

Linking the Irish Environment: Exploring the role of civil society in promoting cross-border environmental cooperation

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Introduction

Almost all environmental challenges facing the island of Ireland – and there are many – will ultimately require cooperation across the border. This has been recognised at government and policy level, and explicitly in the Good Friday/Belfast Agreement (GF/BA) where the environment is identified as a key area for cooperation.ⁱ Despite this, Northern Ireland and Ireland have developed (with some exceptions) almost completely segregated environmental governance structures, legal and policy frameworks, and implementation processes.

These differences have the potential to diverge further in the wake of Brexit with the removal of the underpinning set of common EU legal requirements and environmental standards on both sides of the border. In some areas (e.g. regulation of drinking water), this is already happening. Brexit has also removed the important scrutiny and enforcement role of EU institutions regarding environmental outcomes from one part of the island, as well as shared EU governance mechanisms in policy development, implementation, monitoring and design. Significantly, Brexit has also removed the unifying and over-arching ‘direction of travel’ on environmental and social concerns brought by EU membership. The extent to which these factors will be mitigated by the Windsor Framework and other post-Brexit governance arrangements remains uncertain.ⁱⁱ

In addition to the governance implications of having two discrete sets of arrangements for protecting the environment on the island, meaningful cooperation in an advocacy context between environmental NGOs and civil society on the island has also been inhibited. Processes for civil society input, both at policy level and in the context of public participation in environmental decision-making, are generally separate and vary between the jurisdictions, making it harder for engagement on a cross-border basis. Concerns have been raised about the quality of (legally required) cross-border consultation, even on highly significant environmental plans and policies which will clearly impact the whole island.ⁱⁱⁱ Funding streams and opportunities also differ, with relatively low incentives and only limited and relatively recent investment in work which transcends the political boundary. Navigating the differences

between the two jurisdictions is therefore very complex for third sector organisations seeking to operate or collaborate to address serious environmental concerns across the island.

In recognition of the need to move away from existing piecemeal cross-border initiatives towards impactful, long-lasting and resilient all-island cooperation on environmental matters and acknowledging the crucial role of civil society in supporting this shift, the Irish Environmental Network (IEN)^{iv} and NI Environment Link (NIEL)^v commissioned the all-island transdisciplinary research and advocacy platform Environmental Justice Network Ireland (EJNI)^{vi} to undertake research into the area in 2023. The resulting report [*Linking the Irish Environment \(LIE\)*](#)^{vii}, explored the complexities, risks and opportunities around enhancing cooperation on shared environmental challenges on the island of Ireland to deliver better environmental outcomes.

Since 2023, IEN, NIEL and EJNI have continued their collaborative work on LIE – establishing an All-Island Civil Society Forum and monitoring political developments and how they impact the environmental policy sphere. This article will reflect on the findings of the LIE report and explore the next practical steps to enhance existing initiatives and develop new modes of cooperation to deliver a better quality of environmental protection on the island of Ireland.

Mapping environmental cooperation on the island of Ireland

Environmental cooperation across the border, and more broadly, international environmental cooperation involving either or both partners from Ireland and Northern Ireland, is not new and has taken many forms. Recently, and particularly since Brexit, there have been enhanced efforts to understand the extent and modes of cooperation in an effort to anticipate where post-Brexit arrangements may either inhibit or provide new opportunities for collaboration on shared environmental challenges. A series of recent initiatives and mapping exercises (both government and civil society-led) have sought to establish the extent of existing cooperation and identify avenues for strengthening existing cooperative efforts and creating new connections.

In 2021, the National Economic and Social Council^{viii} (NESC) (a national advisory body to the Taoiseach and the Irish Government) published its report, *Collaboration on Climate and Biodiversity: Shared Island as a Catalyst for Renewed Ambition and Action*. It detailed a number of collaborative initiatives, noting the importance of considering “east-west alignments [e.g. NI and Scotland or ROI and Wales] as well as north-south”.

NESC’s 2022 report, *Shared Island Shared Opportunity*,^{ix} further argued that “climate change and biodiversity loss provide a clear and urgent platform for ambitious all-island action and collaboration” and pointed to “significant support in practice for an all-island approach to key economic, social and environmental and wellbeing challenges”. This shows not only clear appetite for collaboration, but also the importance placed on environmental issues in developing this broader cooperation.

These mapping exercises and a desk-based review of cooperation undertaken as part of the LIE project demonstrate that environmental cooperation on the island of Ireland comes in many shapes and forms. At the more formal end of the collaborative spectrum, EU schemes have provided repeated and sustained funding for cross-border cooperation. A review of EU funding for inter-regional cooperation (i.e., the Interreg schemes) reveals how frequent such cooperation is, and the high proportion of environmental projects in the funded schemes.

For example, Interreg VA (encompassing Ireland, Northern Ireland and the west coast of Scotland) funded 34 projects between 2014 and 2021, 17 of which were environmental. These projects spanned water quality^x (e.g. Catchment Care) and sustainable transport (e.g. Ulster Canal Greenway) but also included biodiversity, marine protection and renewable energy. It is noteworthy that major themes for Interreg funding, such as water, sustainable transport and biodiversity, are all outside of the scope for regulatory alignment in the new post-Brexit arrangements, and that there is therefore a need to consider cooperation (past and future) beyond the relatively narrow scope of the Windsor Framework.

There have also been very effective all-island initiatives which have drawn in an extensive range of stakeholders and which have a relatively high level of public awareness, for example, the All-Island Pollinator Plan (2021-2025).^{xi} In addition, the Northern Ireland Environmental Link and the Irish Environmental Network (the umbrella bodies for environmental NGOs north and south of the border) have been working together on developing joint initiatives and funding applications, with enhanced efforts emerging post-Brexit in recognition of the risk to existing initiatives.

These high level and well-known examples are just one part of a spectrum of environmental cooperation which spans from highly formal and regulated, to daily practices of collaboration between services or organisations which can be described as informal, ad-hoc and which are often unfunded. Many of these examples are civil society-led. As a result, information about the true extent of cross-border cooperation happening at the environmental NGO and community level is far more piecemeal and likely to be un-reflected or underestimated in most mapping exercises.

The experience of environmental cooperation across the border

As part of the research for the *Linking the Irish Environment Report*, stakeholders from both Ireland and Northern Ireland shared their experiences of cross-border cooperation through two online workshops (attended by 30-40 individuals from NGO, civil society, and policy communities) and an online survey (completed by 28 individuals).^{xii} Participant experiences ranged from small environmental NGOs expanding their initial activities from one county to counties across both jurisdictions, to larger organisations such as Bat Conservation Ireland recruiting citizen science volunteers on both sides of the border, to even larger organisations, such as BirdWatch Ireland who have worked with the RSPB since the late 1990s to collaborate on producing reports and wildlife maps. Indeed, collaborating on generating data for the whole island featured prominently in the area of nature protection, with further notable examples in

the Marsh Fritillary Monitoring Scheme led by the National Biodiversity Data Centre, as well as cross-border cooperation on monitoring and addressing invasive species. Such cooperation can be long-standing or on a temporary or fixed term basis – and in a practical sense, funding plays a key role in ensuring that cooperation is sustainable over longer periods.

In addition, there has been more recent interest in the establishment of explicitly ‘all-island’ organisations or initiatives (e.g. EJNI, the All-island Climate and Biodiversity Research Network, the Rivers Trust). On the one hand, this reflects recognition of the nature of the island as a single biogeographic unit for the purposes of environmental protection. On the other hand, the enhanced focus on cooperation can be interpreted as a direct practical response to the geo-political and practical implications of Brexit. In this regard, two issues of particular concern which have emerged are (i) access to EU funds to maintain and enhance existing cooperation and (ii) the possibility of negative environmental outcomes that may arise as a result of regulatory divergence across the border via the decoupling of law and policy frameworks.

Regarding accessibility of EU funds, Northern Ireland is no longer covered by major EU funding initiatives such as the European Regional Development Funding, the Common Agricultural Policy or the Common Fisheries Policy and cannot, therefore, ‘draw down’ funding from these sources. The exception to this is the Peace Plus funding programme, which is designed to be a post-Brexit continuation of previous dedicated Peace funding and Interreg programmes. The Peace Plus programme is provided for in both new European Regional Development Fund (ERDF) and Interreg regulations. It is, however, important to underline that the arrangements for Peace Plus do not equate to a continuation of Interreg or ERDF funding in NI. Instead, the arrangements for Peace Plus are distinct within the new EU programmes. Therefore, although the total amount of funding available under Peace Plus is larger than it was in any of the previous iterations of Peace funding, this ought to be understood in the context of the loss of other sources of EU funding for NI that helped facilitate environmental cooperation pre-Brexit.

The ‘on-the-ground’ implications of changes to legal and policy frameworks are more difficult to define. This is because impacts are contingent on decisions on policy development and policy implementation yet to be made in Belfast, Dublin, London, and Brussels, and the extent to which these facilitate convergence or divergence of policy on the island of Ireland and/or between the islands of Great Britain and Ireland.^{xiii} However, one certainty is that the law and policy basis for continued cross-border environmental cooperation on the island of Ireland is less secure than it was before Brexit. This has led to the issue of post-Brexit regulatory divergence (not just across the border in Ireland, but between Northern Ireland and other parts of the UK) emerging as a key research and policy focus. Recent and ongoing examples from an extensive field of work include research commissioned by Northern Ireland’s Department for the Economy,^{xiv} a new strand of the LIE project being undertaken by IEN, NIEL and EJNI^{xv}, and newly commissioned Office of Environmental Protection research scheduled to take place in early 2025.^{xvi}

NGO and civil society experiences of undertaking environmental cooperation

The results of our workshops and survey found that environmental NGOs and citizen-led initiatives seeking to engage in cross-border or all-island environmental governance or cooperation, face both general challenges and challenges particular to the island of Ireland.

Specific issues or challenges that arise typically relate to political, historical and legal relations on the island and with Great Britain; political and legal relations with the EU; poor environmental history and status in both jurisdictions, in particular near or at the border; and domestic regimes/structures that vary, are restrictive or are flawed. In some instances, it is the concern regarding others' perceptions linked to these points that create the barrier.

Throughout the workshops and survey participants highlighted a range of issues:

- The need for common language (whether this be maps, monitoring approaches, or ideally all-island objectives);
- The value of common or similar policies, approaches, and practices, with clear information in the case of any major changes;
- The need for access to information, policy-makers, appeals etc. and having voices heard;
- The usefulness of providing positive examples (and thus the need for flagship projects to bring others with them and explain how they addressed shared challenges);
- The critical need to maintain good relations, as most examples of cooperation remain ad hoc, driven by a few key individuals and rely on shared goodwill;
- The reliance on limited and over-stretched resources to foster engagements, including long-term/sustained activities or projects; and
- The opportunity for schools and universities to play a greater role in environmental education also on a cross-border/all-island basis^{xvii}.

Initiatives for enhancing cooperation and minimising the risks created by divergence

The LIE report made an extensive series of recommendations designed to enhance all-island and cross-border cooperation, and in doing so minimise the risks created by any potential post-Brexit divergence. The full set of recommendations are set out in detail in the LIE project's final report and executive summary,^{xviii} and include suggestions for political commitments, legislative reforms, reforms of governance structures in both Ireland and Northern Ireland, establishment of new civil society forums, suggestions for enhanced roles for the Belfast Agreement treaty bodies in the context of environmental governance and suggested research

priorities. These recommendations were co-designed by the authors of the report, research participants, and project consultees and were designed to: reaffirm political commitment to cooperation; enhance civil society structures and strategies; monitor the impact of Brexit; enhance government accountability; support enduring and productive civil society relationships; ensure citizens are aware of and can operationalise their environmental rights; and enhance knowledge about environmental actors, activities and opportunities for collaboration.

Since the publication of the LIE report, a number of the recommendations have been taken forward by civil society, in particular by NIEL and IEN. The most notable of these is the establishment of the All-Island Civil Society Forum^{xix} funded by the Government of Ireland Shared Island Civic Society Fund. In addition, IEN, NIEL and EJNI have continued their collaborative work to implement the report's recommendations – for example in advocacy directed towards the North/South Ministerial Council and decision-makers on both sides of the border.

Conclusion

Fostering meaningful cooperation on the environment on a cross-border/all-island basis is far from straightforward. The LIE research, based on extensive engagement with civil society from across the island, indicated that some of the main issues for cross-border cooperation in an advocacy context included: difficulties engaging in the processes for input in environmental decision-making on a cross-border basis; challenges accessing funding streams and opportunities; and navigating the differences in legal and regulatory complexities. The LIE report highlighted a series of 'needs' for the sector, in areas including guidance and coordination; access to information; policymaking and justice; the provision of more information about key actors/cross-border counterparts; updates around divergence and international environmental commitments (both existing and new); the need to highlight examples of positive engagements on this island and elsewhere; and the need for more resources dedicated specifically to dealing with cross-border and all-island matters.

Responding to these myriad challenges and needs will require significant financial and political investment to ensure existing cooperative efforts can endure, and that new and emerging all-island initiatives can develop. The *Linking the Irish Environment* report sets out a range of recommendations targeted at both decision-makers and civil society actors, which, if adopted, could go some way towards addressing these needs. These recommendations can, to some extent, be taken forward by NGOs, umbrella bodies and broader civil society, and indeed some have already been implemented by IEN and NIEL such as the all-island civil society forum. Some recommendations also relate to actions that policy-makers and politicians can take in the context of reforming governance arrangements in both NI and the bodies set up to deliver cross-border governance under the Good Friday/Belfast Agreement.

However, an overarching theme throughout the LIE report is that it will require significant political (and organisational) willingness to adjust the perception of all-island cooperation from

a ‘nice to have’ to a central feature of environmental protection efforts. Given the unpredictable political context which exists on the island of Ireland (and in particular uncertainty around funding), NGOs and umbrella bodies will need to be prepared to be responsive in the face of swiftly moving political developments in the context of increasing urgency to respond to environmental crises. Research and knowledge development in this context is therefore critical to helping stakeholders (both government and civil society) identify policy priorities around the environment and develop plans which can be insulated from external political turbulence.

In conclusion, there is significant appetite for meaningful cross-border and all-island cooperation on the environment within academia, NGOs, and communities on the island of Ireland. Decision-makers must match this appetite with the strengthening of existing pathways of cooperation, funding to allow development of deeper relationships, and promotion of collaborative approaches based on best practical and environmental outcomes on the island - even where political sensitivities exist.

ⁱ Hough (2019) outlines in detail how despite express provision in the Good Friday/Belfast Agreement, cooperation on shared environmental challenges between governments north and south of the border remains under-developed (with exceptions). More information can be found in the paper, *Brexit, the Good Friday/Belfast Agreement and the Environment: Issues arising and possible solutions*, commissioned by the Environmental Pillar in conjunction with Northern Ireland Environment Link. Available online at: <https://www.nienvironmentlink.org/site/wp-content/uploads/2022/01/Brexit-GFA-report-FULL.pdf> (Accessed 12 November 2024)

ⁱⁱ Post Brexit regulatory divergence has been researched in-depth by Phinnemore and Whitten (2024). Their findings are published in *Mapping post-EU Exit regulatory divergence in Northern Ireland* for the Department for the Economy. Available online at <https://www.economy-ni.gov.uk/publications/mapping-post-eu-exit-regulatory-divergence-northern-ireland> (Accessed 12 November 2024)

ⁱⁱⁱ Catherine Devitt, Alison Hough, Caitlin McIlhennon, Paul Price, Vanessa Conroy, Collette McEntree, and Ciara Brennan ‘Assessment of Ireland’s Final Draft National Energy and Climate Plan: A missed opportunity to deliver faster and fairer climate action?’ June 2024. <https://ejni.net/wp-content/uploads/2024/06/Assessment-of-Irelands-final-draft-NECP.pdf> (pg 28). (Accessed 14 November 2024)

^{iv} Irish Environmental Network website: <https://ien.ie/>

^v Northern Ireland Environment Link website: <https://www.nienvironmentlink.org/>

^{vi} Environmental Justice Network Ireland website: <https://ejni.net/>

vii Brennan, C., Brereton, F., Dobbs, M., Gravey, V., Gould, H., Hough, A. and Whitten, L., (2023). *Linking the Irish Environment, Final Report*. Environmental Justice Network Ireland. Available at: <https://ejni.net/linking-the-irish-environment/> (Accessed November 2024)

viii NESC Report (2021) *Collaboration on Climate and Biodiversity: Shared Island as a Catalyst for Renewed Ambition & Action*. National Economic and Social Development Office (NESDO). Available online at http://files.nesc.ie/nesc_reports/en/156_shared_island_cbd.pdf (Accessed 12 November 2024)

ix NESC Report (2022) *Shared Island Shared Opportunity: NESC Comprehensive Report*. National Economic and Social Development Office (NESDO). Available online at http://files.nesc.ie/nesc_reports/en/157_shared_island_comprehensive.pdf (Accessed 12 November 2024)

x Collaboration on water quality is longstanding, and it is one of the areas where GF/BA structures – NSMC, Loughs Agency etc. - are particularly involved, although, as the recent NESC reports explain, differences and challenges remain (such as diverging approaches to tackling invasive species).

xi More information on the All-Ireland Pollinator Plan is provided in Chapter 3 (pg 16) of *the Linking the Irish Environment, Final Report*. Available at: <https://ejni.net/linking-the-irish-environment/> (Accessed 12 November 2024)

xii The project combined desk-based analysis (involving literature reviews and analysis of secondary data) as well as engagement with stakeholders. This included initial and continuous discussions with the funding environmental NGO umbrella bodies; two online stakeholder workshops (each attended by 30- 40 individuals representing 25 different organisations and drawn from NGO, civil society, and policy communities both north and south of the border); and a short online survey (completed by 28 individuals). In addition, preliminary recommendations were subject to a consultation exercise in early 2023 involving participants from the stakeholder workshops. Participation in both processes was undertaken on the basis of anonymity given the (at times) sensitive subject matter of the research.

xiii Changes to the law and policy architecture are covered in Chapter 2 (pg 20 – 57) of the Brennan, C., Brereton, F., Dobbs, M., Gravey, V., Gould, H., Hough, A. and Whitten, L., (2023). *Linking the Irish Environment, Final Report*. Environmental Justice Network Ireland. Available at: <https://ejni.net/linking-the-irish-environment/> (Accessed 12 November 2024).

xiv See Whitten and Phinnemore, note ii.

xv This project is examining the extent and impacts of regulatory divergence from a civil society perspective, and monitoring mechanisms that are in place or could be put in place to enhance knowledge about divergence.

^{xvi} Details of the commissioned research are available here:

<https://www.contractsfinder.service.gov.uk/Notice/73f9e318-77a9-4547-b25e-35cd3f28b36a>

(Accessed 14 November 2024)

^{xvii} More in-depth detail on the experience of cross-border collaboration in practice is covered in Chapter 4 (pg 79 – 92) of the Brennan, C., Brereton, F., Dobbs, M., Gravey, V., Gould, H., Hough, A. and Whitten, L., (2023). *Linking the Irish Environment, Final Report*.

Environmental Justice Network Ireland. Available at: <https://ejni.net/linking-the-irish-environment/> (Accessed 12 November 2024).

^{xviii} Ciara Brennan, Finbarr Brereton, Mary Dobbs, Viviane Gravey, Hannah Gould, Alison Hough & Lisa Whitten (2023) ‘*Linking the Irish Environment: Executive Summary and Recommendations*’ Environmental Justice Network Ireland Research Report, June 2023.

<https://ejni.net/wp-content/uploads/2023/06/Linking-the-Irish-Environment-Executive-Summary-June-2023.pdf> (Accessed 14 November 2024).

^{xix} More information on the All-Island Civil Society Forum on the Environment is available at: <https://www.nienvironmentlink.org/all-island-civil-society-forum-on-the-environment/>

(Accessed 12 November 2024)