National Marine Planning Framework Submission

Trinity Centre for Environmental Humanities, Trinity College Dublin

14 December 2018

The Trinity Centre for Environmental Humanities (TCEH) welcomes the National Marine Planning Framework Baseline Report (NMPF). The planning and management of our marine environment in a coherent, sustainable and socially inclusive manner is crucial to meeting our European and international obligations, including those under the Marine Strategy Framework Directive (MSFD), Maritime Spatial Planning Directive (MSPD), Integrated Maritime Policy, Common Fisheries Policy Basic Regulation and the UN Sustainable Development Goals. We would like to express some general remarks about the NMPF and set them in the context of wider goals for sustainable development and the ecosystem-based approach to management.

Our key recommendations are:

- **Explicitly align the NMPF with the UN 2030 Agenda for Sustainable Development**
- **Define clearly the ecosystem-based approach that is being adopted**
- **Adopt the twelve 'Malawi Principles' as an adaptable framework to guide the practical application of the Ecosystem Approach**
- **Adopt a more inclusive over-arching vision and introduce the concept of Blue Justice to the planning process to balance the economics-dominated concept of Blue Growth**
- **Recognise that social and cultural values and assets are not only historically relevant but are fundamental to sustainable and long-term societal wellbeing**
- **Create an inclusive and iterative participatory process at every stage of the planning process**
- **Address the fragmented nature of marine governance in Ireland by bringing marine-related activities under the aegis of one Government Department or a 'Marine Ireland' Agency**

UN Sustainable Development Goals

As the National Marine Plan is nested in a European and international policy context, alignment with the SDGs and implementation of the UN 2030 Agenda for Sustainable Development should be explicitly included as an overarching policy objective guiding the NMPF. It should also be recognized that the SDGs relevant to the marine environment are not limited to SDG 14 (Life Below Water) but also include SDG 4 (Quality Education), SDG 5 (Gender Equality), SDG 7 (Affordable and Clean Energy), SDG 8 (Decent Work and Economic Growth), SDG 9 (Industry, Innovation and Infrastructure), SDG 13 (Responsible Consumption and Production), SDG 13 (Climate Action), SDG 16 (Peace, Justice and Strong Institutions) and SDG 17 (Partnerships for the Goals). The SDGs are mentioned once in the NMPF (p67) - as a source of targets and environmental standards in the MSFD. An explicit grounding of the NMPF in the broader SDG framework would serve to foreground the importance of fair, equitable and inclusive treatment of all marine resource users. It would align with the three objectives of the Convention on Biological Diversity (conservation, sustainable use, and equitable sharing of the benefits). These objectives focus attention on the normative underpinnings of marine spatial planning (elaborated through examples below).

Ecosystem-based Approach

We see an opportunity to align with the SDGs and their implementation by clearly stating in the NMPF which definition of the ecosystem-based approach will be adopted. The NMPF (pp 14 and 101) currently refers to the adoption of "an ecosystem-based approach" as referenced in the MSPD and MSFD. However, while the Directives describe what an ecosystem-based approach should contribute to or ensure, neither Directive explicitly sets out a definition of an ecosystem-based approach.

The experience of the Shetland Pilot in Scotland in developing a regional marine spatial plan over a decade ago is instructive in this regard. The original aim of the project was "to undertake an experiment to enable and promote more sustainable management of marine natural resources in Shetland." Its interim report in 2008 noted one of the lessons learnt as follows:

"Rational planning and agreed strategy were constrained by inadequate understanding of the Ecosystem Approach and creative time to agree on aspirations/opportunity which are both related to different perspectives on social, economic and environmental values."

The difficulty of applying the ecosystem-based approach was highlighted as the main shortcoming of the Shetland Pilot. An enquiry into the nature of the difficulty revealed that the Local Steering Group did not agree a definition or interpretation of "ecosystem-based approach" before working on formulating policies. It later transpired that some members of the Local Steering Group equated the "ecosystem-based approach" with "doing no harm to any species or habitat" whereas the Steering Group allowed some negotiation on the degree of harm if an activity was bringing socio-economic value to a community.[1]

The ecosystem-based approach, is generally seen as evidence of a shift towards a more integrated approach to conservation and management of biodiversity and natural resources. It is often assumed to be an empirical observation about the way nature works when in fact it is simply a conceptualisation, a specific way of looking at nature and at human-nature relationships. It is therefore unsurprising that divergent views exist on what the ecosystem-based approach encompasses and how it should be operationalised. Each view has a slightly different focus and some reflect humans and nature through more divided lenses than others.

The focus on understanding the relationship between human society and the ecosystems that support it have, in some cases, been reduced to an overly narrow economic focus. Thus, some definitions of the Ecosystem Approach focus on the economic aspect of the human link to ecosystems and frame the environment exclusively as a resource that provides goods and services to humans. For example, the definition adopted by the Regional Seas Conventions of OSPAR and HELCOM describes the ecosystem-based approach as '*the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and*

---

[1] Gray, L.F. 2008. Scottish Sustainable Marine Environment Initiative – the Shetland Pilot Interim Review. Report to Scottish Government by the NAFC Marine Centre, Shetland.
Brennan R, Potts T and Mee L. 2010. <u>Report on Social and Economic Objectives for a Scottish Marine Plan</u>. Scottish Government Publications, Edinburgh

maintenance of ecosystem integrity'.[2] Other understandings of the ecosystem-based approach emphasise the connections between human and non-human elements of the ecosystem. The Ontario Biodiversity Council has defined the ecosystem-based approach as '*resource planning and management activities that take into account the relationships among and between all organisms, including humans, and their environment*'. The multidisciplinary European project KnowSeas[3] emphasised that the ecosystem-based approach '*does not simply identify the natural and human elements, but brings these together in analysis and decision making*', defining it as '*a resource planning and management approach that integrates the connections between land, air and water and all living things, including people, their activities and institutions*'.[4] More recently, understanding of the ecosystem-based approach has evolved to take account of further complexities in human-nature relationships, such as choke points, defined as '*social, cultural, political, institutional, or psychological obstructions of social-ecological systems that constrain progress toward an environmental objective*'.[5] This highlights the need for tools to take account of a variety of, at times, irreconcilable ideologies. It also highlights the crucial role for the arts, humanities and social science disciplines, alongside the natural sciences, in achieving planning and management of our marine environment in a coherent, sustainable and socially inclusive manner. We recommend adoption of the definition of the ecosystem-based approach endorsed by the Fifth Conference of the Parties to the 1992 Convention on Biological Diversity (CBD) that explicitly refers to both cultural diversity and equitable implementation of the approach:

'*The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way…. An ecosystem approach…recognizes that humans, with their cultural diversity, are an integral component of many ecosystems*'.[6]

We also recommend the CBD's twelve principles (known as the 'Malawi Principles') as an adaptable framework to guide the practical application of the Ecosystem Approach and provide it with meaning. The Malawi Principles (and the rationale behind each principle) reflect the **t**hree objectives or pillars of the CBD (conservation, sustainable use and benefit sharing). They make

---

[2] OSPAR 2003

[3] www.knowseas.com/project-description

[4] Farmer, A., Mee, L., Langmead, O., Cooper, P., Kannen, A., Kershaw, P. and Cherrier, V. 2012. *The Ecosystem Approach in Marine Management*. EU FP7 KNOWSEAS Project. ISBN 0-9529089-5-6. http://www.msfd.eu/knowseas/library/PB2.pdf

[5] Potts T, O'Higgins T, Brennan R, Cinnirella S, et al. 2015**.** Detecting critical choke points for achieving Good Environmental Status. *Ecology and Society* 20(1): 29

[6] CBD 2000: n.p. COP 5 Decision V/6, Annex A, paras 1 and 2.

explicit the link between biological and cultural diversity. For example, the rationale behind Principle 1 acknowledges that *'[d]ifferent sectors of society view ecosystems in terms of their own economic, cultural and societal needs…. Both cultural and biological diversity are central components of the ecosystem approach, and management should take this into account. Societal choices should be expressed as clearly as possible. Ecosystems should be managed for their intrinsic values and for the tangible or intangible benefits for humans, in a fair and equitable way'*

The balanced and integrated nature of the Malawi Principles' approach is best reflected in the definition of the ecosystem-based approach endorsed by the parties to the CBD. In particular, while the Malawi Principles refer to the idea of benefits for humans (in Principle 4 and in the rationale behind Principle 1), this concept seems to have been abstracted from the integrated context of the Malawi Principles and gained a disproportionate prominence within the academic and policy environments.

In addition it is worth noting that the rationale behind Principle 10 identifies *'a need for a shift to more flexible situations, where conservation and use are seen in context and the full range of measures is applied in a continuum from strictly protected to human-made ecosystems'* (CBD 2000: n.p.)

Blue Growth, Blue Justice and Small-Scale/Inshore Fisheries
We are concerned that "Blue Growth" and "ocean wealth" form the dominant narrative around the marine environment in the NMPF. As currently articulated, this may not leave space for other understandings of, and relationships with, the marine environment.[7] The dominance of the Blue Growth narrative is particularly evident in the articulation of the Irish vision for the marine environment articulated in Ireland's Integrated Marine Plan, *Harnessing Our Ocean Wealth*, as follows: "*our ocean wealth will be a key element of our economic recovery and sustainable growth, generating benefits for all our citizens, supported by coherent policy, planning and regulation, and managed in an integrated manner.*" This dominance can be seen by contrasting it with, for example, the more balanced vision adopted by the Scottish Government which provides for "*a*

---

[7] See Flannery, W., Healy, N., & Luna, M. 2018. Exclusion and non-participation in Marine Spatial Planning. *Marine Policy*, *88*, 32-40.

clean, healthy, safe, productive and biologically diverse marine and coastal environment, that meets the long-term needs of people and nature".

While economics is undoubtedly important, the Irish coastal and marine environment is so much more than natural capital and services, this needs to be clearly acknowledged. Concepts such as natural capital and ecosystem services reframe non-human nature in economic and financial terms alone and this is too narrow when this is the only framing presented. Framing the environment as providing services does not capture the intrinsic value of the marine environment, its intertwined bio-cultural diversity and in particular its intangible cultural heritage. This is not adequately captured by framing culture as a "service". The metaphor of nature as a provider of benefits to humans only partially accounts for the broad spectrum of human-nature relationships. The concept of Blue Justice serves to balance Blue Growth by allowing considerations of fairness, equity and social inclusion, as well as a recognition of different human value systems, to enter the conversation. We recommend that the overarching Irish vision for the marine environment should be on the table for discussion, as part of the planning process. We support and recommend a more balanced and inclusive vision, that explicitly recognises the need to contribute to social, cultural and economic well-being.

Despite the social, cultural and economic importance of the inshore fisheries sector to small coastal communities, the NMPF frames the inshore sector in solely economic terms going forward. It aims to manage inshore fisheries "*in a way that is sustainable both economically and environmentally*" (p56) with no reference to socio-cultural considerations apart from the statement that the industry "*has made a significant contribution to Ireland's social and cultural history*" (p52). Social and cultural context and considerations are not just historically relevant. They also highly relevant to a sustainable future of both the marine environment and coastal communities. For example, the social and cultural context of a local community provides insights into the forward thinking and engaged nature of a community - not just their history - and can and should be harnessed for innovative and imaginative management approaches for sustainable and resilient futures.

A major challenge facing Irish inshore fisheries is low (or for some species zero) allocations of quota, particularly for non-shellfish species despite the existence of traditional inshore fisheries. Although the NMPF acknowledges this limited access to quota species, it highlights the maintenance of inshore water quality as the main issue to focus on as regards the inshore fisheries

sector. While maintenance of inshore water quality is clearly important, there is no recognition of Common Fisheries Policy provisions such as Articles 7 and 17 which call on Member States to promote and incentivise low impact fishing methods and to consider environmental, social and economic criteria, for example when allocating quota. The notion of Blue Justice and a broader conceptualisation of the marine environment (as more than a provider as goods and services) can already be found within the Irish policy context. A good example is the 29 recommendations of the cross-party Oireachtas Joint Sub-Committee on Fisheries in 2014,[8] which are underpinned by the principles of fairness, equity and good governance and which are implicitly aligned with the human rights-based approach underpinning the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries.[9] The existence of these recommendations should at the very least be explicitly acknowledged in the NMPF.

Access to the fishery and seafood resource along with spatial access to the marine space is of particular importance to Ireland's offshore island communities. The principle of fair and equitable access underpins Island Fisheries (Heritage Licence) Bill 2017 currently at Third Stage in the Oireachtas. This initiative is a good example engaged island communities working with a policy recommendation[10] to design innovative and imaginative management approaches for sustainable and resilient futures.[11] The Bill proposes to reallocate a small portion of publicly owned quota to boats on the island polyvalent register to allow island communities co-manage their fisheries and resume a low-impact seasonal fishery from small boats. By allocating public quota in this way, different fish species can be caught at different times of the year as they move closer to the islands and as weather allows. Boats are under twelve meters and use low impact, non-towed gear. Such grassroots, community-led initiatives need to be encouraged, nurtured and recognised as helping the Irish Government to align with and implement the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries.

---

[8] Joint Sub-Committee on Fisheries 2014. Report on Promoting Sustainable Rural Coastal and Island Communities.
https://www.oireachtas.ie/parliament/media/Draft-3-Final-Report-on-Promoting-Sustainable-Rural-Coastal-and-Island-Communities.pdf

[9] http://www.fao.org/3/a-i4487e.pdf The Guidelines are often (wrongly) interpreted to be relevant only to the countries of the Global South. While they have "a focus on the needs of developing countries", they are also clearly expressed as "global in scope" and, as such, are also relevant to the small scale fishing industry in the countries of the Global North, including Ireland.

[10] Joint Sub-Committee on Fisheries 2014. Report on Promoting Sustainable Rural Coastal and Island Communities, Recommendation 10.

[11] See the Trinity Centre for Environmental Humanities' Statement (by Dr Ruth Brennan) on detailed scrutiny of the Island Fisheries (Heritage Licence) Bill 2017.
https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_agriculture_food_and_the_marine/submissions/2018/2018-06-12_opening-statement-dr-ruth-brennan-marine-social-scientist-trinity-college-dublin-tcd_en.pdf

We are concerned that, despite international and national recommendations, small island communities and inshore fisheries have not been given enough significance in the NMPF. We recommend:

- That small-island communities should be formally recognised as stewards of the marine environment surrounding their islands, be involved in the collection of scientific data and their expertise incorporated into the NMPF along with scientific advice.

- The NMPF should recognise the strong dependence of island communities on the waters surrounding them when conflicting pressures from different sectors are being considered.

- That community, grassroots, member-based organisations such as the Irish Islands Marine Resource Organisation (IIMRO) are recognised as official stakeholders in the development of the NMPF.

- That the NMPF should support the following recommendations made by the Oireachtas Joint Sub-Committee on Fisheries Report: The creation of new community-managed Marine Protected Areas around the offshore islands in conjunction with island communities and relevant agencies as per recommendations 10 and 14 including heritage licences and exclusive access for local vessels under 10 metres LOA within the 12 mile limit.

- That development of a detailed "Offshore Islands Regional Plan" to incorporate the inhabited offshore islands of Ireland and their associated marine areas out to the six mile limit should be considered in the NMPF.

Fragmented nature of Irish marine governance

The NMPF states (p8) that "*one of the main objectives of preparing the plan is to provide a more integrated governance structure that will co-ordinate all of these specific departmental or 'sectoral' areas into an overall strategy*." While we welcome this support for a co-ordinated effort in marine planning, we are concerned that the current fragmented nature of Irish marine governance will greatly impede this process. In this regard we strongly support Recommendation 2 of the Oireachtas Joint Sub-Committee on Fisheries that the current governance arrangements are not the best working model and that "*one Government Department or Agency should have more marine-related activities brought under its aegis - perhaps based on the Scottish model*".

Drawing lines on maps

We note that Senior Maritime Policy Advisor to the Dutch Government, Lodewijk Abspoel, has cautioned the Irish Government against being too quick to create any borders, boundaries, zones or to draw 'lines' in the first iteration of the NMPF. He emphasised the need to keep a degree of flexibility, open dialogue and constant learning and an acknowledgement from the outset that the NMPF will need further iterations. This is in keeping with the principle of adaptive management enshrined in the MSFD and MSPD. From a regional perspective, the Shetland Pilot sounded a similar cautionary note. The Shetland Pilot found that mapping basic knowledge and enhancing this information is a key part of strategic planning for the marine environment. Much of the basic information came from user knowledge – for example 19 different local anecdotal sources were needed to fill gaps in mapping information. The importance of obtaining data from such sources was noted as crucial to avoid error. The final draft of the Shetland Marine Spatial Plan did not identify zones for different activities. In fact, this was unanimously decided against by the Local Steering Group. Instead the Shetland Pilot has identified "*current usage*" and "*vulnerable ecosystems*" together with a policy framework on avoidance of these areas.[12]

Canada and Australia: Key Good Practice Recommendations

Key good practice recommendations from the vast integrated ocean management experience of Canada and Australia include the following:[13]

● There must be confidence in the planning process amongst all of the various stakeholders. This is very time-consuming.
● Because planning is time-consuming, expectations must be managed.
● Build a constituency in the initiative. Engage the local voting public: they will keep the focus on planning activities over time.
● Acknowledge and discuss controversial issues openly and honestly at the beginning of the process and as they arise.

---

[12] Gray, L.F. 2008. Scottish Sustainable Marine Environment Initiative – the Shetland Pilot Interim Review. Report to Scottish Government by the NAFC Marine Centre, Shetland. Brennan R, Potts T and Mee L. 2010. Report on Social and Economic Objectives for a Scottish Marine Plan. Scottish Government Publications, Edinburgh

[13] See Brennan R, Potts T and Mee L. 2010. Report on Social and Economic Objectives for a Scottish Marine Plan. Scottish Government Publications, Edinburgh

- Streamline existing arrangements through facilitation of cross-jurisdictional decision-making.
- Carry out social science research to identify values and aspirations and to understand attitude-behaviour gap.
- Document principles and processes together with the plan.
- Focus on the process.

Conclusion

The management of our marine environment will involve difficult decisions and trade-offs that must be made explicit, not least with regard to recognising the existence of a variety of, at times, irreconcilable ideologies. As an interdisciplinary research centre, the Trinity Centre for Environmental Humanities is willing and able to bring insights from the arts, humanities and social science disciplines, to participate in the planning process alongside other stakeholders and to contribute towards developing innovative and coherent plans that promote and achieve planning and management of our marine environment in a coherent, sustainable and socially inclusive manner.

Contact:

Dr Ruth Brennan
Marie Skłodowska-Curie Individual Fellow (2018-2020)[14]
Trinity Centre for Environmental Humanities
ruth.brennan@tcd.ie

Signed:

Dr Ruth Brennan   *Prof. Poul Holm, Director, Trinity Centre for Environmental Humanities*