

Marine Conservation Agreements

Private Options to Actively Protect Ocean and Coastal Biodiversity

SUMMARY

Types of Agreements

- Concessions
- Contracts
- Easements
- Informal (verbal, “handshakes”, letters of permission)
- Leases
- Licenses
- Purchase & Sale

Parties to Agreements

- Governments
- Indigenous people
- Local communities
- NGOs
- Private entities

Benefits of Agreements

- Biodiversity protection
- Direct payments
- Ecosystem services
- Employment
- Infrastructure
- Social services



Port Susan Bay Preserve is a privately-owned inter-tidal area in Washington State, U.S.A., made possible through a purchase and sale agreement.

OVERVIEW: Over the past several years, non-governmental organizations (NGOs) have realized that the creation of formal protected areas may not be sufficient to protect ocean and coastal biodiversity, particularly in areas where rights have already been granted to specific owners and users. To address this, NGOs are increasingly using Marine Conservation Agreements (MCAs).

MCAs include any formal or informal understanding between two or more parties in which the parties obligate themselves, for an exchange of benefits, to take certain actions, refrain from certain actions, or transfer certain rights and responsibilities to achieve agreed-upon ocean or coastal conservation goals. MCAs can be entered into by governments, local communities and indigenous groups, private entities, and private individuals.

Examples of MCAs include leases, licenses, easements, management agreements, purchase and sale agreements, concessions, and contracts.

NGOs have used MCAs to help manage specific areas, harvesting methods, and access to resources. These efforts have protected important marine biodiversity while positioning NGOs as vested and solution-oriented stakeholders with governments and communities responsible for decision-making.

FIELD GUIDE: The Nature Conservancy and partners developed the *Practitioner’s Field Guide for Marine Conservation Agreements*, a 74-page manual which includes four phases that assist NGOs as they investigate, develop and implement MCAs.

PHASE 1: FEASIBILITY ANALYSIS

The feasibility analysis assists organizations in determining whether MCAs can help meet conservation goals at specific sites. Criteria within the analysis include: conservation targets; threats and strategies; right-holders; laws and policies; organizational capacity; stakeholders; and costs.

PHASE 2: ENGAGEMENT

During engagement, an NGO leads a team to discuss the MCA project concept with the right-holders of the lands, resources or ecosystem services targeted for conservation. An engagement team must be selected, a plan must be developed, ideas are exchanged with right-holders, and a conceptual agreement is finally reached.

PHASE 3: AGREEMENT DESIGN

Formal MCAs should identify, at a minimum, conservation commitments of right-holders, recipient benefits provided by NGOs, compliance mechanisms, sanctions in case the terms of the MCA are breached, identification of other needed authorizations, and duration of the agreement.

PHASE 4: IMPLEMENTATION

The most crucial phase of the MCA process is implementation. Implementation activities may include: administration; planning; outreach; science; enforcement; public uses; livelihood activities; habitat management; area and facility maintenance; and the generation of needed funding.

*Practitioner's Toolkit for
Marine Conservation
Agreements*

On-line at: www.mcatoolkit.org

The toolkit provides information to local, national and international organizations to help them determine:

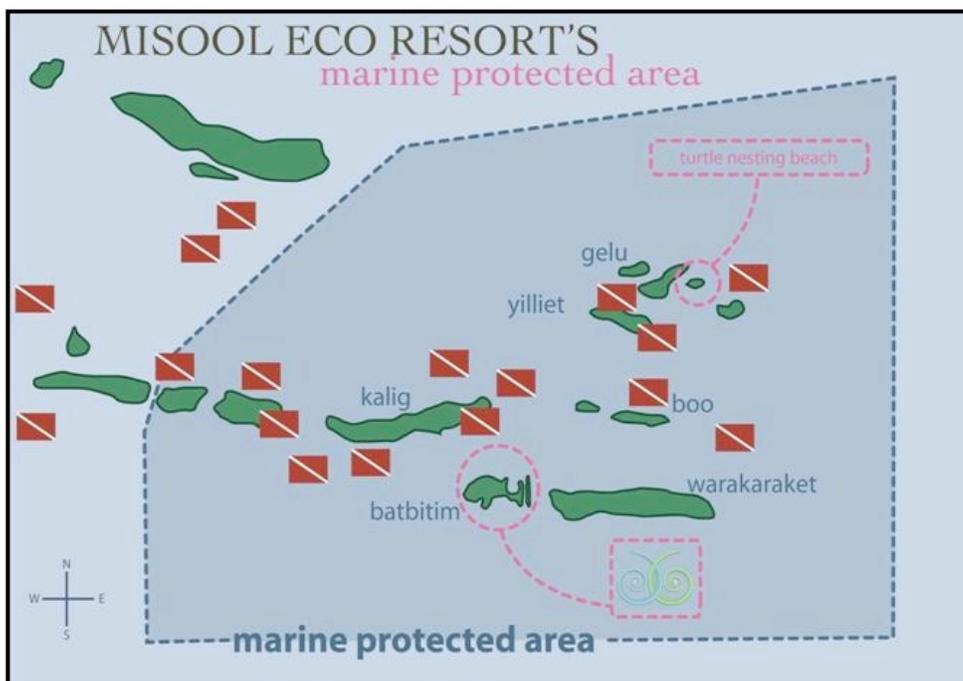
1. What MCAs are;
2. When MCAs can help abate threats to ocean and coastal biodiversity; and
3. How to plan and proceed with MCA field projects.

For more information, please contact us.

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The Misool Eco Resort established a marine protected area through a lease with a local community in Indonesia.

Field Projects and Feasibility Analyses

FIELD PROJECTS: Well over 100 MCA field projects exist throughout the globe today. One of the best-known is the Chumbe Island Coral Park in Tanzania. Other examples include The Nature Conservancy's 13,000-acre Great South Bay Preserve on Long Island, New York (U.S.), and the 400,000-km² Phoenix Island Protected Area in Kiribati, established in part based on a "reverse fishing license" being developed by the Government of Kiribati, Conservation International, and the New England Aquarium.

COUNTRY ANALYSES: Assessments for twelve countries (including Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Indonesia, Mexico, Peru, Spain, and the United States) indicate that some form of private acquisition or management contracting is possible in each location. Summaries and in-depth reports can be accessed through the online toolkit.

U.S. STATE ANALYSES: Assessments indicate that some form of private acquisition or management contracting is possible in 17 of 23 U.S. ocean coast states. In six states, more in-depth assessments are needed to determine

the feasibility of MCAs. Summaries and in-depth reports can be accessed through the online toolkit.

LESSONS LEARNED: MCA field projects and feasibility analyses have provided insights for the successful application of MCAs, including:

1. Fish protection – MCAs can be used to protect numerous features of the ocean and coastal environment, including finfish, shellfish, and their habitats.
2. Diversity - MCAs are used by diverse organizations, under diverse circumstances, and in diverse geographies.
3. Local integration – Many successful MCA projects involve the direct participation of local communities and provide opportunities for local employment.
4. Varying scales - MCAs can be applied at small scales (less than five hectares) and extremely large scales (up to 400,000 km²).
5. Project champions – Many MCA projects came to fruition due to the perseverance, persuasive abilities, and personal relationships of forward-thinking, bold, and charismatic project leaders

If you would like more information about MCAs or TNC's coastal and marine conservation work, please visit the toolkit or contact us.