

Northern Ireland

# Marine Task Force

## ***"EXPLORING A BLUE BREXIT"***

Ellen MacMahon (BA, MSc)

Northern Ireland Marine Task Force Officer

Queens University 23<sup>rd</sup> October 2018



WWF



Ulster  
Wildlife



giving  
nature  
a home



Friends of  
the Earth



National  
Trust



marine  
conservation society



Esmée  
Fairbairn  
FOUNDATION



Northern Ireland  
environment  
link



IWDG  
www.iwdg.ie  
The Irish Whale and Dolphin Group



Saving wetlands  
for wildlife & people

# NIMTF WORK AREAS

## Marine Protection

1. A complete network of Marine Protected Areas
2. Effective management plans for all sites

## Marine Spatial Planning

1. An ecosystem based Marine Plan for Northern Ireland

## Fisheries

1. A world-leading, ecosystem based sustainable fisheries management system for NI and the UK, supported by fit-for-purpose legislation

# CONTENTS

- ▶ What do we know?
- ▶ What are the pros and cons of the *current* Brexit scenarios?
- ▶ Northern Ireland specific issues
- ▶ The importance of international agreements – Sustainable Development Goals
- ▶ Next steps

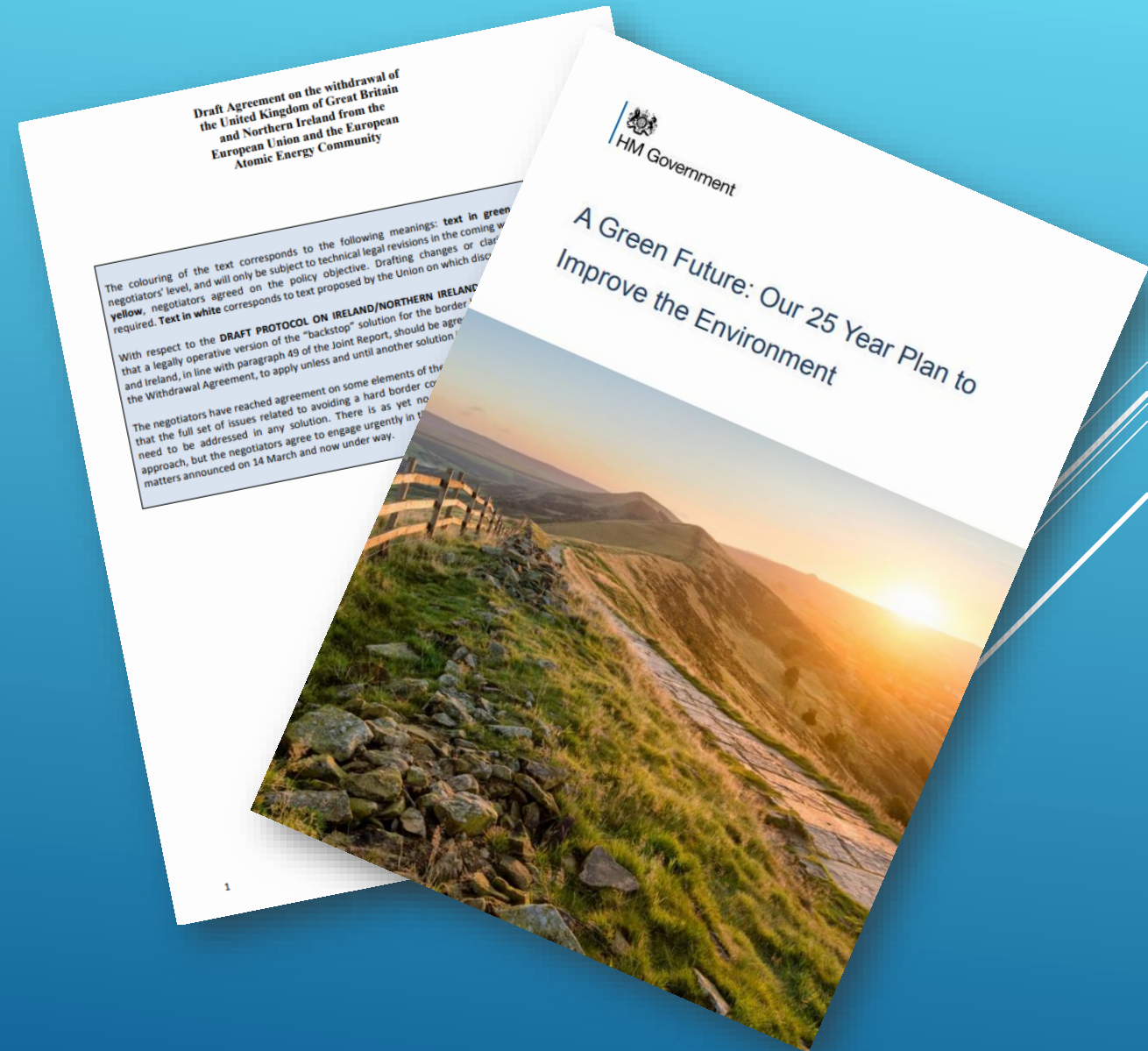
# TIMELINE

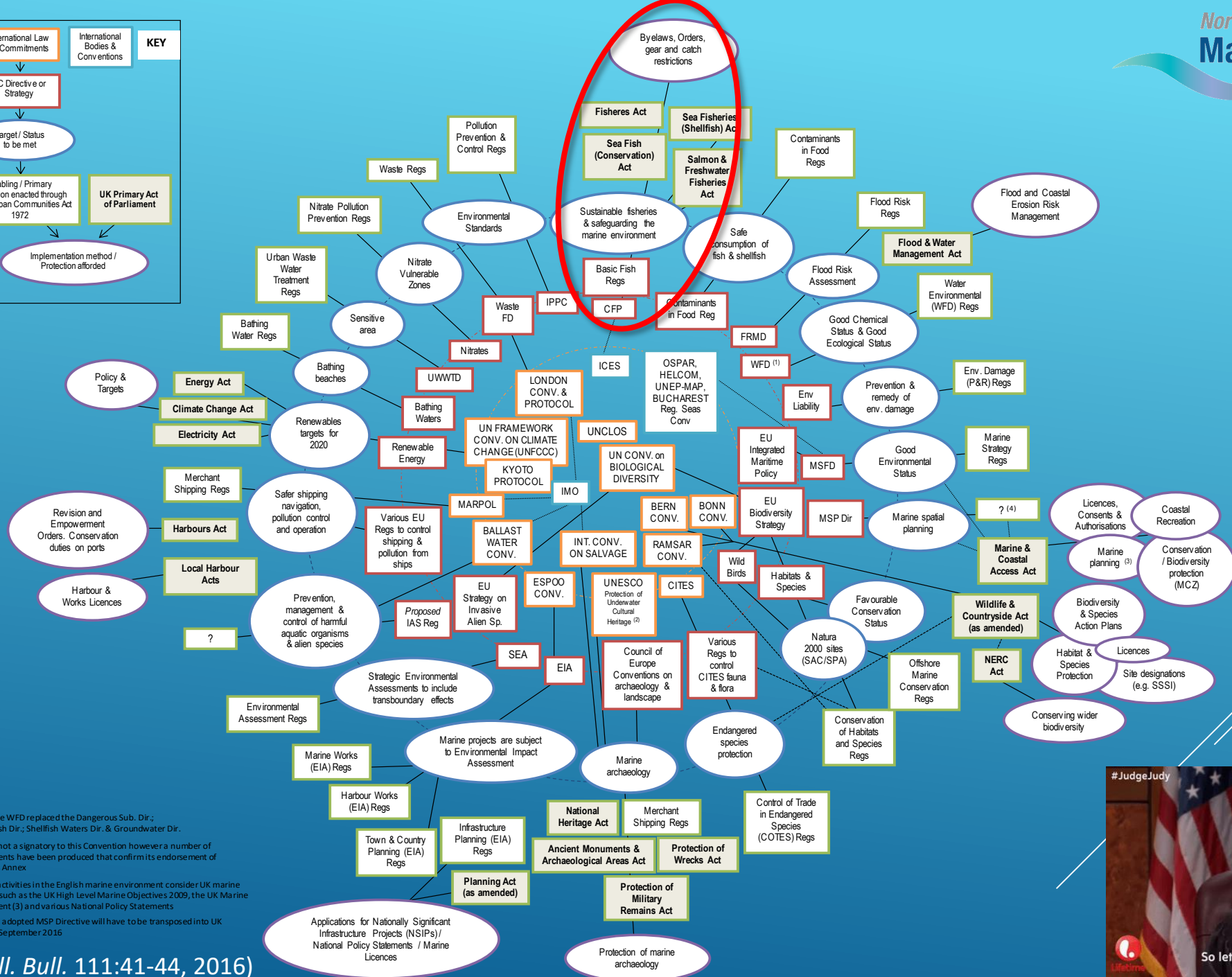
- ▶ 23<sup>rd</sup> June 2016 – Brexit Referendum
- ▶ 16<sup>th</sup> January 2017 – Collapse of NI Executive
- ▶ 19<sup>th</sup> June 2017 – Brexit negotiations begin
- ▶ 3<sup>rd</sup> July 2017 – UK triggers London Fisheries Convention withdrawal process
- ▶ 30<sup>th</sup> March 2019 – UK leaves the EU



# WHAT DO WE KNOW?

- ▶ All environmental laws, principles and enforcement mechanisms will apply up to March 29<sup>th</sup> 2019 and throughout the provisional implementation period to 31<sup>st</sup> December 2020 **IF** the Withdrawal Agreement is agreed and ratified.
- ▶ The UK Government's 25-year plan for the environment (January 2018) set out longer-term plans for the environment, framed in the context of Brexit. The Fisheries Bill for England draws heavily on the 25YEP. **(We don't have a 25 YEP in NI).**





(4) The newly adopted MSP Directive will have to be transposed into UK legislation by September 2016

#JudgeJudy

A still from the TV show Judge Judy. Judge Judy Sheindlin is seated on her bench, wearing her signature black judicial robe with a white lace collar. She has a serious expression. Behind her are the American and New York State flags. The background is a wood-paneled wall.

So let me tell you all what the law is.

 Lifetime

# WHAT IS SAFE?

UN Convention on the Law of the Sea (1982)

Common Fisheries Policy

Convention on Biological Diversity

OSPAR Convention

EU Marine Strategy Framework Directive

National Marine Acts (NI: 2013)

Achieving Maximum  
Sustainable Yield for fish stocks

Delivery of UNCLOS & MSFD

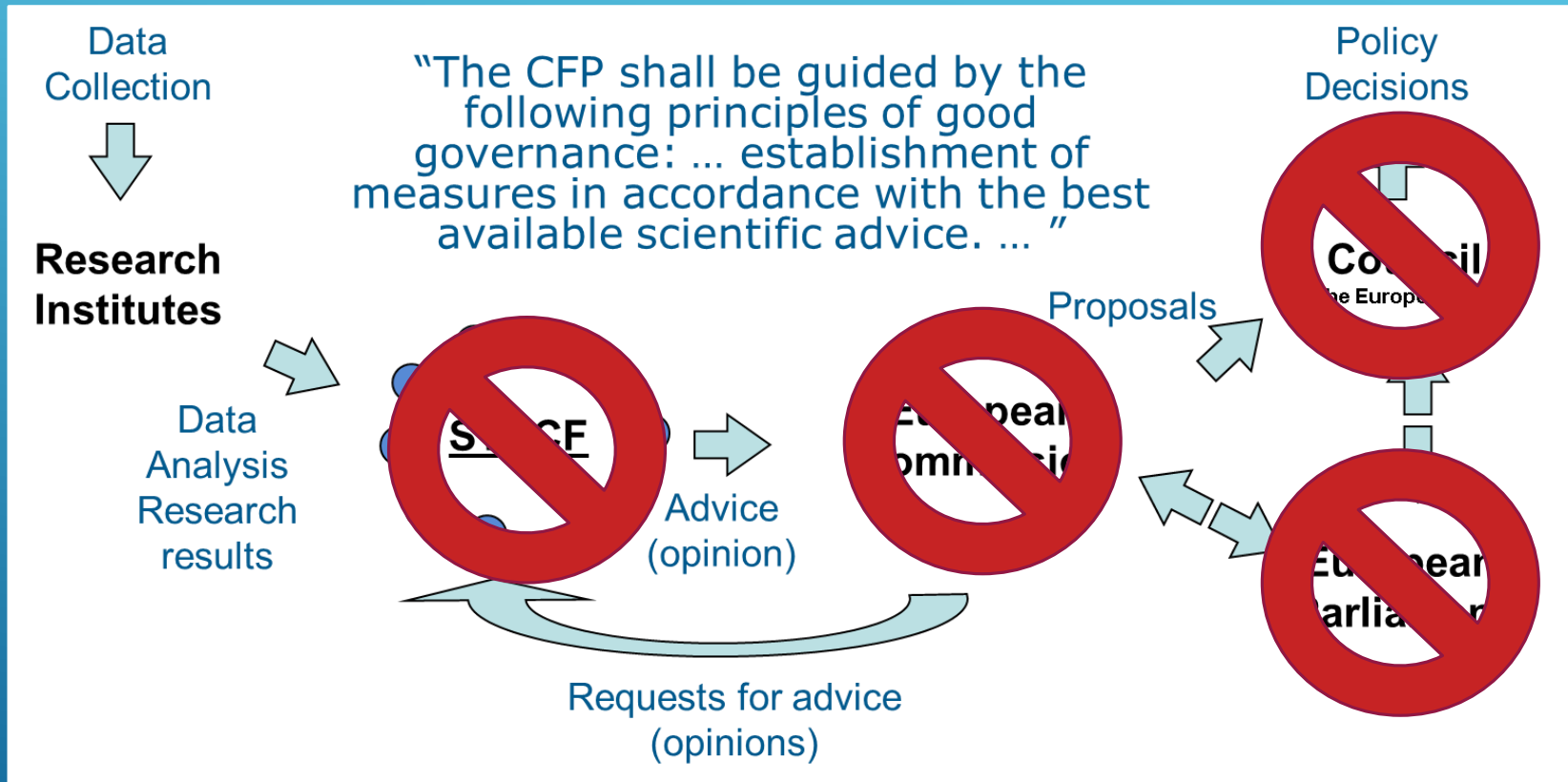
Ecosystem Based Approach

Ecologically Coherent Network  
of MPAs

Achievement of Good  
Environmental Status by 2020

Marine Conservation Zones &  
Marine Planning

# SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES (STECF)



- When we lose access to the STECF we lose access to research and policy scrutiny, independent review of duplicated effort (in research) & consultation with a holistic scientific body.



# HARD BREXIT (CHAOTIC, NO DEAL, UK CRASHES OUT OF EU)

## Pros

- Freedom **to increase the baseline** within policies
- An **increase in resources** for environmental monitoring and enforcement
- No contribution to EU budget – **more investment for the environment?** (unlikely, but possible)

## Cons

- **Weak environmental protection**
- **Watered down environmental commitments**
- **Escape hatch clauses**
- **No access to the ECJ**
- **Need for increased resources to monitor the transboundary loughs**
- **Need for increased resources to monitor our maritime area**
- **No access to EC funding for research**
- **No access to the E Council, E Commission or EEA**
- **No access to Single Market**
- **Ability to influence international policies will likely decline**

# CHEQUERS ("SOFT" BREXIT, PLAN IN PLACE, LESS CHAOTIC THAN PREVIOUS)

## Pros

- Potential **environmental alignment with EU**
- Continued **access to EU research funding?**
- **Broad environmental rules will continue to apply**
- Potential to **continue access to single market**

## Cons

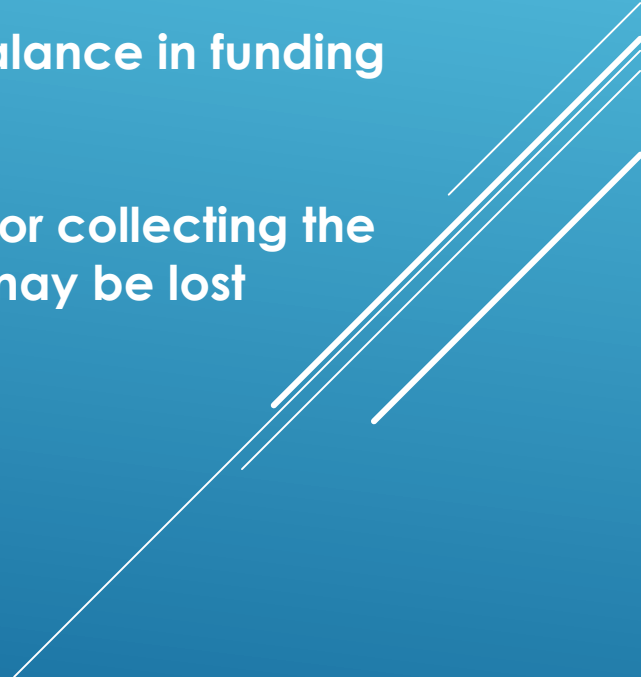
- **Inability to influence EU environmental policy** as strongly as now
- Chequers plan is broad so **commitment to align environmental standards with the EU is not concrete**
- Currently the UK is **watering down draft bills and frameworks**
- **"Common rulebook" remains to be seen**
- Could **renew calls for deregulation** (out of Eurosceptic frustration)
- **Fire fighting policy position**
- **Ability to shape international policies will likely decline**

# THE BACKSTOP (NI WILL REMAIN IN THE EU CUSTOMS TERRITORY)

## Pros

- Potential **environmental alignment between NI and ROI**
- NI would **remain in single market** = **Most current environmental rules would be expected to apply**

## Cons

- Potential **environmental divergence between NI and the rest of the UK**
  - UK wide **common frameworks may be lost**
  - Potential for an **imbalance in funding across the UK**
  - **UK wide framework for collecting the best scientific data may be lost**
- 
- A series of three parallel white diagonal lines extending from the bottom right towards the center of the slide.

# THE NORWAY OPTION

## Pros

- UK would be **part of EEA (therefore part of the single market)**
- Potential **alignment with EU environmental principles and law**
- **Smaller financial contributions to the EU**

## Cons

- Four freedoms – **free movement of goods, services, people and capital need to be adhered to...**would this be accepted in Brexit? – **Different to Chequers**
  - UK would largely be a **policy taker**
  - **Ability to shape international policies will likely decline**
- 
- Three white lines of varying lengths and slopes are positioned in the bottom right corner of the slide, extending from the right edge towards the bottom left.



# IN SUMMARY

## Inside the single market

- **Most EU environmental legislation would remain in place**
- **UK no longer subject to:** Bathing Waters Directive, Birds and Habitats Directives, Maritime Spatial Planning Directive
- Common Fisheries Policy would no longer apply
- **UK would remain subject to international commitments** (e.g. OSPAR, International Maritime Organisation (IMO) and the UN Convention on the Law of the Sea (UNCLOS))
- **Access to many EU funding programs relevant to marine could continue** (e.g. Horizon 2020, Interreg) but there would not be access to EU LIFE funding

## Outside the single market

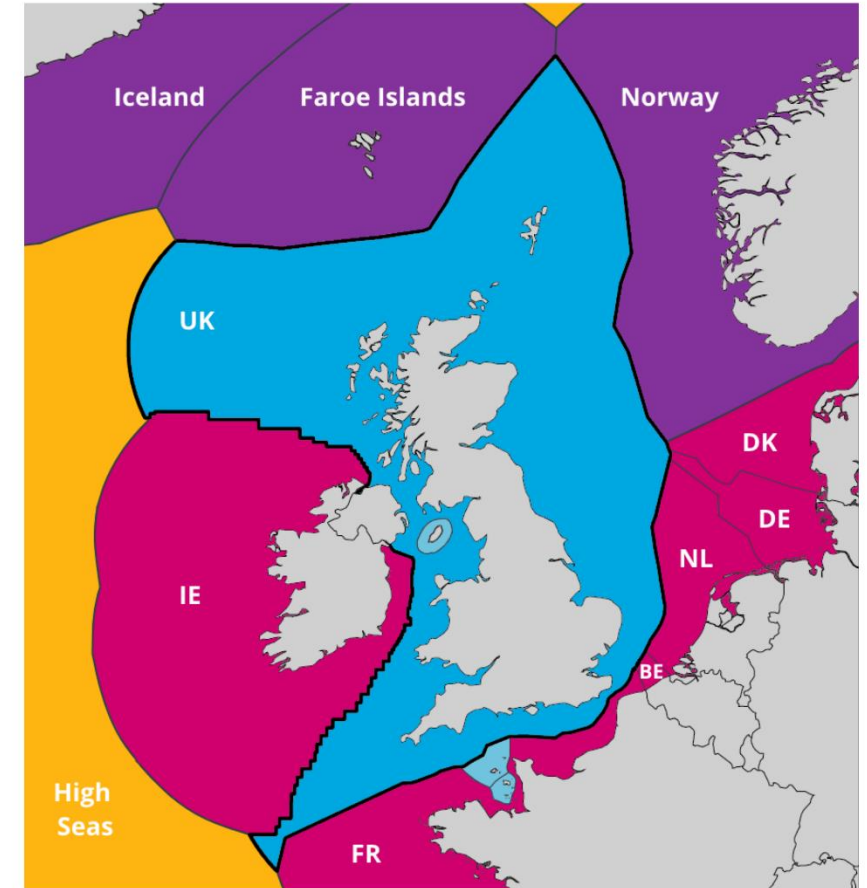
- **UK companies seeking to export to EU would be subject to product environmental requirements**
- **UK would remain subject to international commitments** (e.g. OSPAR, International Maritime Organisation (IMO) and the UN Convention on the Law of the Sea (UNCLOS))
- **UK no longer subject to:** Bathing Waters Directive, Birds and Habitats Directives, Water Framework Directive, Marine Strategy Framework Directive, Maritime Spatial Planning Directive
- **Common Fisheries Policy would no longer apply**
- **Access to EU funding programs would be unlikely**

Components	Hard Brexit	Chequers	EU Backstop	Norway
Common frameworks (EU Wide)				
Common Frameworks (UK Wide)				
Access to EEA/Single Market			Northern Ireland EEA	
Ability to influence international policy				
Access to EU research funding				
4 Freedoms (Free movement of Goods, People, Services & capital)				

# NORTHERN IRELAND SPECIFIC ISSUES



Exclusive Economic Zones of the UK and neighbouring coastal states

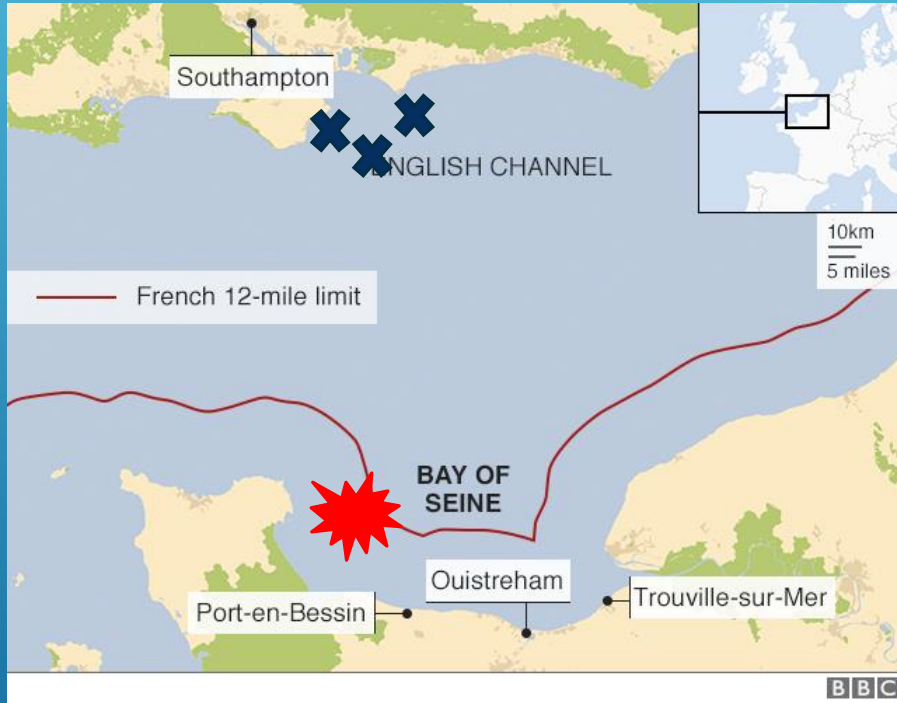


Source: Adapted from House of Lords European Union Committee, Brexit: Fisheries, 17/12/16.



# COMMON FRAMEWORKS

The case of the Scallop Wars 2018 is a perfect example of why we need common frameworks post Brexit



In the past 5 years larger British boats stayed away from the 12nm in exchange for more fishing rights

UK law = small boats allowed to fish for scallops all year round, French Law = All boats only allowed to fish for scallops between October and May.

Et Voilà....



**Talks to end 'scallop wars' between UK and France collapse**

French minister 'regrets' failure to reach agreement to end the fisheries dispute in the Channel



**Scallop wars: British and French fail to reach agreement during Paris talks**

French fishermen are furious they have been prevented from foraging for scallops while British vessels are allowed to continue.

16:49, UK  
Saturday 08 September 2018



**Scallop wars: British and French fishermen clash on high seas**

By James Masters, CNN

Updated 1325 GMT (2125 HKT) August 29, 2018

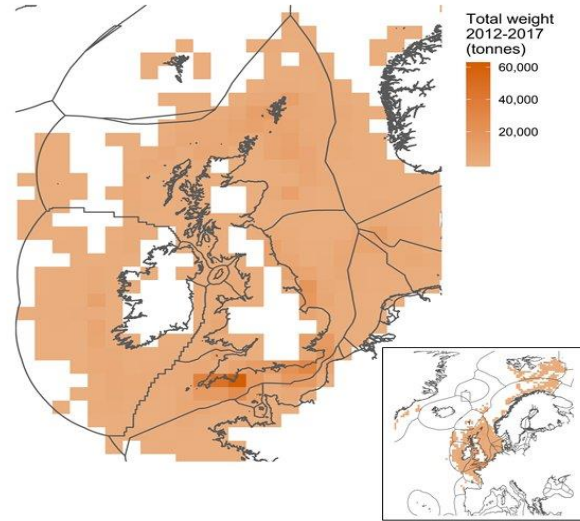


# Post-Brexit fisheries policy and devolution

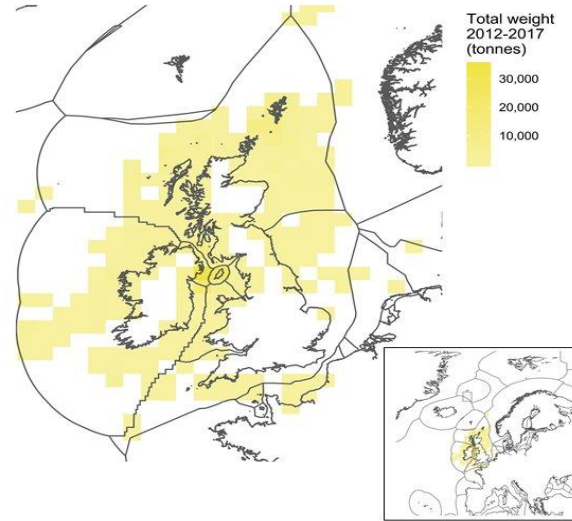
## Where do UK vessels catch their fish?

Dr Christopher Huggins

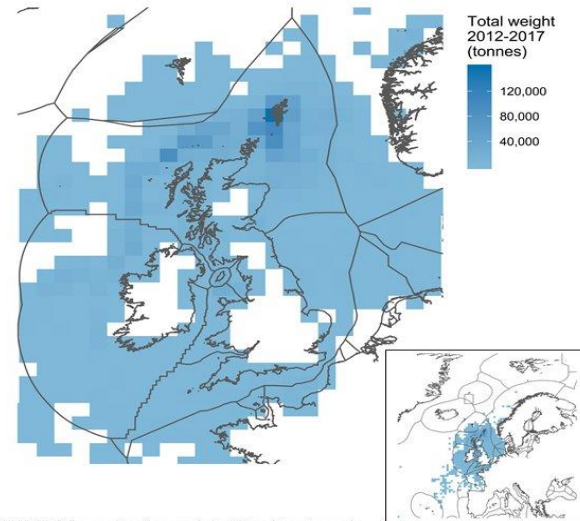
### England



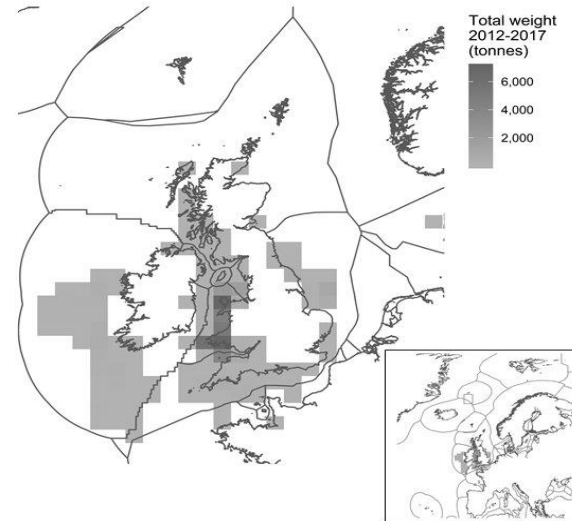
### Northern Ireland



### Scotland



### Wales

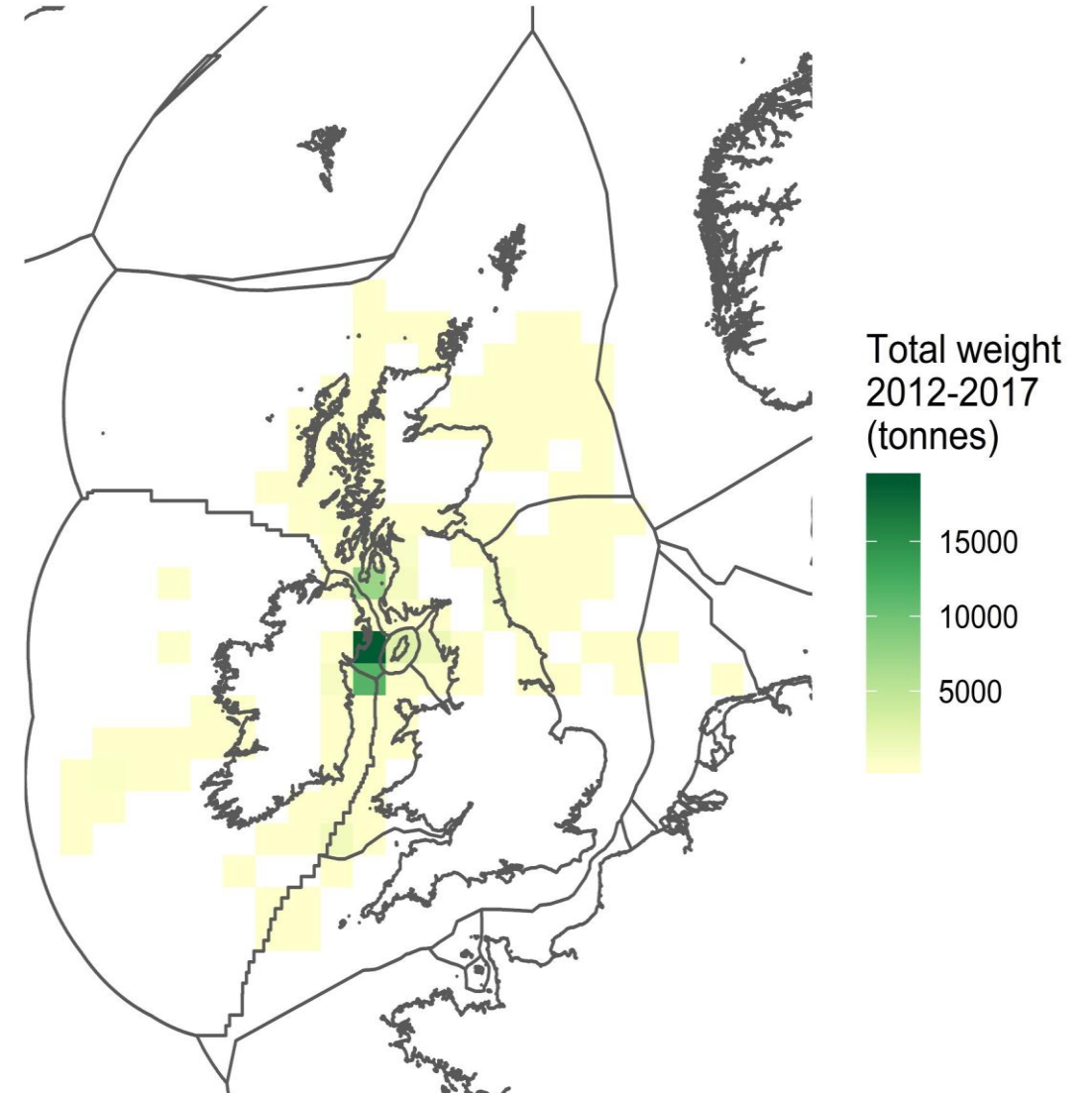


2012-2017 figures. Landings made by UK registered vessels.  
Data: Marine Management Organisation (<https://www.gov.uk/government/statistics/uk-sea-fisheries-annual-statistics-report-2017>).  
EEZ boundaries from the Flanders Marine Institute / MarineRegions.org (<http://www.marinerregions.org/downloads.php>).  
Internal EEZ boundaries from the UK Hydrographic Office (<https://www.gov.uk/guidance/inspire-portal-and-medin-bathymetry-data-archive-centre>) and relevant legislation.  
ICES statistical rectangles from the International Council for the Exploration of the Sea (<http://ices.dk/marine-data/maps/Pages/default.aspx>).  
Contains public sector information, licensed under the Open Government Licence v3.0, from the UK Hydrographic Office.

@chris\_huggins

# Location of NI Nephrops catch

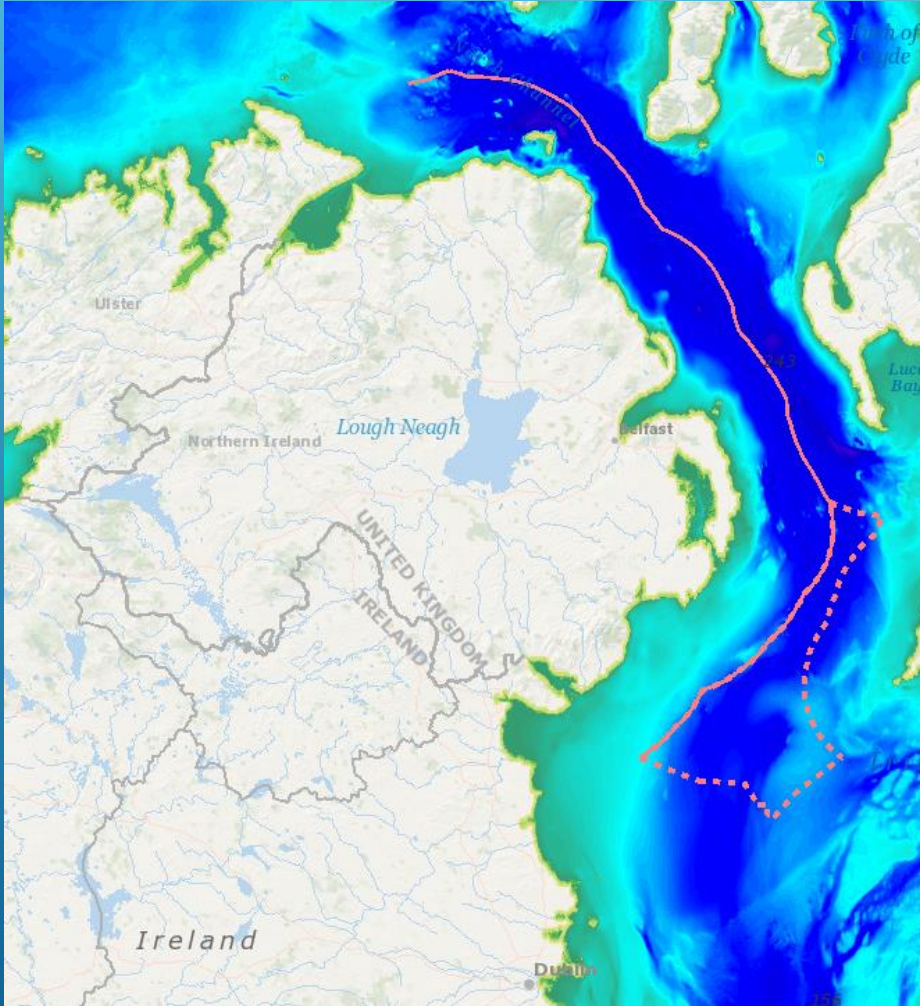
2012-2017



Data: Marine Management Organisation  
Dr Christopher Huggins, @chris\_huggins

# CROSS BORDER LOUGHS

NI shares two cross border lagoons with ROI: Carlingford Lough & Lough Foyle



(NI Marine Map Viewer – DAERA 2018)

There is no agreed maritime border between NI and ROI.

In theory this is not a barrier to governance and action.

The Loughs agency (established as part of the NSMC under the GFA) should allow for a co-governance approach and the adoption of management plans in the Loughs, however, this hasn't happened to date.

# MONITORING, ENFORCEMENT & FUNDING

- Post BREXIT there will need to be an **increase in monitoring**, in order to remedy any unaccounted for negative effects immediately.
- In the **likely event of divergence** (no common framework) between NI and rest of UK monitoring will again be even more important.
- Lack of access to the **European Court of Justice** will be a critical issue.
- **Funding for research is vital**, especially for fisheries. No access to Horizon 2020 (equivalent) and the EMFF poses a critical threat.



# THE EUROPEAN MARITIME AND FISHERIES FUND (EMFF)

- The EMFF is the fund for the EU's maritime and fisheries policies for 2014 – 2020.
- The fund:
  - helps fishermen in the **transition to sustainable fishing**
  - **supports coastal communities** in diversifying their economies
  - **finances projects** that create new jobs and improve quality of life along European coasts
  - supports **sustainable aquaculture** developments
  - makes it easier for applicants to **access financing**.
- The UK has been allocated **€243.1m**
- The UK Fisheries White Paper does not commit to a replacement for the EMFF: "*whether and how to replace*"...

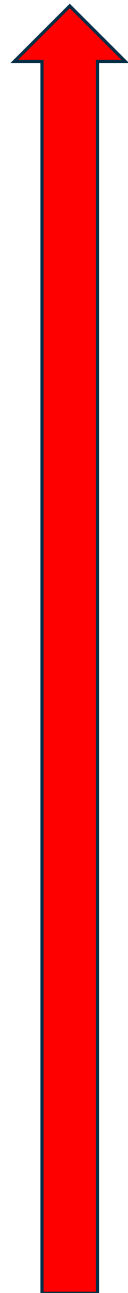


# OUR NI SPECIFIC ASKS

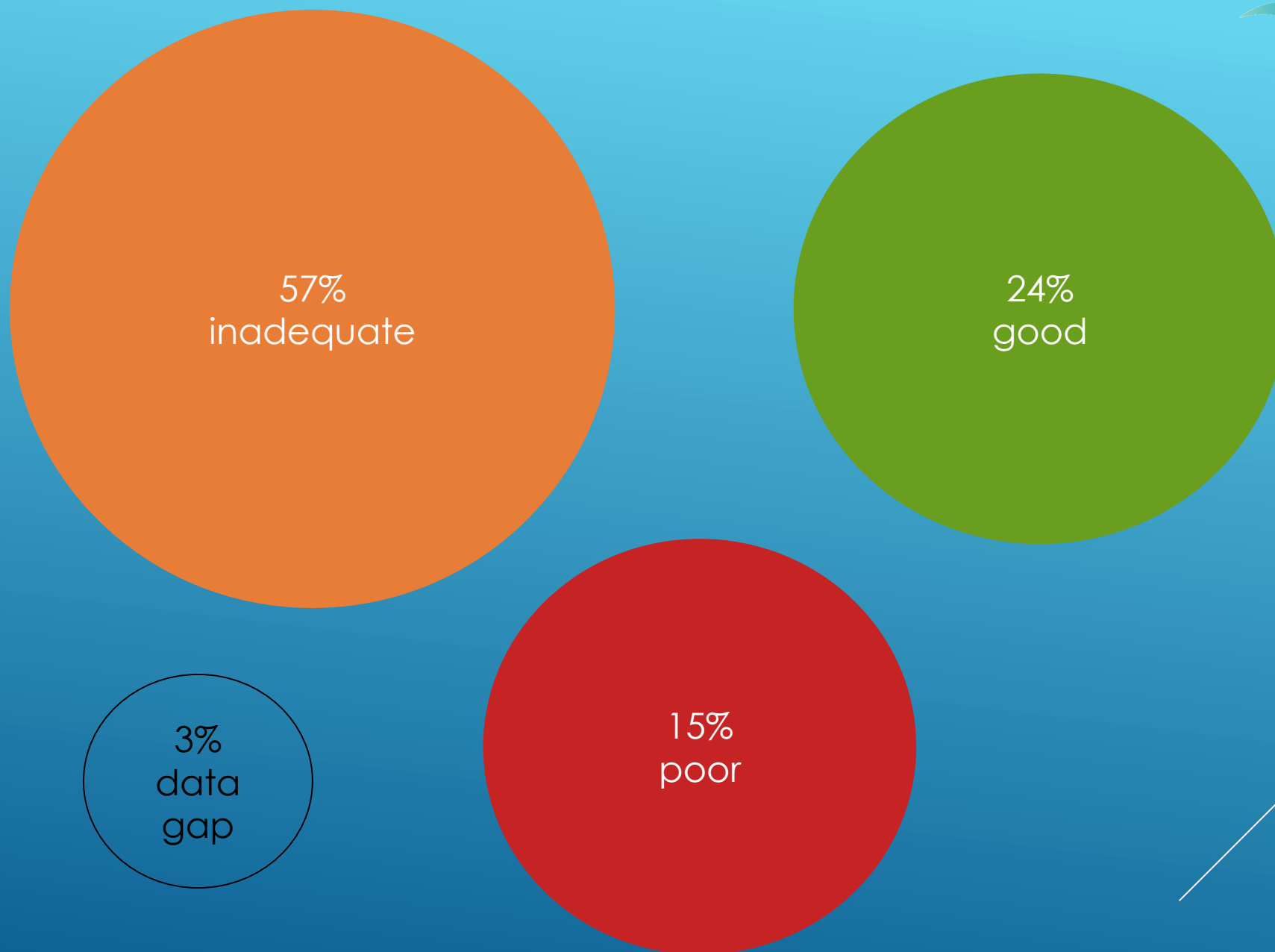
- Ensure a **common framework**
- **Ecosystem Based Management** (across the UK)
- **SoS and devolved admins co-design a policy statement**
- **Increased, meaningful and proactive engagement**
- **Special attention to the Loughs**
- Status quo needs to be **well monitored**
- UK wide framework for collecting the **best scientific data** by the most modern methods
- Equivalent to the **STECF required**
- Equivalent to the **25YEP required in NI**
- Plan of action for **Good Environmental Status beyond 2020**
- **Gaps in funding and governance need to be addressed**

# INTERNATIONAL TARGETS – THE SDGs





(The Rockström Model, Stockholm Resilience Centre, 2016)





# SDG 14 – LIFE BELOW WATER

- ▶ 14.1 By 2025, prevent and significantly **reduce marine pollution** of all kinds, in particular from land based activities, including marine debris and nutrient pollution
- ▶ 14.2 By 2020, sustainably **manage and protect marine and coastal ecosystems** to avoid significant adverse impacts...
- ▶ 14.3 Minimize and address the **impacts of ocean acidification**, including through enhanced scientific cooperation at all levels
- ▶ 14.4 By 2020, effectively **regulate harvesting and end overfishing**, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans...
- ▶ 14.5 By 2020, **conserve at least 10% of coastal and marine areas**, consistent with national and international law and based on the best available scientific information
- ▶ 14.6 By 2020, **prohibit certain forms of fisheries subsidies** which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies...
- ▶ 14.7 By 2030, increase the economic benefits to **Small Island developing States and least developed countries**...

# NEXT STEPS

- ▶ **No new legislation** has been drafted for NI as of yet.
- ▶ We have been influencing DEFRA legislation through **consultations** and in collaboration with our coalition groups. We have been calling for:
  - ▶ **common frameworks,**
  - ▶ **the inclusion of strong environmental principles,** and
  - ▶ **the need for increased engagement with devolved administrations**
- ▶ We need an assembly to begin drafting legislation
- ▶ Continue to advocate for a '**Green**' Brexit
- ▶ We need the **support of the public** to secure a 'Green Brexit' – utilise public consultations no matter how big or small your response is
- ▶ Write to your local MP/MLA
- ▶ Attend seminars such as today's!

*Northern Ireland*

# Marine Task Force

Ellen MacMahon – NIMTF Officer

[ellen.macmahon@ulsterwildlife.org](mailto:ellen.macmahon@ulsterwildlife.org)

[www.nimtf.org](http://www.nimtf.org)

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