

## Northern Ireland Marine Task Force Response to Department of Housing Planning and Local Government – National Marine Planning Framework Baseline Report

*The Northern Ireland Marine Task Force (NIMTF) is a coalition of non-government environmental organisations – it includes RSPB NI, Ulster Wildlife, Wildfowl and Wetlands Trust, National Trust, Friends of the Earth, Irish Whale and Dolphin Group and Northern Ireland Environment Link. The NIMTF has the support of approximately 100,000 local people. We are working towards healthy, productive and resilient seas for Northern Ireland.*

The Northern Ireland Marine Task Force (NIMTF) welcomes the opportunity to respond to the Department of Housing Planning and Local Government’s consultation on the National Marine Planning Framework Baseline Report. NIMTF are responding specifically to question 7 of the consultation: ‘What measures do you think should be put in place to support optimal transboundary (including cross-border with Northern Ireland and with other parts of the UK) cooperation on marine planning?’

**Transboundary cooperation is a critical component of Marine Spatial Planning (MSP).** Within the Irish biogeographic region, previous inaction in the **transboundary loughs** (Lough Foyle and Carlingford Lough) has led to environmental vulnerabilities. Vertical and horizontal cooperation mechanisms will be crucial for successful transboundary marine planning. Optimal transboundary cooperation on MSP and other marine directives (such as the Marine Strategy Framework Directive (MSFD)) has the potential to improve ocean governance as a whole. The use of existing cooperation mechanisms (both legislation and institutional structures) is important and by doing so, duplication of effort is minimised and momentum built upon. NIMTF cite the following mechanisms which we believe should be utilised to support optimal transboundary cooperation on MSP:

- 1. Legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention on Biological Diversity (CBD):** Existing legal instruments are important mechanisms for facilitating transboundary cooperation, and although they are not specifically focused on MSP, given their precedent for facilitating cross-border cooperation they should be explored as a useful existing mechanism. Following the UKs exit from the EU, international transboundary cooperation mechanisms will be even more important.
- 2. Regional Seas Conventions – OSPAR Commission** (Forum for contracting parties to the Oslo and Paris Convention): As an international forum, OSPAR should be utilised as an effective mechanism for supporting optimal transboundary cooperation on MSP. OSPAR has been active in contributing to the MSFD, and so the use of the forum could be beneficial in supporting holistic, transboundary cooperation on both MSP and the MSFD.
- 3. Transboundary stakeholder working groups:** Transboundary stakeholder working groups have been proven to be fundamental to the implementation of marine spatial plans in other European regions, for example, the HELCOM – VASAB Maritime Spatial Planning Working Group. HELCOM – VASAB was established to ensure cooperation on MSP in the Baltic Sea. Such groups, while not established for MSP specifically, already exist in the Celtic Seas area. For example, the Irish Sea Maritime Forum. While the Irish Sea Maritime Forum is a non – statutory forum for Irish Sea users and stakeholders, it remains an important concept for transboundary cooperation that should be employed.

Specifically, for cooperation on the island of Ireland, existing mechanisms developed under the **Good Friday Agreement** should be utilised to ensure efficiency and avoid duplication where possible, including:

#### 4. The British – Irish Council and the North – South Ministerial Council

**North South Implementation Body: Foyle, Carlingford and Irish Lights Commission (FCILC): The Loughs Agency** – A participant of the FCILC, The Loughs Agency is an important legislated body which NIMTF believes could be imperative to transboundary regional marine management on the island of Ireland. Some of the issues relating to the governance of the transboundary loughs have been highlighted in the recent NI Select Affairs Committee Report<sup>1</sup>. The Loughs Agency stated in the inquiry that its unique management model should be considered a template for administrating natural resources which straddle the border (Paragraph 94, p. 43) – *Given the considerable experience and knowledge the Agency has of implementing legislation on a cross jurisdictional basis, it could act as a facilitator for cross border co-operation, helping both jurisdictions to overcome wider potential jurisdictional issues in relation to environmental and fisheries management, in the cross-border region [ ... ]*

**NIMTF recommend that all four structures outlined above are employed** to support optimal transboundary cooperation on MSP: **Existing legal instruments** such as UNCLOS and the CBD which have set precedent legal frameworks for cooperation in the marine environment; **Regional Seas Conventions** (e.g. OSPAR) to ensure high level strategic cooperation at government level; **A Transboundary Stakeholder working group** (e.g. similar to the Irish Sea Maritime Forum) to collate transboundary evidence from a variety of sectors and interests; **North South Implementation Bodies** (e.g. the Loughs Agency) to ensure that transboundary management is implementable and implemented. Within each mechanism above, it is important that the **Terms of Reference (TORs) can adequately address the specific needs** for exploring transboundary cooperation on MSP.

The exit of the UK from the European Union is a key issue for transboundary cooperation and governance in the Irish biogeographic region. Differing objectives and indicators between neighbouring countries risks further complicating transboundary cooperation. It is imperative that a common framework with regulatory alignment in marine management legislation is ensured in order to avoid a race to the bottom.

NIMTF also wish to draw the departments attention to an output from the EU funded SIMCelt project - [Ansong, J., O’Hagan, A.M. and MacMahon, E. 2018. Existing Mechanisms for Cooperation on MSP in the Celtic Seas.](#) This document provides more detail on the mechanisms we have raised in our consultation response.

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<sup>1</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmniaf/878/878.pdf>