

## OCEAN LAW AND GOVERNANCE CALL 2023 - TERMS OF REFERENCE

<b>Research Programme:</b>	<b>Marine Research Programme</b>
<b>Research Theme:</b>	<b>Integrated Ocean Policy and Governance</b>

### BACKGROUND

Ocean governance addresses the legal and policy frameworks that seek to manage and regulate multi-dimensional and interconnected human activities in the ocean space and the role that the ocean plays in environmental health, economic prosperity and human well-being. Ocean governance is applied at multiple geo-political and temporal scales; there is no single policy, institution or actor that has exclusive authority in this realm. Given the complexity of environmental, social and economic factors that are applicable to effective governance of the marine space, there is scope for innovation and systemic change in governance systems and the management of marine resources, for example, through improvement in the coordination and compliance between and across sectoral policies. In addition, there are routine challenges faced by policy-makers in Ireland to integrate EU and international commitments into national policy and management frameworks. This requires a knowledge-based approach and the ongoing development of national capacity and expertise in maritime law, ocean governance and integrated marine policy and planning.

The aim of this call is to assist with the progress needed towards a more integrated maritime governance in Ireland in compliance with national, EU and international commitments and policy goals. This involves considering how Irish marine policies and sectoral actors are prepared for challenges deriving from, for example, climate change, biodiversity loss, Brexit, new or impending EU legislation, and other potential developments and uncertainties. The award(s) made under this call should also ensure the continued development and retention of a national pool of expertise able to provide new knowledge, evidence and advice for policymakers to inform and support the long-term governance of Ireland's maritime area and compliance with EU and international legal and policy commitments (EU, OSPAR, UN, etc.)

As part of the European Green Deal<sup>1</sup> the EU has set itself a binding target of achieving climate neutrality by 2050. The EU is also working on the revision of its climate, energy and transport-related legislation under the 'Fit for 55 package' in order to align current laws with its 2030 and 2050 ambitions. More recently the European Commission has published a proposal for new EU Nature Restoration Law<sup>2</sup> which will be a key element of the EU Biodiversity Strategy. The new law calls for binding targets to restore degraded ecosystems, in particular those with the most potential to capture and store carbon and to prevent and reduce the impact of natural disasters.

<sup>1</sup> COM(2019) 640 final. The European Green Deal

<sup>2</sup> COM(2022) 304 final. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration

In Ireland the Climate Action and Low Carbon Development Act of 2015 (as amended) and its climate action plan includes targets that will require a rapid transition towards a climate neutral and sustainable blue economy (in line with the EU Green Deal). Research and knowledge are needed to examine and understand how these policy priorities will align or interact, to identify conflicts and provide policy options and solutions to address them.

Brexit has caused and will continue to cause many challenges for the fisheries and seafood sector. Questions over future access to fishing grounds and quota allocation have the potential to unsettle the stability provided by the Common Fisheries Policy (CFP), which has allowed the catching sector to operate with a degree of certainty for almost forty years. Other challenges shared with the wider economy include the impacts on trade, supply chains, and transport logistics. Brexit has also generated complex challenges relating to fisheries access, sharing of quotas and stock management, which has been of concern to several EU Member States and to Ireland in particular.

The implementation of the Maritime Area Planning Act 2021 is expected to raise associated governance challenges as it is put into practice, while work on developing a general scheme for MPA legislation, the Marine Protected Areas Act 2023, is currently in progress. Research funded under this call should address the anticipated policy and management issues around the expansion of Ireland's network of Marine Protected Areas (MPAs) to 30% of Ireland's maritime area by 2050. Knowledge outputs should inform the appropriate and effective development, regulation and management of a coherent network of national MPAs, in the context of the broader marine spatial planning and management frameworks including the National Marine Planning Framework.

The Marine Institute now is seeking applications for a multi-disciplinary, multi-institute programme of research to investigate further the issues outlined above. It is envisaged that this award will build on current and previous work, and take into account both synergies and conflicts that exist in relation to the governance frameworks linked to fisheries and aquaculture production, marine spatial planning, designation and management of new MPAs, and the expansion of the offshore renewable energy (ORE) capacity.

## **RESEARCH OBJECTIVES**

Four research focus areas have been identified as outlined below. Proposals can address all four areas or can address a subset of them only.

### **1. Fisheries Management in a Post-Brexit World**

The departure of the UK from EU on 31 December 2020 resulted in new regulatory barriers and changes to trade controls between the UK and the EU.

Under this call, applicants are asked to consider the following:

- Building on current and previous work, provide a review of legislative and governance issues related to the UK planned amendments to the Northern Ireland protocol with

respect to fisheries and seafood. Review how Ireland can work with the UK, outside EU institutions e.g. via OSPAR or other shared island frameworks?

- Review the management mechanisms being used in the UK (spatial and fisheries) beyond the NI protocol, including areas currently being called *Fishery Protection Zones*. This will facilitate understanding and allow us to identify where there is potential for aligning cross-border management.
- Review how commons are managed including ecosystem-based management. Examine types of governance frameworks for commons, informal versus formal, in legislation. Where have these governance structures succeeded to manage resources (fisheries in this case), and what are the lessons learned from national and international best practice?

## **2. Cross-Compliance of Policies and Governance for Multiple Sectoral Activities: Renewable Energy, Sea Fisheries & Sectors Governed under Marine Spatial Planning**

To meet the Irish Government's target that “80%<sup>3</sup> of electricity will be generated by renewable sources by 2030”, activity by the offshore renewable energy sector in Irish waters will increase rapidly in the next few years, and this will mean governance and legislative issues, as well as environmental considerations arising. The ambitious renewable energy targets in Ireland will likely lead to increased industrialisation of our offshore area. There will inevitably be spatial decisions that need to be made to accommodate this change alongside other marine users (including those identified the Maritime Spatial Planning Directive<sup>4</sup>), particularly the fishing industry. The coexistence and colocation of offshore wind energy with fisheries and aquaculture is critical if we are to decarbonise energy production and maintain sustainable sea food production. In addition, the offshore infrastructure will result in changes to the functioning of marine ecosystems, with impacts for marine species and habitats. Current scientific research highlights several environmental impacts including: increased energy emissions (electromagnetic fields and underwater noise), reef effects, hydrodynamic and wind wake effects, contaminants, invasive species, displacement of fishing effort and impact on marine birds & mammals. The cumulative ecological and socio-economic impacts will be difficult to foresee and predict.

Research proposals should address the following objectives with detailed questions under these objectives to be defined in consultation with policy and governance stakeholders:

- Provide a detailed review and synthesis of potential legislative, governance and socio-economic issues around offshore renewal energy development in Irish waters, including policy gaps, conflicts and synergies.
- Synthesise existing knowledge and conduct novel research to determine the critical challenges and potential solutions from a governance perspective to manage the potential interactions between the seafood production sector (fisheries and

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<sup>3</sup> <https://www.gov.ie/en/publication/6223e-climate-action-plan-2021/>

<sup>4</sup> Including those identified under Article 8, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.257.01.0135.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0135.01.ENG)

aquaculture) and the potentially rapid development of ORE relevant to its application in the Irish maritime area.

- A cost effective framework is need to monitor the effects and impacts of ORE and MPAs on marine ecosystems. Identify and deliver policy advice on the necessary guidelines, standards, sharing agreements and innovations needed to leverage all the available data and information sources to underpin the co-existence of the various activities in Irish waters.
- Working with the local coastal interest groups present issues, discuss possible resolutions and obtain their feedback.
- Provide recommendations on required legislative changes for implementation of new policies based on the research undertaken.

### **3. Addressing Legal and Governance Issues in Expanding Ireland’s MPA Network to 30% of our Maritime Area**

In 2019, the Department of Housing, Local Government and Heritage initiated a process aimed at expanding Ireland’s network of Marine Protected Areas (MPAs)<sup>5</sup>. MPAs can be considered to be geographically defined maritime areas that provide levels of protection to achieve conservation objectives. MPAs can support economic activity associated with the sea; for example, by conserving areas of particular importance to marine ecosystems and ensuring that human activity is kept at a level that will sustain biological diversity, natural productivity, human health and well-being. MPAs can also help reduce the effects of climate change and ocean acidification by ensuring that marine ecosystems are healthy and resilient, and that the marine environment can act as a natural carbon storage system.

The report of the MPA Advisory Group published in January 2021 was followed a period of public consultations, with an analysis report published in March 2022, both of these reports informed the General Scheme of the MPA Bill published in December 2022.

Research proposals should address the following objectives:

- How do the International Union for Conservation of Nature (IUCN) defined “Other Effective Conservation Measures (OECMs)” relate to Irish MPA commitments? What will be their legal definition?
- Within the framework of existing legislation and the planned Marine Protected Areas Act 2023, develop proposals and policy options for a long-term management strategy for marine protected areas in Ireland, including measures with associated costs and potential impact.

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<sup>5</sup> <https://www.gov.ie/en/publication/e00ec-marine-protected-areas/>

#### **4. Implementing the EU Nature Restoration Law – Building Knowledge and Capacity**

The EU Nature Restoration Law proposal by the European Commission in June 2022 includes legally binding restoration targets for various ecosystems across the EU. The text includes the overarching objective for area-based restoration measures on 20% of the EU land and sea area by 2030, as well as time-bound restoration obligations for natural habitats, covering terrestrial, coastal, freshwater and marine ecosystems.

With respect to “marine ecosystems” the proposal contains the following specific targets: *restoring marine habitats such as seagrass beds or sediment bottoms that deliver significant benefits, including for climate change mitigation, and restoring the habitats of iconic marine species such as dolphins and porpoises, sharks and seabirds.*

EU member states are expected to submit National Restoration Plans to the Commission within two years of the Regulation coming into force, showing how they will deliver on the targets.

Research proposals should address the following objectives:

- Provide a detailed review and synthesis of the proposed legislations, and potential governance issues for implementation of the EU Nature Restoration Law in Irish marine and coastal waters, keeping in mind the other marine environment requirements under MSFD for example, and how we can combine and optimise all these requirements for Irish waters.
- Working with the local coastal interest groups present issues, discuss possible resolutions, including Nature-Based Solutions, and obtain their feedback.
- Consult with the key actors in Ireland (including Government Departments) to develop proposals for a National Restoration Plan for marine ecosystems, including targets with associated costs and potential impact.

#### **PROJECT DELIVERABLES**

The following research outputs are expected:

- Peer reviewed open access journal articles published over the period of funding (suggested target being 10 to 12 in total with the majority published by 2028).
- €1 million in grant-aid secured during the grant term from externally sourced competitive research funding (national, EU and international).
- All data to be open access, processed and quality controlled to international standards and delivered to Marine Institute data portals and other relevant national/international data centres.

- Delivery of expert advice, data/information and policy briefs for relevant Government Departments and Agencies including Department of Housing, Local Government and Heritage (DHLGH); Department of the Environment, Climate and Communications (DECC), and the Department of Agriculture, Food and the Marine (DAFM).
- Production and dissemination of innovative communications products to inform policy and broader societal stakeholders on the project and on some of the key issues and research findings associated with this work (social media posts, videos, podcasts, etc.)
- Successful completion of at least two MSc/PhDs during the programme and evidence of promotion of early career researchers with diversity, gender and inclusion considered as part of the recruitment process.
- Evidence of other research outputs to include conference posters and presentations, multidisciplinary activities and stakeholder engagement.

#### **ADDITIONAL SPECIFIC REQUIREMENTS FOR THIS PROJECT**

- Throughout the lifetime of the research project(s), it is also anticipated that the researcher(s) will actively seek additional sources of other funding (national, European and/or international), continuing to build links with other research groups and organisations, and to strengthen Ireland's research capacity and capability in the area of *Ocean Law and Governance*.
- It is expected that the research team will collaborate with other national and international research groups.
- The successful applicant(s) should also collaborate closely with key stakeholders and end users including Government Departments (DHLGH, DECC & DAFM) and their Agencies (NPWS, SEAI, EPA, MI) in order to provide policy advice. Direct engagement with FEAS (Fisheries Ecosystems Advisory Services) in the Marine Institute is welcome.
- It is envisioned that consultations with key stakeholders will commence from the outset of the award(s) through to completion, via a **Steering Committee** that will meet regularly (circa every six months) with an initial workshop to brainstorm issues to be scheduled once the call results are announced.
- Undertaking horizon scanning at the EU and International level and making recommendations as to how to balance and deliver requirements would also be useful.

## INTENDED IMPACTS

The research team will engage with European and international networks and initiatives, and explore opportunities for collaboration and securing further research funding under Horizon Europe.

The research outputs should inform evidence-based policy in the area of *Ocean Law and Governance*. Research should be carried out in close cooperation with relevant national policy makers across relevant Government Departments to ensure relevance and value of the work from a public policy perspective. Research and knowledge outputs should be tailored to inform and support national policy and management across a range of sectoral and legislative fields.

This funding will contribute to further developing research capacity in Ireland in the area of Maritime Law and Ocean Governance. This should lead to enhanced visibility (through high impact peer reviewed publications and conference presentations) and contribution of Irish research to international research efforts and programmes, through greater involvement in EU research projects and international working groups (e.g. ICES, OSPAR, OECD), and through targeted and tailored communications outputs

## CALL BUDGET

The amount of funding available to the research project(s) will be up to a maximum of €1,500,000 (€1.5 million) over the five-year period (2023-2028).

Funding is expected to support a team of up to five researchers (post-doctoral researcher, research assistant, MSc/PhD students, or equivalents) in a consortium of two or three partner organisations. Please refer to Section 3 of the Guidelines for Applicants for further details.

## APPLICATION PROCESS AND KEY DATES

Applications must be made through the Marine Institute's online research grant management system [RIMS](#) (please refer to the Guidelines for Applicants).

The Marine Institute will aim to answer any queries or provide clarifications in relation to the call and application process, and potential applicants should email [funding@marine.ie](mailto:funding@marine.ie) to submit their queries or clarifications.

The application closing date will be **Thursday, 18 May 2023**. Applications will be reviewed by international/national experts and scored on the criteria as stated in the Guidelines for Applicants, particularly scientific excellence, impact and strength of the proposed team.

### Important Dates:

Call opening:	15 March 2023
Closing date for applications:	18 May 2023
Expected announcement of results:	End July 2023
Expected start date:	1 September 2023

### ADDITIONAL INFORMATION/REFERENCE MATERIALS

- Stewart, B.D., Williams, C., Barnes, R. et al. The Brexit deal and UK fisheries—has reality matched the rhetoric? *Maritime Studies* 21, 1–17 (2022). <https://doi.org/10.1007/s40152-022-00259-0>
- [Impact 2030 - Ireland's Research and Innovation Strategy](#) Department of Further and Higher Education, Research, Innovation and Science (2022).
- Constance M. Schéré, Kate Schreckenber, Terence P. Dawson and Nikoleta Jones, It's Just Conservation: To What Extent Are Marine Protected Areas in the Irish Sea Equitably Governed and Managed? *Front. Mar. Sci.*, 14 June 2021 *Sec. Marine Conservation and Sustainability* <https://doi.org/10.3389/fmars.2021.668919>
- [Expanding Ireland's Marine Protected Area Network](#) – Department of Housing, Local Government and Heritage (2021)
- [Maritime Area Planning Act 2021](#)
- [Ireland's Climate Action Plan 2021](#)
- [Ireland's Programme for Government 2020](#)
- [European Green Deal](#)
- [EU Common Fisheries Policy](#)
- [Marine Protected Areas 2020: Building Effective Conservation Networks](#)
- [Expanding Irelands Marine Protected Area Network](#)
- [ICES Working Group on Offshore Wind Development and Fisheries](#)
- [EU Nature Restoration Law](#)
- Copping, A.E. and Hemery, L.G., editors. 2020. OES-Environmental 2020 State of the Science Report: Environmental Effects of Marine Renewable Energy Development Around the World. Report for Ocean Energy Systems (OES). [DOI: 10.2172/1632878](https://doi.org/10.2172/1632878).

- Sarah Ryan Enright, '[Marine Protected Areas in the High Seas. The Role of Regional Ocean Governance](#)', 25 (6) *Environmental Liability* 248-259 (May 2020) Law Text Publishing Ltd.
- [Recognising and reporting other effective area-based conservation measures](#) (IUCN, 2019)
- Anne Marie O'Hagan, Shona Paterson, Martin Le Tissier, Addressing the tangled web of governance mechanisms for land-sea interactions: Assessing implementation challenges across scales, *Marine Policy*, Volume 112, 2020, 103715, ISSN 0308-597X, <https://doi.org/10.1016/j.marpol.2019.103715>.
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- Tim O'Higgins, Linda O'Higgins, Anne Marie O'Hagan & Joseph Onwona Ansong, Challenges and Opportunities for Ecosystem-Based Management and Marine Spatial Planning in the Irish Sea (2019) [https://link.springer.com/chapter/10.1007/978-3-319-98696-8\\_3](https://link.springer.com/chapter/10.1007/978-3-319-98696-8_3)