



## Mapping governance for nature protection in Ireland

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### *Complexity & interdependence*

24<sup>th</sup> September 2022,

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# Goals?

- Help address biodiversity concerns effectively (while...) by being:
  - Ambitious and focussed;
  - Well-designed;
  - Well-supported (legally, politically, structurally, financially);
  - Coherent.

# Overview

## Sources of law

- Is biodiversity embedded in and supported by law/policy?
- Nature conservation laws...

## Main actors

- Who is responsible?
- Everyone and no-one? (NPWS plus...)

## Governance tools

- How is it approached/what tools are used?
- Protected sites & species centrally, but wide toolkit

## Alternatives/supplementary tools

- thinking outside of the toolbox
- An environmental law, rights & wellbeing?

# 1. Sources of Law?

- a. Biodiversity laws
- b. Other environmental laws
- c. Related fields



## a. Biodiversity laws

International (already met)

EU (already met)

Ireland

- European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)
- Wildlife Act 1976 as amended
- (National Biodiversity Action Plan)

NI (as shared island)

- EU invasive species law applies under NI Protocol; otherwise, have transposed EU laws, but EU law no longer binds NI and can diverge.



## b. Other environmental laws

### Parallel regimes

- Climate, air, water, waste... not soil/contaminated land (yet).

### Environmental assessments

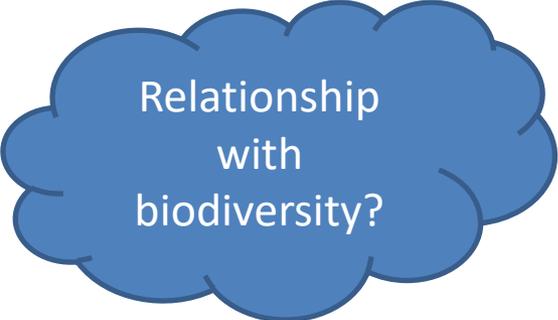
- Environmental Impact Assessments
- Strategic Environmental Assessments

### Procedural rights

- Aarhus rights – information, public participation in decision-making and justice.

### General objectives/principles

- TFEU/EPA Act – ambition? Scope?



Relationship  
with  
biodiversity?



General  
comments?

## c. Related fields

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Agriculture – EU  
Common  
Agricultural Policy;

Fisheries – EU  
Common Fisheries  
Policy

Forestry – EU  
Forest Strategy;

Planning law –  
Planning and  
Development Act  
2000 (as amended)

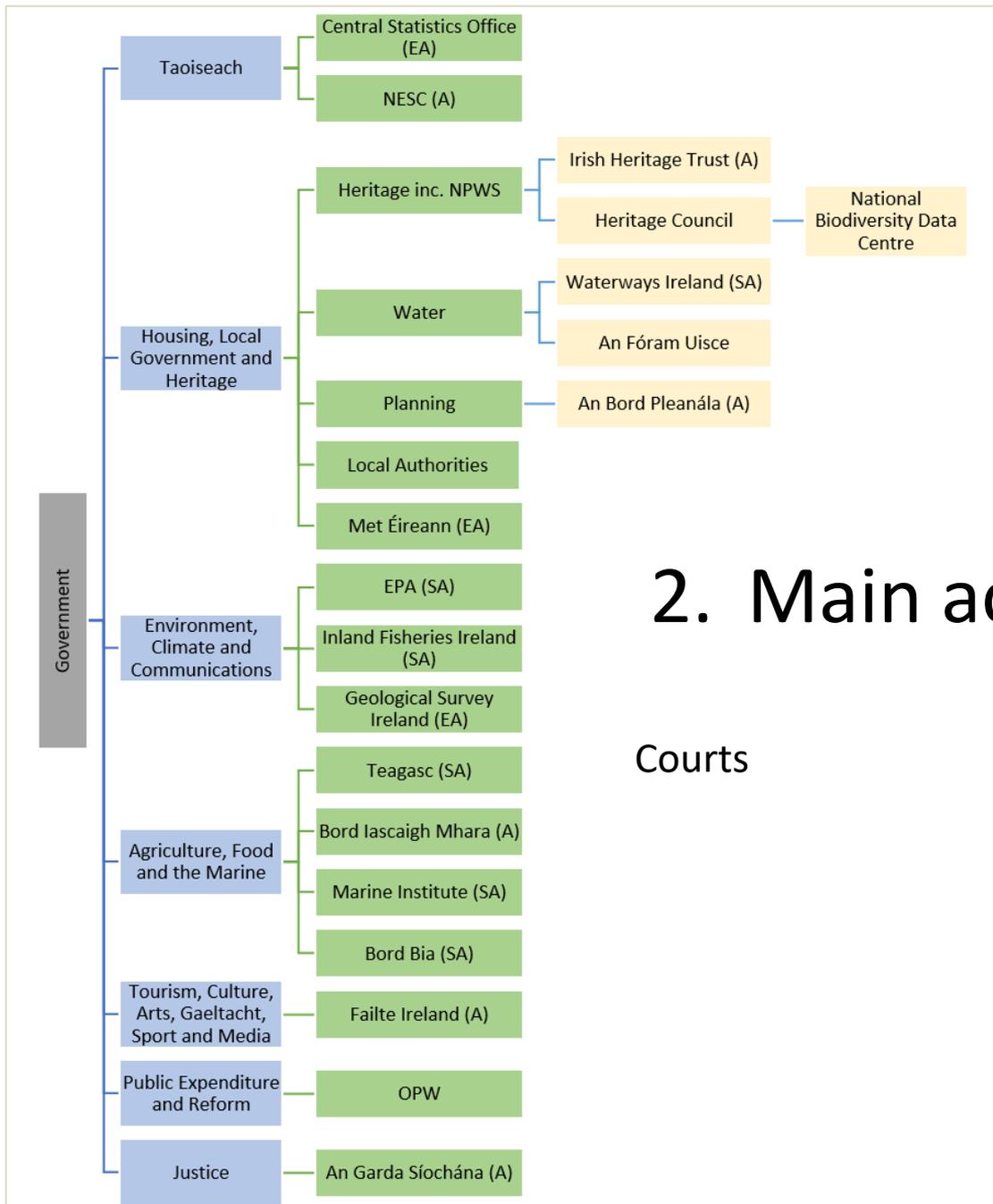
Administrative law,  
e.g. re judicial  
review

Land/property  
law/rights ... Article  
43 of Constitution

Human rights law –  
UN, ECHR and the  
Irish constitution;

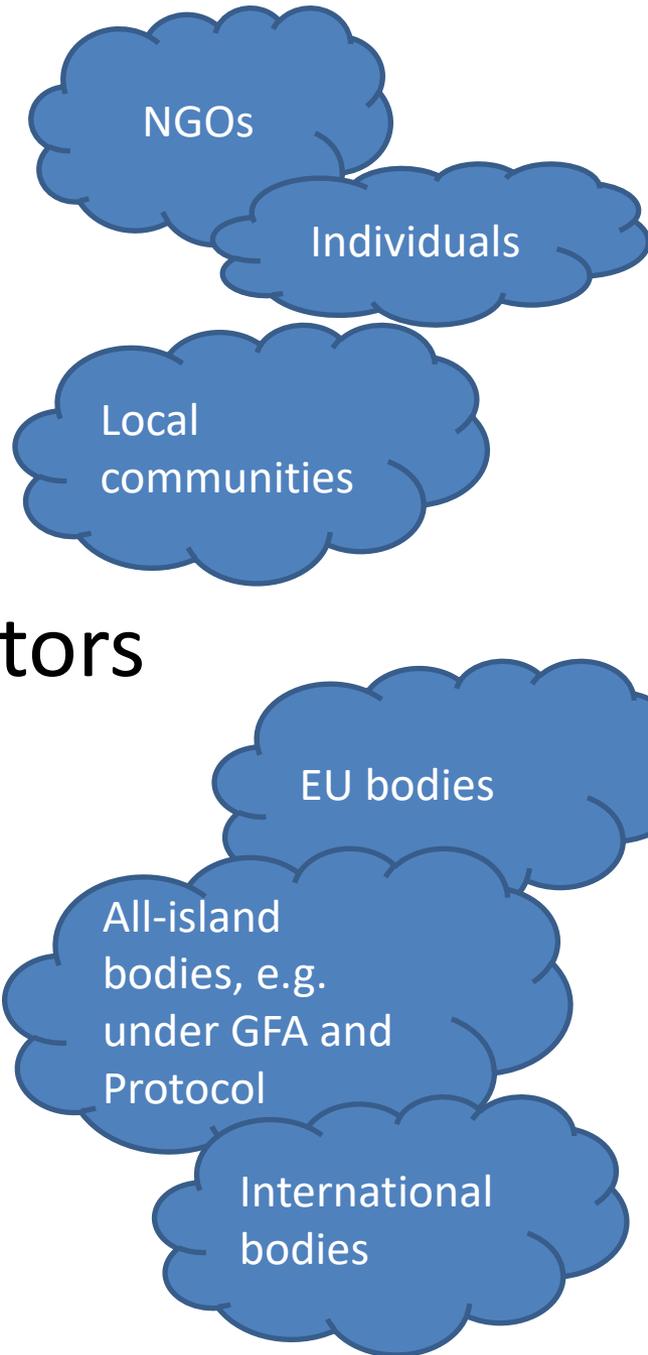
Trade –  
international trade  
law and EU internal  
market law

All-island? Good  
Friday Agreement  
and NI Protocol  
especially



## 2. Main actors

Courts



# 3. Governance tools

Which ones work best (in X case)?

## Sticks /command-control

- Protected sites and/or species (including via CITES)
- Environmental assessments
- Standards – linked to emissions, quality etc...
- Prohibit or regulate certain activities...

## Carrots – incentives

- E.g. Agri-environmental schemes, money to plant trees/wildflowers etc.

## Sermons – information and education

- E.g. AIPP, bird or pollinator surveys
- Monitoring, reporting.
- Access - including Aarhus.

4. Alternatives?  
Supplementary  
tools?



General  
environmental laws?



Environmental rights  
– an expansive  
approach?



Well-being and  
resilience?

# Conclusions?

- Multifaceted, complex area;
- Dependent on a range of areas, actors and tools;
- Dependent on being supported adequately;
- Not the sole option – can tweak or overhaul.

