



# **DÁIL ÉIREANN**

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## **AN BILLE UM DHLÍNSE MHUIRÍ, 2021 MARITIME JURISDICTION BILL 2021**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM DHLÍNSE MHUIRÍ, 2021 —AN COISTE

## MARITIME JURISDICTION BILL 2021 —COMMITTEE STAGE

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### *Leasuithe Amendments*

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#### SECTION 2

1. In page 6, between lines 29 and 30, to insert the following:

“ “island” means a naturally formed area of land surrounded by water which is above water at high tide;”.

—Pádraig Mac Lochlainn, John Brady.

#### SECTION 3

2. In page 7, line 12, to delete “as soon as may be” and substitute the following:

“within a time period allowing reasonable time for the order to be examined but not longer than 12 months”.

—Pádraig Mac Lochlainn, John Brady.

3. In page 7, line 12, after “made” to insert the following:

“and the laying of such an order shall be accompanied by the general publication and circulation to members of the Oireachtas of documents clarifying the meaning and consequences of said order including but not limited to maps, charts and preparatory works of any related treaty negotiation”.

—Pádraig Mac Lochlainn, John Brady.

#### SECTION 6

4. In page 8, to delete lines 16 and 17.

—Pádraig Mac Lochlainn, John Brady.

#### SECTION 7

5. In page 8, between lines 20 and 21, to insert the following:

“(2) The territorial sea of the State includes the portion of the sea which lies between the baseline of Rockall rock and the outer limit of the territorial sea.”.

—Pádraig Mac Lochlainn, John Brady.

[SECTION 9]

SECTION 9

6. In page 8, between lines 33 and 34, to insert the following:

“(2) The State has sovereign title, on the basis of continuous custom and practice of pre-colonial Gaelic coastal communities and Irish fishing communities, to Rockall rock.”.

—Pádraig Mac Lochlainn, John Brady.

SECTION 11

7. In page 9, line 24, to delete “2014.” and substitute the following:

“2014,

(f) any relevant provision on offences in national legislation giving effect to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds or Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, or an offence under the Wildlife Act 1976.”.

—Jennifer Whitmore.

SECTION 13

8. In page 10, line 2, after “Convention” to insert the following:

“and any line of delimitation so prescribed shall be the equitable equidistant line between the State and the other State with an opposite or adjacent coast”.

—Pádraig Mac Lochlainn, John Brady.

9. In page 10, to delete lines 3 to 6 and substitute the following:

“(3) The Maritime Jurisdiction (Boundaries of Exclusive Economic Zone) Order 2014 (S.I. No. 86 of 2014) is revoked.”.

—Pádraig Mac Lochlainn, John Brady.

10. In page 10, to delete lines 13 to 15.

—Pádraig Mac Lochlainn, John Brady.

SECTION 14

11. In page 10, line 32, after “environment” to insert “and ecosystem”.

—Pádraig Mac Lochlainn, John Brady.

SECTION 15

12. In page 10, line 34, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

13. In page 11, line 3, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

14. In page 11, line 10, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

[SECTION 15]

15. In page 11, line 15, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

SECTION 18

16. In page 12, line 16, to delete “exploiting” and substitute “exploring”.

—Pádraig Mac Lochlainn, John Brady.

17. In page 12, line 24, after “resources” to insert “subject to Oireachtas approval”.

—Pádraig Mac Lochlainn, John Brady.

18. In page 12, line 26, after “shelf” to insert “subject to Oireachtas approval”.

—Pádraig Mac Lochlainn, John Brady.

19. In page 12, line 27, to delete “(d) the exclusive” and substitute “(d) subject to Oireachtas approval, the exclusive”.

—Pádraig Mac Lochlainn, John Brady.

20. In page 12, to delete lines 29 and 30.

—Pádraig Mac Lochlainn, John Brady.

SECTION 19

21. In page 12, line 36, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

22. In page 13, line 3, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

23. In page 13, to delete line 5 and substitute the following:

“(2) Where a person or another state does an act in a designated area the person or another state shall be guilty of an”.

—Pádraig Mac Lochlainn, John Brady.

24. In page 13, line 12, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

25. In page 13, line 15, after “person” to insert “or another state”.

—Pádraig Mac Lochlainn, John Brady.

26. In page 13, to delete line 17 and substitute the following:

“(2) Where a person or another state does an act in a designated area the person or another state commits a wrong and the”.

—Pádraig Mac Lochlainn, John Brady.

[SECTION 21]

SECTION 21

27. In page 14, between lines 5 and 6, to insert the following:

“21. The Government may by order prescribe appropriate charts to be used for the purposes of establishing—

- (a) the low-water mark,
- (b) the existence and position of any low-tide elevation, or
- (c) any other feature relevant to the delineation of the territorial sea, the contiguous zone, the exclusive economic zone or the continental shelf.”

—Pádraig Mac Lochlainn, John Brady.

[Acceptance of this amendment involves the deletion of section 21 of the Bill.]

SECTION 31

28. In page 18, line 7, after “zone” to insert “and those seas specified in *subsection (2) of section 7 of the Maritime Jurisdiction Act 2021*”.

—Pádraig Mac Lochlainn, John Brady.

SCHEDULE

29. In page 25, line 24, after “agreements” to insert the following:

“and any presence of such ships requesting innocent passage would be informed to the Oireachtas without undue delay”.

—Pádraig Mac Lochlainn, John Brady.

30. In page 31, between lines 29 and 30, to insert the following:

“2. The coastal State shall, post-Brexit, seek a re-negotiation of the allowable catch of the living resources in its exclusive economic zone with its European counterparts including examining the Common Fisheries Policy and its basis of relative stability to seek a fair and sustainable future for our coastal fishing communities.”

—Pádraig Mac Lochlainn, John Brady.

31. In page 31, between lines 29 and 30, to insert the following:

“2. The coastal State shall seek access to new quotas from our European counterparts for fish species like bluefin tuna, anchovies, sardines and octopus which are being found in more numbers presently in Irish waters and that a research report would be undertaken by Irish marine authorities to examine this new presence.”

—Pádraig Mac Lochlainn, John Brady.

[SCHEDULE]

32. In page 33, between lines 11 and 12, to insert the following:

“(1) the very strictest monitoring of supertrawlers and factory trawlers when present in waters directly outside Irish territorial waters and that Ireland would work with its European counterparts to examine an outright ban to end the destructive fishing practices carried out by these vessels.”.

—Pádraig Mac Lochlainn, John Brady.

33. In page 34, between lines 11 and 12, to insert the following:

“2. The coastal State shall introduce an outright ban on military sonar exercises and activities being carried out in Irish and European waters surrounding Ireland and by all states.”.

—Pádraig Mac Lochlainn, John Brady.

34. In page 41, line 22, after “purposes” to insert “subject to the approval of the Houses of the Oireachtas”.

—Pádraig Mac Lochlainn, John Brady.

35. In page 42, after line 33, to insert the following:

“PART VIII

REGIME OF ISLANDS

*Article 121*

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.”.

—Pádraig Mac Lochlainn, John Brady.