

Marine Protected Areas

SURVEILLANCE, MONITORING AND ENFORCEMENT – A ROLE FOR THE PRIVATE SECTOR?

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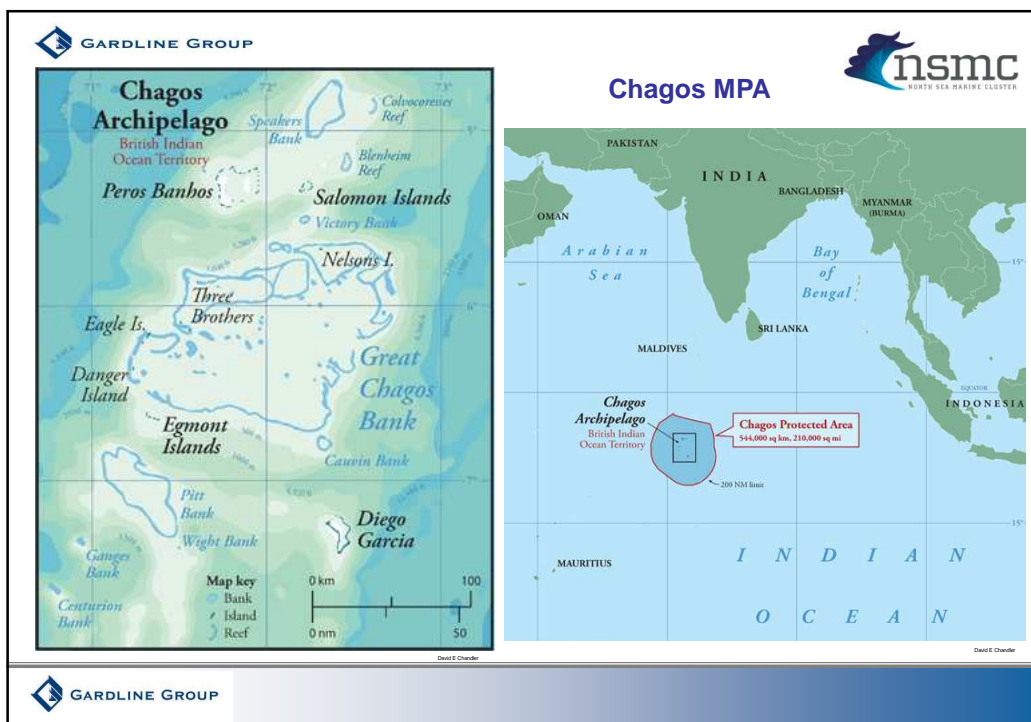
A member of the North Sea Marine Cluster and Chairman of the Gardline Group

Overview and open questions

- MPA's are relatively new. Is there a clear regime for achieving the objective of ensuring that a protected area remains protected?
- A protected area is essentially one that has both restricted and controlled access.
- Restricted access to historical users means potential conflict when for example a fisherman's livelihood is negatively affected.
- Controlled access means for a particular classification of individuals or organisations they are allowed to do certain things at perhaps certain times of the year.
- It is likely that the 'gatekeeper and policeman' will be an existing Government Agency, my open question today is what are the fundamental objectives, how is the delivery of these objectives being managed and has the funding been allocated?
- How will this work? How will the marine area actually be protected?
- As with any regime there needs to be both a set of clear rules and the sanctions that go with them.

Private sector involvement

- Private sector expertise is playing a key role in the designation of MPAs – from various sectors such as fishing, aggregates, renewables and hydrocarbons.
- The private sector can be involved in data sharing and monitoring as part of other activities – reporting pollution or incursions for example.
- The private sector can fund MPAs, such as the financing of the Chagos MPA in the Indian Ocean, or less high profile through tourism licenses.
- There is already a contribution here in the concept of an MPA being a shared resource that could be developed further as part of the overall management regime.



Private sector capability

- Suggestion, consider the available expertise in the private sector. My role and advocacy here is obvious.
- By defining work packages, or contracts, there will be clarity and flexibility over time – to change.
- Close to Gardline's experience is the ability of an oil company to develop an offshore resource without any marine resources of their own. The key components are **all** hired in:
 - The seismic survey
 - The environmental and sea bed investigations
 - The drilling rig along with supply boats and helicopters
 - The development drilling
 - The production platform and or subsea completions
 - The pipelines and infrastructure

- Of the above all inputs are provided by capable contractors, the oil company has the finance, the idea and a small team of capable managers.
- Similarly, surveillance and monitoring can be undertaken by marine professionals contracted to a set of tasks. A great advantage is operational flexibility.
- If the need changes then the contracts can change, rather than setting up a surveillance and monitoring organisation only to have change management as it's focus. With a private company if the contract comes to an end, so do the costs.
- Capability is by no means confined to commercial organisations, universities in particular have capability and the potential of a relatively low cost student workforce available.

Enforcement is for the government agency

- Enforcement is the role of the Government Agency.
- Example: Gardline provides logistics and marine support for Australian Customs under two contracts in the Northern Waters, however boarding and applying legal sanctions is undertaken by a Government Agency, in this case 'Border Protection Command'.
- This approach was a development of the Norwegian model where Customs ships are privately owned and operated but provided for Customs use.
- The private sector can provide support, but is not a police force.



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The Private Sector Delivers

- There are many other examples of work that at one time was considered inappropriate for the private sector (airlines, prisons, ships, trains).
- MPAs need routine environmental monitoring, marine data collection – surface, water column and sea bed, analysis, reports and predictions to validate the MPA objectives.
- Routine for many companies operating at sea today.
- Monitoring of human activities (vessels) can be combined with data collection.
- With the current state of public finances the use of capable and ready to respond organisations makes sense.

Integrated Activities

- Rather than do one job at a time, why not do more than one?
- The application of policy at sea needs efficient use of resources.
- The concept of integrated activities has not been widely developed, but one ship many tasks is a principle that works. Monitoring and surveillance, taking samples and observations, promoting and advising, checking documentation – can all be incorporated in one economical package.
- And if the outcomes need changing, change the contract. Go to the market.

Example, a Real and Defined Set of Requirements

- Deter illegal activity
- Intercept foreign fishing vessels
- Pump out foreign fishing vessels
- Hold and transport apprehended or escorted persons
- Refuel customs vessels
- Assist with clean up of oil spills
- Undertake scientific research and diving
- Support the whole of government operations

Enforcement

- Enforcement, collection of information.
- Joint activity under the control of the Agency.
- Technical or legal activities can be minimal if supported – leading to the efficiency of operation.
- A partnership between stakeholders can work. Somewhat controversially, farmers prosper in national parks and so fishermen can prosper in and around MPAs - discuss

Private Sector Involvement Needed

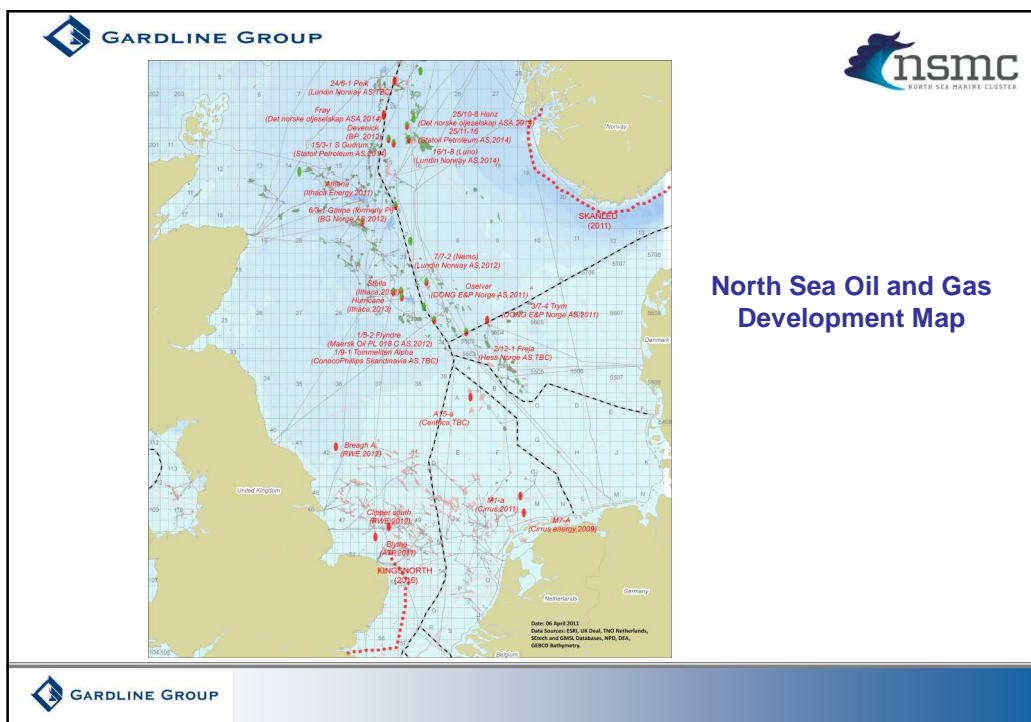
Examples: Fishing and Offshore Oil and Gas

As an example of the difficulties faced by a group who are financially affected. Two quotations below are from the March 2011 edition of Fishing News International in an article headed 'MPA mania'.

- "MPAs are a genuine threat to all fishermen, regardless of whether they are working mobile or static gear. The real difficulty is that there is a complete lack of direction, definition and clarity about what the outcomes are intended to be"
- "The UKs MPA proposals will also affect Dutch, Belgian and French fishermen who have historical fishing rights in British waters"

And the next slide illustrates how busy the North Sea is after 40 years of Oil and Gas development.

The point here is that MPA entry and exit arrangements are required which will be difficult to implement and police when restrictions are imposed.



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Partnership With The Private Sector

- Much is talked about partnership, it is often an overused concept, but there is expertise and capability available. MPA surveillance and monitoring can be delivered by the private sector. No problem.
- Contributions are needed from the wide range of stakeholders and contractors.
- A fundamental step is the development of a commissioning strategy, the North Sea Marine Cluster can assist in this process.
- And a final obvious point for the Agency concerned, **there needs to be both a set of clear rules and the sanctions that go with them** otherwise surveillance, monitoring and enforcement will not work.

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