with high level civil servants and government officials.

Another factor in LSMPA negotiations was Bermuda's weakening economy. Bermuda suffered significantly from the 2008 global recession; about 5,000 high-paying jobs disappeared, which negatively impacted household consumption, local markets, and government income from payroll taxes (Central Intelligence Agency 2017). By 2015, the Bermudian government also faced over two billion USD of debt and was forced to borrow more that year to maintain operations (Central Intelligence Agency 2017). These economic realities contributed to high stress and a strong focus on the economic potential of Bermuda's EEZ during negotiations. As one Bermudian interviewee noted, "Economically there is, you really have to factor in the economic climate, the mounds of debt that the government has right now. They're trying to whittle that down right now" (BDA Interview A09).

Finally, interviewees discussed shifting government leadership over time as a contributing factor. The function, organization of, and personnel within government bodies related to oceans governance in Bermuda has changed relatively frequently in recent years. Some interviewees stated that this lack of continuity in actor roles and processual knowledge impacted the flow and eventual outcomes of the LSMPA negotiations. Further, as noted above, the One Bermuda Alliance (OBA) won the majority from the Progressive Labour Party (PLP) and became the ruling political party in Bermuda in December of 2012. This change in government led to a reshuffling in the roles of decision-makers and some civil servants. The OBA won the majority by only two seats, making a strong stance on a politically contentious issue like Blue Halo



designation unattractive. Interviewees related a perception that both the government in general and the OBA specifically had retreated from its support of the Blue Halo.

In an attempt to reach a consensus on EEZ governance, a group of key stakeholders formed the EEZ Stakeholder Caucus in the fall of 2013. They described themselves as "a group of motivated Bermudians and residents, including scientists, commercial and recreational fishermen, trans-ocean cable operators, mineral prospectors and conservationists, who have come together to provide constructive input to the Sustainable Development Department" on the governance of Bermuda's EEZ (Robson and Zuill 2014). A local environmental NGO, the Bermuda Zoological Society (BZS), funded two professional facilitators to lead the first meetings, and the group met regularly from October 2013 until January 2014. While the group initially included stakeholders for and against the Blue Halo, some Blue Halo advocates stopped attending meetings over time. Eleven members of the EEZ Stakeholder Caucus ultimately presented a joint submission to the Sustainable Development Department for consideration in January 2014 proposing that Bermuda's EEZ be governed by an "adaptive resource management plan" rather than a strict "no take" LSMPA like the Blue Halo.

#### 7. Support and Opposition to the Blue Halo proposal:

Various arguments were made in support or opposition to the Blue Halo. The arguments outlined below include those most commonly voiced in the press, advocacy materials, in public talks or speeches, and during interviews; this list is not comprehensive. The arguments do not align neatly with any particular actor group.

#### **Arguments in Support of the Blue Halo**

- The designation, along with Bermuda's leadership role in Sargasso Sea conservation, would highlight Bermuda as an international conservation leader and provide increased political influence on an international stage.
- The Blue Halo would help brand Bermuda as a marine conservation leader, leading to increased tourism to the island.
- Bermuda would not lose anything by implementing the Blue Halo. Little extractive activity
  was currently taking place between 50 and 200 nm from the coast; only one Bermudian
  long-lining vessel regularly ventured out past the 50 nm mark.
- The Blue Halo would mitigate illegal, unregulated, and unreported (IUU) fishing in Bermuda's EEZ by easing costs of enforcement through its no-take design.
- The Blue Halo would safeguard Bermuda's oceans for future generations, protecting offshore oceans and providing a "buffer zone" around nearshore ocean spaces.

#### **Arguments in Opposition to the Blue Halo**

- The Blue Halo would limit the potential for deep-sea exploration for and harvesting of valuable minerals in Bermuda's EEZ. It would be 'economic suicide.'
- The Blue Halo would diminish recreational tournament fishing in Bermuda by making anglers feel generally less welcome and by stopping fishermen from trolling as they entered and exited Bermuda's waters. This would lead to economic loss in Bermuda.



- Designating the Blue Halo would be allowing an outside, foreign entity to infringe on Bermuda's sovereignty over its EEZ. Bermuda can assert its authority and better govern its own EEZ through a "made-in-Bermuda" solution.
- The Blue Halo is unnecessary given protective policies already in place and would focus resources and attention away from enforcement of existing laws in more pressured inshore areas.
- The Blue Halo would hinder the potential future expansion of commercial fishing offshore in Bermuda.

### 8. Public Consultation on the Governance of Bermuda's EEZ:

The official Public Consultation on the governance of Bermuda's EEZ ran from September 3 through October 31, 2013. In a Ministerial Statement announcing the Public Consultation, the Honorable Sylvan D. Richards explained that Bermuda was considering a no-take MPA, or marine reserve, in its EEZ because of its understanding that Sargasso Sea conservation efforts would be "significantly enhanced by continuing to demonstrate our [Bermuda's] commitment to protecting our own waters" (Ministry of Environment and Planning Ministerial Statement 2013). The Bermuda Cabinet asked the Sustainable Development Department (SDD), a department housed within the Cabinet itself, to run a Consultation about "whether to establish a MR [marine reserve] in the offshore waters of our [Bermuda's] EEZ and, if so, the size, shape, location and nature of protections" (SDD 2014, p. 2).

The SDD sought to inform the Bermuda public about the Public Consultation and the governance options for its EEZ in various ways. They distributed a Consultation document outlining the costs and benefits of implementing a marine reserve; one longer overview and another two-page summary. They performed outreach through workshops for educators, a Youth Parliament event, a televised discussion between stakeholders, and social media posts and discussions. They produced two outreach films, a short 3-minute film and a longer 30-minute film, featuring ten stakeholders with varied interests in EEZ governance outcomes (see Bermuda Government 2013). Finally, on October 28, 2013, the SDD organized a two-hour Town Hall style meeting in City Hall (see *Bernews* 2013). Four speakers presented information and their respective viewpoints about EEZ governance, and the audience was invited to participate through comments and questions. 378 people attended the meeting in person, and 720 others viewed the event via live-stream provided by a local news outlet, *Bernews*, or by watching the event afterward on the *Bernews* website (SDD 2014, p. iii).

The SDD invited community members to contribute their input in the Public Consultation through a survey, through written or verbal comments provided directly to the SDD, and by inviting key stakeholders to participate in focus groups with SDD staff. The survey, which was found at the end of the consultation documents, could be submitted in hard copy to the SDD office, online, or through the mail in response to consultation documents mailed directly to 2500 randomly selected households in Bermuda. Note that the survey used to gather input did not include the Blue Halo design among its



suggested options for creating a marine reserve (see Figure 3). The term Blue Halo was never adopted or promoted by the government. Further, part-way through the Public Consultation, the SDD decided to broaden the consultation question to address concerns that its focus on a proposed LSMPA was overly narrow. Rather than asking specifically about whether to designate and how to design a marine reserve, the question became "What should we [Bermuda] do with our [Bermuda's] EEZ?" (SDD 2014, p. 3). It is important to note that, despite this change, public discussion largely continued to center on the proposed Blue Halo and the arguments in support or opposition to it outlined above.

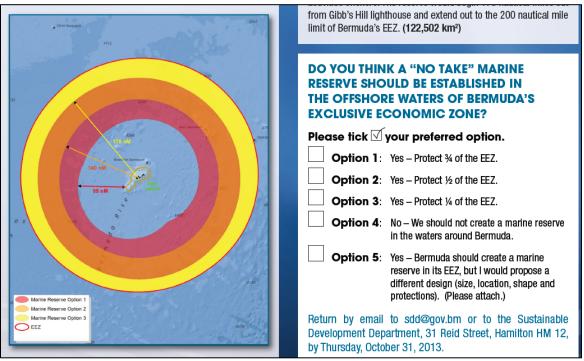


Figure 3. Image taken from the survey at the end of a Consultation Document

Although the Public Consultation was advertised as running from September 3 through October 31, 2013, the SDD continued to collect input from focus groups until late in the year and continued to accept written submissions into the spring of 2014. Results of the Public Consultation were released in the fall of 2014, in a report entitled, "The Future of Bermuda's Exclusive Economic Zone: Outcome of the Public Consultation, September 3 to October 31, 2013" (SDD 2014, hereafter called the Outcome Document). The report reviewed public submissions and concluded that insufficient information had been produced through the Public Consultation to make a decision about the governance of Bermuda's EEZ (SDD 2014). It called for a "comprehensive economic analysis" of the four main options that emerged from the SDD's analysis of feedback received during the Public Consultation: the creation of a no-take LSMPA in Bermuda's EEZ; development of offshore commercial fishing in Bermuda's EEZ; exploration for valuable deep-sea minerals in Bermuda's EEZ; and extraction of those minerals if found (SDD 2014, p. 2). Prior to the report's public release, the SDD presented their findings and



recommendations to the Cabinet. The Cabinet approved the preparation of a Request for Quote by the SDD soliciting bids to conduct an independent economic analysis, which would mark the beginning of a second phase of the Public Consultation process. Yet, in March 2015, the government announced that it would delay releasing the RFQ due to insufficient budgetary resources. During his speech, Premier Dunkley clarified that the government had "only deferred the planning for the study" and would reevaluate its ability to proceed in subsequent years (*Bernews* 2015). To date, the Bermuda government has not announced any progress in pursuing an economic analysis of the major options discussed during the Public Consultation.

While interviewees reported that the SDD had provided ample opportunity for community input, many expressed frustration with the Consultation process and how it was run. Some discussed limited or late engagement with key stakeholder groups; others noted a lack of transparency in how the Consultation was structured and how data were analyzed, particularly how long it took after the official end of the Public Consultation before the Outcome Document was released. Some interviewees felt that there was a mismatch between survey results, which suggested strong support for designating a no-take marine reserve in Bermuda's EEZ, and the Outcome Document's final recommendation to gather additional information. The Outcome Document explains that, despite this apparent public support, the survey results "must be examined in light of the influencing circumstances and the evolution of the discussion through the course of the [Public] Consultation" (SDD 2014, p. 7). According to the Outcome Document, the Public Consultation may have been influenced through a relatively high level of support and marketing assistance provided to the Blue Halo initiative by foreign and local organizations and individuals; this impact was evidenced, in part, by the use of the same text by many respondents to explain their support of a marine reserve.

Some interviewees reported that broadening the Public Consultation's central question part-way through the process added to existing confusion about governance options and what was at stake in negotiations. Others thought that the change came too late, leaving insufficient time to discuss options before the Consultation ended. The latter point was highlighted by the Town Hall meeting held near the end of the Consultation process, which many interviewees thought would have been a useful beginning (rather than end) of discussions and negotiations as it brought many key questions to the fore.

#### 9. Outcomes:

Numerous outcomes emerged from negotiations over designating an LSMPA in Bermuda's EEZ; here, we highlight those most often discussed in interviews. The outcomes relate to the governance of Bermuda's EEZ, changes in relationships, other marine conservation initiatives, and values of offshore ocean spaces.

# No change to the governance of Bermuda's EEZ

The first and most obvious outcome in Bermuda is that no LSMPA resulted from this process. Interviewees often referred to the process as "stalled," "dead," or, when asked



directly about outcomes, replied: "there are none." Despite a high-energy campaign run by Pew, an intensive Consultation Process, and a lengthy data analysis period by the SDD, nothing changed in the overall governance of Bermuda's EEZ as a result of this negotiation. This outcome did not result from a clear decision from the Bermuda government to refrain from designating an LSMPA or changing EEZ governance; rather, the government announced its intent to assess whether financial resources exist to carry out an independent economic study at a later time. To date, that assessment has not occurred. Pew pulled its resources from the site and, at the time of our research, Bermuda was the only "failed" site in Pew's Global Ocean Legacy project.

### **Erosion of trust and long-standing relationships**

The outcome of LSMPA negotiations most broadly discussed by interviewees was an erosion of trust and damaged relationships. This took multiple forms depending on the role that particular interviewees played in the negotiating process. First, interviewees contended that "the whole [Public Consultation] process caused deep divisions within the community" (BDA Interview B1). It revealed existing rifts between community factions and created new ones. Members of local conservation NGOs discussed new divides in the marine conservation community due to divergent views about and methods of discussing the Blue Halo. Bermudian residents reported new tensions in personal relationships with friends and colleagues, at times even referring to relationships as "ruined." A Bermudian civil servant explained, "It strained friendships, neighbor relations...Like, I nearly stopped talking to one friend. It was that bad" (BDA Interview V49). Some felt deeply wounded by the negotiations, at times describing our interviews as "therapy" because of the opportunity to talk through painful experiences.

Many interviewees reported an erosion of trust in the government because of the extended time taken to produce the Outcome Document, the government's inaction on its recommendations, and the government's lack of preparation, understanding, and leadership in a supposedly government-run process. Yet, it is also important to note that distrust in the government seemed to be a theme that related to many local/national issues – not just Blue Halo and marine governance. Distrust in foreign or "outsider" organizations also grew as a result of these negotiations, both negotiations over the Blue Halo (as described above with relation to Pew's approach in Bermuda) and the Sargasso Sea. Bermudians related feeling frustrated in Sargasso Sea negotiations by the implication that Bermuda is "not good enough to do this ... You need people to help you" (BDA Interview P49).

#### Increased awareness of and public engagement with EEZ governance

Interviewees also discussed the increased knowledge about Bermuda's EEZ and the relatively high level of public engagement in these policy negotiations as a positive and encouraging outcome. For instance, one interviewee who was frustrated by the negotiations and the outcome stated, "I think the only thing that really came out of it was that maybe we are aware that it could be ... A lot of people go 'Wow, we have something special? I didn't know that'" (BDA Interview M14). Further, Bermudian fishermen came together to form the Fishermen's Association of Bermuda as a



mechanism to more effectively voice their concerns within the Consultation. One member of the Association explained, "In order for us to get any teeth with Sustainable Development, we figured, as a group, we had to come together" (BDA Interview O80). A civil servant called this "one of the big successes" of the Public Consultation (BDA Interview X22); another exclaimed, "The fishermen got up in arms and they came down there, and boy, I've never seen fishermen so united!" (BDA Interview W62).

#### Other conservation initiatives

The negotiations influenced, though were not the sole factors in disruptions of, other oceans conservation initiatives in Bermuda and beyond. For instance, concerns and confusion about EEZ governance and Bermuda's sovereignty over its EEZ related to these negotiations contributed to Bermuda's decision to remove its EEZ from the Area of Collaboration in the Hamilton Declaration (Gruby et al. 2017). Interviewees noted that some Bermudians related, and even equated, Pew and their role in the Blue Halo negotiations to the Waitt Foundation, which funded not only Sargasso Sea conservation, but also a marine spatial planning (MSP) project in Bermuda's nearshore waters. While the Bermudian government initially expressed support for the MSP project, interviewees explained that tension and obstacles rose as conflict related to the Blue Halo and the Public Consultation grew. Since 2015, information-gathering for the MSP project has concluded and been presented to the government (Lester et al. 2017).

### Value of ocean space

The process revealed the deeply held values that both Bermudians and non-Bermudians hold concerning this "remote" space. Interviewees discussed, time and again, the view that there is "nothing going on out there," in the space proposed for the Blue Halo. Of course, this is not entirely true – there are cruise ships, trading vessels, yachts and other boats passing through the area, in addition to deep-sea cables, and illegal fishing, etc. However, while some stakeholders cared deeply about these already existing activities, the most vocal and, in the end, consequential voices spoke of *potential* uses (i.e. deep-sea mining, new or expanded offshore fisheries, a no take LSMPA) and the symbolism of this space (i.e. the EEZ is *Bermuda's* territory/resources, pride in Bermuda's marine conservation identity). Though not everyone in Bermuda participated in these negotiations or cared about their outcome, some people cared deeply.

In particular, these negotiations became a platform through which Bermuda asserted authority over the governance of its EEZ. Early in negotiations about Sargasso Sea conservation, Bermuda and others confirmed with the UK government that Bermuda would retain authority over the governance of its EEZ. In the Outcome Document produced after the Public Consultation, the government asserted that Bermuda should identify a "Bermudian" solution for EEZ governance, stating, "There is good consensus from the public on the need for a made-in-Bermuda approach to the EEZ and its future" (SDD 2014, p. 4).



## 10. Lessons Learned:

While no LSMPA has been created in Bermuda to date, lessons about the human dimensions of LSMPAs still emerged from negotiations over the proposed Blue Halo and their outcomes.

### Relationships, trust, and understanding local social context and history are key.

As noted above, interviewees in Bermuda broadly agreed that the erosion of relationships and trust was one of the most notable outcomes of LSMPA negotiations. In particular, interviewees expressed frustration about Pew's inflexibility and aggressive advocacy strategy in support of the Blue Halo. This case demonstrates that foreign organizations interested in supporting conservation in a particular place should focus on building positive relationships and trust within local communities. This includes not only learning about local social realities and historical relationships, but also understanding how the organization itself and its representatives fit into this social context and adapting engagement strategies to support conservation *in that place*. In other words, strategies that proved successful in one place may not be appropriate or effective elsewhere; listening to, learning from, and responding to input from a variety of local stakeholders is important.

### Public participation will not always result in a "yes" for LSMPAs.

After a broad, in-depth Public Consultation process, Bermuda did not designate an LSMPA in its EEZ. Some advocates of public engagement before and during negotiations argue that participation will increase public buy-in; this case shows that this does not always occur. This is not, however, an argument against public participation in negotiations; even when proposed measures are altered or opposed, early and in-depth public engagement through which stakeholders' ideas and opinions contribute meaningfully to outcomes can strengthen trust and result in effective and sustainable conservation outcomes over time. Public participation can result in rejection of proposed projects; buy-in is not the only legitimate or possible outcome.

#### Negotiations over oceans governance cannot be separated.

Negotiations over the proposed LSMPA in Bermuda's EEZ influenced the outcomes of conservation efforts in Bermuda's nearshore waters and in the broader Sargasso Sea, despite efforts to separate them by referencing their geographical area and/or jurisdictional scale. Negotiations took place within the same "social" space in Bermuda and involved related foreign organizations (Pew and the Waitt Foundation). The multiple negotiations proved difficult to tease apart, and led to additional confusion and distrust of "outsiders."

#### Remote ocean spaces are highly valued "peopled" seascapes.

This case demonstrates that even remote ocean spaces are highly valued by stakeholders for a variety of reasons. Even when little extractive activity is occurring in them, remote ocean spaces are understood and valued for their symbolic meaning and the potential futures they represent.



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