

**EXPLANATORY MEMORANDUM ON THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND ESTABLISHING A SINGLE MARITIME BOUNDARY BETWEEN THE EXCLUSIVE ECONOMIC ZONES OF THE TWO COUNTRIES AND PARTS OF THEIR CONTINENTAL SHELVES**

**Title of the Treaty**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a Single Maritime Boundary between the Exclusive Economic Zones of the two countries and parts of their Continental Shelves

**Command Paper Number:** 8666

**Subject Matter**

This Agreement firstly amends the existing delimited continental shelf boundary between the UK and the Ireland, as defined in a 1988 Agreement, a supplementary Protocol of 1992 and an Exchange of Notes of 2001. The effect of the amendment is to transfer part of what was previously Irish Continental Shelf to the UK, in exchange for an area of the UK's Continental Shelf. In amending the existing Continental Shelf boundary this Agreement supersedes both the 1988 Agreement and the 2001 Exchange of Notes, which are terminated.

The Agreement then provides for the coordinates of the amended Continental Shelf boundary, up to 200 nautical miles, to delimit also the Exclusive Economic Zone boundary between the two states.

**Ministerial responsibility**

The Rt Hon Baroness Warsi PC, Senior Minister of State, has responsibility for maritime issues within the Foreign and Commonwealth Office. Other Ministers with an interest include The Rt Hon Michael Moore MP, Secretary of State for Scotland, Mr Michael Fallon MP, Minister of State for Energy, Department for Energy and Climate Change, and Mr Richard Benyon MP, Parliamentary Under-Secretary for Natural Environment, Water and Rural Affairs.

**Policy considerations**

**General**

Under the UN Convention on the Law of the Sea there are essentially two kinds of maritime zones which can be declared beyond the territorial sea, namely the Continental Shelf and the Exclusive Economic Zone (EEZ). The former is concerned with the sea bed and the subsoil and the latter, the water column. The UK has not so far declared an EEZ although we have made use of the EEZ powers available to a coastal state under the UN Convention to regulate a number of the relevant issues. However, this has led to a plethora of different named zones dealing, for example, with fisheries, marine pollution and wind farms. It was concluded that it would be better to declare an EEZ which would encompass all of the existing zones. Power to declare one was taken in the Marine and Coastal Access Act 2009, but before this can happen we need to conclude bilateral arrangements with all our maritime neighbours on an EEZ boundary.

The UN Convention on the Law of the Sea provides for coastal states to claim up an EEZ of up to 200 nautical miles. A coastal state's Continental Shelf can extend beyond this, providing certain geological conditions exist. In negotiating to align a new EEZ boundary with the existing Continental Shelf boundary we discovered that there were two small areas on the Irish side of the boundary that were more than 200 nautical miles from Irish baselines on their coast. As these could not be incorporated into an Irish EEZ, we agreed to swap these two areas of Irish Continental Shelf for areas of the UK's Continental Shelf, the areas being of equal size and potential exploitability eg for the purposes of hydrocarbons and fisheries.

#### **Financial**

There are no financial implications arising from this Protocol.

#### **Reservations and Declarations**

Not applicable.

#### **Implementation**

The Protocol will enter into force on the date of the latter of the notifications by the two Governments confirming acceptance of the Agreement. The Government's current intention is to bring the Agreement into force when the EEZ around the UK is declared.

#### **Consultations**

The Scottish Government has devolved competence on fisheries management and the Scottish Government were consulted over the area of continental shelf swap in the North West Area, since the swap would also define the new EEZ boundary. DEFRA and DECC were also closely consulted during the negotiations.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.