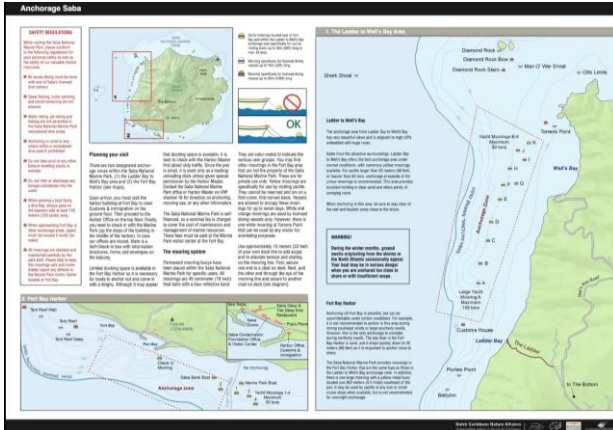


Sharing MPAConnect's knowledge

Saba National Marine Park, The Caribbean Netherlands

Lessons learned in MPA disaster response



MPA infrastructure and yacht grounding in Saba Marine Park (Photos: SCF, The Daily Herald St Maarten)

The local context

Saba National Marine Park was a founding member of MPAConnect in 2011 and is a SPAW Priority Site. The marine park comprises about 13 sq km of coral reef and sea floor around the entire island of Saba from the high-water tide mark to a depth of 60 metres. Recreational and tourism uses include scuba diving and some recreational fishing (only by local people from the population of less than 2000 and subject to gear restrictions). There is visitation by yachts, increasingly by superyachts and also by a small cruise ship.

Established in 1987, the marine park is managed for the island government of Saba by the non-governmental organization Saba Conservation Foundation (SCF) whose mandate is environmental protection and management. Rely on project funding. No anchoring is allowed in the marine park and fixed moorings are provided to prevent habitat damage.

Networking and sharing with MPAConnect

Between 2012 and 2023 Saba Marine Park has been engaged in four MPAConnect Caribbean regional peer-to-peer workshops and benefited from four small grants and targeted technical support from MPAConnect. These addressed the park's priority needs related to enforcement, outreach/education and sustainable financing, as well as fisheries management and bio-physical monitoring. Saba Marine Park has served as a valuable mentor to other managers in the MPAConnect network on at least two occasions and has hosted and presented at several MPAConnect activities for peer sharing. Key partners have also represented SCF at MPAConnect activities, including from the Dutch Caribbean Nature Alliance and the Royal Dutch Police Force. See annex 1 for more details.

Special MPA management expertise



From responding to a superyacht stranding, Saba NMP brings special experience to the network in relation to *disaster response*, including elements of *MPA enforcement and communications*. In the process of defending the case brought by the superyacht owner against SCF for a broken mooring, the Saba Marine Park team learned valuable lessons about standard operating procedures, ranger training, visitor communications, record-keeping, enforcement partnerships, response planning, legal action, insurance and liabilities.

The challenge

*A broken mooring, a stranded 150 foot superyacht and potential bankruptcy
from legal action against the MPA.*

In 2017, SCF faced two yacht groundings in a short space of time. The second of these involved a 150 foot vessel, the Elsa. The yacht went aground in the marine park when a superyacht mooring installed by the island government wore through due to chafing against coral or rock of the unfloated downline. SCF had advised against installation of this mooring, one of two superyacht moorings that were intended to attract new business to Saba.

There had been a party onboard the Elsa before the incident, the vessel captain was asleep at the time the mooring broke, no-one was on watch and the anchor alarm was turned down. The captain had not checked the mooring and he himself was not adequately licensed for the waters he was operating in. Immediate offers of local assistance to save the vessel from stranding were refused. The Elsa went aground and subsequently caused pollution in the marine park as pump-out equipment took time to arrive and oil containment booms failed to work in the surge. Eventually the vessel was cut up and removed.

The vessel owner took legal action against three parties – against SCF for the park ranger instructing the vessel captain to use the mooring; against the island government for installing the mooring that broke; and against the Dutch state for failing to ensure safe waterways. No action was taken by the vessel owner

against the commercial dive company that installed the mooring. The owner sought US\$6.7 million compensation from the parties for loss of the vessel.

MPA management action

When the incident occurred the governor convened the island's crisis management team. Various external actors started to swarm around the salvage contract, overwhelming the MPA managers and their office. With an approaching storm, MPA staff took on dangerous, unpaid clean-up work on the grounded vessel and even suffered injuries as they sought to remove its contents and prevent worse environmental damage in the marine park.

Environmental impact assessments did not provide proof of short- or long-term change to marine habitats from the grounding or the resulting diesel spill. Following removal of the vessel, marine park divers undertook dive surveys to check for any remains of the vessel over 10cm left, ensuring compliance with the removal contract.

With a court case looming, SCF faced potential bankruptcy. The case could also set a precedent and jeopardize revenue generation by MPAs from moorings, having wide repercussions for marine conservation. The case raised key aspects of the law of sea relating to anchor watch and responsibilities of the vessel master.

Finally in 2021 the court ruled in favour of the defendants. A panel of three judges formed the maritime chamber of the Rotterdam Court that reviewed the case and decided to dismiss all claims of the vessel owner. Cause was attributed to wrong positioning of the mooring too close to rocks.

Take-away messages for MPA managers

Moorings play a significant role in preventing habitat damage and in generating MPA financing – but care is needed. The Saba Marine Park case serves as a reminder that moorings must be suitably strong and consist of all necessary components, they must be correctly installed, regularly inspected, properly maintained and replaced. This makes them expensive to operate. MPAs should avoid over-dependence on moorings for sustainable financing and diversify their financing strategies.

In spite of best efforts by MPA managers, it is almost impossible to guarantee the condition of moorings day-to-day. This is reflected in the reluctance of insurers to provide coverage for MPA moorings, and underpins the *importance of MPAs limiting their liability and assuring maximum safety and security.* Provide thorough, standard briefings to vessel captains and have them sign a maritime lawyer-vetted liability release. Consider incorporating a limited liability company with the sole objective of installing and maintaining all boat moorings, under the authority and supervision of the MPA.

SCF advises MPA managers to *develop response plans and establish standard operating protocols for dealing with maritime accidents* in their MPAs. Work closely with other local authorities to develop a joint strategy/approach. Have basic oil spill equipment readily available and staff trained in its use. Provide training to staff in conducting rapid damage assessments and clean-ups. Understand the basics on how to conduct an environmental impact assessment. Know the value of marine habitats and ecosystem services in your MPA. Ensure proper management of any hazardous materials.

As part of MPA preparedness for disturbances and accidents, *establish strong partnerships* that can provide immediate support eg. with MPAConnect, SPAW-RAC, RAC/REMPETIC. Keep an up-to-date list of emergency contacts. Assign staff to be on emergency response.

Be clear about your mandate and authority. In the Saba Marine Park case, the MPA manager had the authority to override the vessel's decision not to accept local assistance which could have prevented the incident. The MPA manager can also demand regular updates and reports, daily if necessary, from all involved. SCF encourages other managers to take charge in such a situation, don't be intimidated by salvage company representatives, marine surveyors, third party lawyers, insurance companies or experts.

When an incident occurs, get police on-site immediately to collect evidence, photograph, document and report. Properly secure the site, provide or demand 24/7 security and require any persons entering the site to sign a liability waiver. Get legal support from a qualified, specialist maritime lawyer as soon as possible. Value your services and demand compensation for your efforts related to clean-up, monitoring and other assistance.

Lessons for sharing about MPA management capacity

Peer-to-peer sharing about practical MPA management is an effective approach to building capacity. There has been great interest from the MPAConnect network in learning from the Saba Marine Park case and the managers have been generous in sharing about their experience.

Whilst regional sharing can be instructive in some enforcement topics, locally-focused capacity building is needed to develop standard operating procedures, for disturbance response planning and for staff training in practical procedures and protocols.

Joint enforcement training is important to bring together local partners and strengthen disturbance response capabilities. Capacity building partners can ensure that any MPA training also includes representatives from relevant local agencies.

Annex 1

Saba National Marine Park – MPAConnect

Date	Location	MPAConnect Capacity Building and Networking Activities	P2P	Grant/ Technical Support	Host/ Mentor
Sustainable financing					
2023	Saint Lucia	Peer-to-peer Workshop on MPA Sustainable Financing	1		
Law enforcement					
2016	Saint Lucia	MPA Practical Enforcement Training		1	
2020	British Virgin Islands	Building a local MPA enforcement training program in the British Virgin Islands (M. Delaney)			1
2021	Saba	MPA Practical Enforcement Training		1	
2021	Remote	Webinar - Moorings, a superyacht and legal action taken against an MPA			1
Fisheries management					
2018	Saba	Peer-to-peer Workshop on Fisheries Management for Caribbean MPAs	1		1
Outreach/education					
2016	Bonaire	MPA Education/Junior Rangers Writeshop		1	
2023	Remote	Social media marketing strategy		1	
Bio-physical monitoring/Stony coral tissue loss disease					
2019	Key West	Peer-to-Peer Field Workshop on Stony Coral Tissue Loss Disease	1		
2022	Key Largo	Peer-to-peer Workshop on Coral Rescue	1		
Total			4	4	3