

Sea Fisheries (Amendment) Bill 2017

This document (and attached tabulated reference documents) **provides our basis for a submission to, and discussion with the Joint Committee on Agriculture, Food and the Marine. It also addresses some points raised by Minister Creed in his address to Seanad Éireann on March 8th & 22nd in relation to the Sea Fisheries (Amendment) Bill 2017, referred to hereafter as the “Bill” or the “Legislation”.**

Minister Creed’s Comments

Minister Creed has declined the request to meet or consult with us on this Bill so regreftfully we must rely on his public statements to determine why he is proceeding with the proposed Legislation.

The Minister appears to be justifying the proposed bill on the basis that it is:

- a) Continuation of fishing that has been going on for 50 years and he is therefore under some sort of “moral obligation” to facilitate it.
- b) Required because fishing vessels from the Republic of Ireland enjoy reciprocal rights to fish inside some UK waters.
- c) Token of goodwill from the Minister for Brexit negotiations between the UK and EU!

It is our contention that the Minister is wrong in his assertions. There is no moral, legal or logical basis for this Legislation.

The Moral Obligation

The Minister’s current argument is that there is some sort of moral obligation to continue the illegal fishing because it has been going on for 50 years. This is a bizarre situation. The Minister is essentially arguing that – *it’s illegal but you have been getting away with it for so long that we need to legislate for it*”. The UK vessels and UK shellfish farms have acquired fishing opportunities/quotas (illegally) in Irish waters that were refused to Irish boats.

The mind boggles at this approach, where we reward illegal activity?

Setting that aside, we present evidence that the Minister’s position is:

- a) **Contradicted both by facts in relation to historical fishing and reciprocity.**
- b) **Has no moral basis (offering something far beyond what could be expected or offered by any other country).**

- c) Leaves Ireland open to additional legal risks that the Minister has already been made aware of.

Background

The proposed Legislation will permit UK vessels access to our Irish 0 – 6 mile zone all around our Irish coast and be treated as if they were Irish Vessels. (TAB 1 D1) The UK's fleet, already enjoy privileged access to our waters in the zone between 6 - 12 miles along our East Coast as settled at the 1964 London Fisheries Convention (TAB1 D2). London Fisheries Convention can be viewed at [TREATY SERIES 1966 N° 1 Fisheries Convention](#)

- UK fishing vessels were given this 6-12 mile zone access on the basis of their historical fishing activity in the years prior to the 1964 London Fisheries Convention. (TAB 1 D2) [Access for UK vessels in Irish waters up to the 6 mile limit](#) **There is no suggestion by us that this access will be taken away unless the UK withdraw from the London Fisheries Convention. However by understanding the London Fisheries Convention it will become clear that this 2017 Bill will provide access to UK vessels that they simply could never have had before.** (TAB 1 D1)
- Northern Irish fishing vessels (being UK fishing vessels) enjoy full access to the inshore zone of the entire UK and all UK waters and all waters outside Ireland's 12 mile sea limits. These vessels can still operate out of Irish ports in accordance with the London Fisheries Convention without this Bill. **There is no suggestion that the UK vessels will either give up this access to the UK zone or reciprocate with the same access for Irish boats by Ireland passing this Bill.**
- Irish fishing vessels were refused similar rights around the UK coast at the time of the London Fisheries Convention on the basis that Ireland could not prove that Irish vessels had fished there in any scale.
- Access to the Irish 0 - 6 mile zone has become highly contentious in recent years, as the bottom mussel fishery is entirely dependent on access to mussel seed, which is located inside the 6 mile zone.
- The mussel fishery had the potential to be one of the few new, environmentally sustainable and successful growth stories in Irish fisheries and worth in the region of €45 million per annum. (Food Harvest 2020/Food Wise 2025)

- Vessels with a tenuous link to Northern Ireland have not only been allowed to fish inside this Irish zone for mussel seed but have somehow been given the right to fish for and remove thousands of tonnes of the mussel resource .

Factual Evidence in relation to historical fishing

Irish fishermen vehemently opposed the Voisinage arrangement when the Government of the day attempted to impose it in the 1960s and disputed the concept of UK vessels fishing within the 0-6 mile zone. There then followed serious disputes at sea off Dunmore East at the time. Any suggestion that it has continued happily since the early 60s is factually incorrect. There are numerous contemporaneous reports of hostilities in the Irish Times, from 1959 to 1966 that support this. **This evidence conveys a very different picture to the 50 years of happy fishing inside the 0 – 6 mile zone that the Minister presented to the Seanad.** Why did this illegal fishing continue for 50+ years? Because the stock answer to Dail questions stated it was legal. The Supreme Court disagreed with this assertion.

According to an Irish Times interview with Minister Hugh Coveney (*Fine Gael*) on 2nd March 1995 Northern Irish boats had not used the arrangement¹ **for 30 years**. This interview predates commencement of fishing under the arrangement for mussels. It is interesting to note that when asked to explain where the law in relation to the arrangement existed, the Sea Fisheries Protection Authority² suggested that it was communicated not in writing but “by word of mouth”? **Does this accord with how criminal law typically operates in Ireland? Contravening these fishery laws are classed as a criminal offence!**

At the beginning of the Mussel case, the Minister and the Attorney General wished to disown the Natural resources, the Territorial seas and it's property.(TAB2 D4) Can these same people be trusted now to do the right thing or are they just using the Oireachtas as a face saving mechanism? Have the same attitudes deprived Ireland of the benefits of it's Oil and Gas resources? Were Oil and Gas policies more rushed decisions and blind cross party support without understanding the consequences? **Are we to be an Island Nation without it's own seas and marine resources? The “Barlow 2” case in the Supreme Court involved a reversal of roles whereby the citizen had to protect the Constitution and State with the Minister**

¹ The article refers to UK fishermen's Constitutional Right to fish. The Supreme Court found no such right or any other legal right.

² The Sea Fisheries Protection Authority. The agency responsible for enforcement of fisheries legislation in Ireland.

and the AG opposing. The “Barlow 1” case is not yet finished and this was also stressed to the Minister.

Fishermen have continually stated their view that the Voisinage fishing was illegal and moreover widely open to abuse. This position has been proven to be correct both in terms of its legality and the potential for abuse. Fishing rights are to be guarded and preserved. They are part of our Sovereignty and Constitution. The Supreme Court found that the fishing by the NI vessels was illegal, so any rights gained by these UK vessels or shellfish farms during the “reference periods” are now also void and must be returned to Irish fishing communities. The simple way to address this issue is to abandon this Bill and allocate the relevant quotas back to the host State.

Marine Institute Evidence

Marine Institute’s Fishing Atlas shows an image where Irish vessels fish around the entire coast of Ireland, (TAB1 D3) and an image of fishing activity by various national fleets within Irish waters (TAB1 D5).

1. The extract from the Atlas shows minimal historical fishing by Irish vessels along the coast of the six-counties. (Vessels in transit leave a track on this map).
2. It shows very limited evidence of fishing by UK vessels (including Northern Ireland) inside the Irish 0 - 6 mile zone. This clears up the Minister’s impression that the Irish vessels were operating in the Six Counties 0-6 Zone as debated in the Seanad 22/3/17.

Where is the evidence for the fishing activity claimed by the Minister?

Each time that the Government has attempted to force the arrangement on Irish fishermen the industry has opposed it. Never more clearly than the Irish fishing organisations expressed before this Committee on 20th June 2017. The explanation of this so called arrangement has always been that it was above our station to question such matters. We were told that it was nonjusticable and we had no standing to ask questions on it or to challenge it. The Supreme Court judgement finally put this “its legal now go away” argument to bed. It is worth noting just one example of the Voisinage activity presented to the High Court transcript.

Q “ *Is there any other fishery that is subject to Voisinage apart from mussels and the cockle fishery on Dundalk Bay that you have mentioned? Answer by Ms Josephine Kelly (DAFM) As far as I am*

aware, there would be boats in, we'll say, in the loughs in Carlingford and on the margins of the six counties north and south and they would fish in each other's, in north and south inside the six-mile zone. They would generally be as far as I am aware smaller vessels".

Following the “Barlow 1” Supreme Court case, we now know that there is no legal basis for the fishing by “Northern Irish owned and operated” boats to operate in the 0-6 mile zone along the Irish coast. There is now no fishing permitted in the Irish 6-12 mile zone other than that provided for in the London Fisheries Convention. (TAB2 D2). This 6-12 Zone had also been a “Voisinage” area until the Supreme Court decision. (Tab1 D2)

Reciprocity

The UK structured its position in the Voisinage letters that set out the arrangement in such a way that any rights vessels from the Republic of Ireland enjoyed fell away automatically as soon as the arrangement was ended in the Republic of Ireland.

Voisinage Letters (TAB2 D1/D2/D3) “This arrangement will apply as long as the authorities of the Republic of Ireland continue to accord to Northern Irish vessels the same treatment as they would accord to vessels of the Republic of Ireland in the waters around the coast of the republic.”(TAB2 D3) We contend that the “arrangement” referred to in the Voisinage letters refers to an arrangement in December 1959, not to prosecute the “Six County fishermen” for fishing inside Ireland’s new 3 mile limits. “Strict legal position that boats registered in Six Counties not entitled to fish within our new limits”, “it would be impolitic to make announcement that the law would not be enforced against the Six county fishermen” and “that the informal attitude to Six County fishermen within our fishery limits be continued” “and no announcement be made on the matter”. As a senior judge described it “Unlawful but tolerated” and that is the same context that this new fisheries Bill is based on ie. **Not to prosecute.**

The Irish Owned, Northern Irish Registered Boats

The Minister also referred in the Seanad to Irish fishermen utilising vessels from outside the jurisdiction. So is that covered by the term in the new Bill, “sea-fishing boat owned and operated in Northern Ireland”? That’s a UK flagged vessel owned and operated in Ireland’s exclusive fisheries zone. The Bill is being diluted for abuse

in favour of UK vessels as it proceeds through the Seanad. These vessels can still operate out of Irish ports and be owned by Irish fishermen but not be fishing in the 0-6 zone. Accordingly there is not the hardship or need for compensation as suggested by Deputy Gallagher at the last committee meeting. Deputy Gallagher's constituency of Donegal has c.360 Irish fishing vessels that deserve Deputy Gallagher's attention.

The UK fishing boat register shows approximately 40 UK vessels (TAB2 D5) purporting to be "Northern Ireland owned and operated" yet being operating from the Republic of Ireland. This is perfectly legal and will continue regardless of this Bill so long as they don't fish in the 0-6 mile zone and the relevant 6-12 mile zone. Consider this business model being applied to UK Taxis operating on O Connell Street. Note there are some other vessels based in Irish ports but are not on the MMO (UK fishing register) because they do not have fishing licences (These are UK Mussel Boats). **Will the Fisheries Bill provide a legal definition on what "Northern Ireland Owned and Operated" will be? The 2006 MFJ Act clearly states what a Foreign Vessel is.**

We consider this list of UK vessels to be evidence of opportunistic registration in Northern Ireland as a response to the Government announcing during High Court proceedings that a "Northern Irish owned and operated" boat could fish inside our limits. These newly registered UK/Irish vessels would additionally have all the UK waters to fish and the lower cost of acquiring fishing licences in the UK. The UK has c.5000 vessels that could possibly take advantage of this Sea Fisheries Bill. Passing this new Bill into Irish legislation will disadvantage Irish fishing vessels. Note the EU are presently monitoring any arrangements that give UK advantage over the EU and we have submitted a complaint to the EU commission on this matter.

The answer is not to allow a free for all inside the 0 – 6 mile zone as a response to an issue created entirely by mismanagement.

Supreme Court Decision

The Supreme Court was asked to make a decision as to the legality of the fishing by Northern Irish vessels. This, it decided unanimously was **illegal**. **For clarity this applied to all areas within Ireland's 0-12 mile zone apart from that provided for under the London Fisheries Convention.** (TAB 1 D2)

Any views or opinions expressed in the judgement, for example in relation to the attractiveness of good relations with Northern Ireland are exactly that, non-binding opinions.

Brexit Negotiations & International Agreements

Our understanding is that the EU has adopted a policy that there will be no bi-lateral agreements with the UK prior to Brexit.

- Has the Minister investigated the consequences of legalising this fishing in terms of our obligations to our EU partners?
- Has the Minister investigated the risks the proposed Legislation may create under the London Fisheries Convention (for example under Article 8(2))? Article 9(2) only applies to vessels that “habitually” fished under “Voisinage Arrangements” not to be confused with a regime of “**not to prosecute**”.
- Does the Legislation comply with the Minister’s fisheries management obligations, for example in relation to conservation and management? Will the Minister need to have Joint Management with the UK for Ireland’s inshore waters? Will the Minister have to consult (AGAIN) with Stormont when managing the mussel industry in Cromane, Co. Kerry?
- Is the Minister aware that when he was in the Seanad on this matter (8/3/17) that on the same day, the UK fisheries Minister was being advised “the CFP superseded the London Convention, meaning that historic fishing rights derive from EU law, and not from the Convention. “Prof Churchill was therefore “sceptical” as to whether the London Convention rights could be revived after 40 years”.(From page 10 of Briefing paper CBP7669, 14/3/17 Brexit: What next for UK Fisheries) (TAB3 D3). See also “Brexit Map” (TAB1 D4).

Precedent for the Legislation

The Minister should be aware that the voisinage arrangements concluded between other countries are never unrestricted. Please note Voisinages made at the London Fisheries Convention are ALL documented in EU Regulation 1380/2013 and listed in Annex 1 of the document linked below: There is no mention of the Irish “arrangement” permitting UK vessels to operate in Ireland’s 0-12 mile zone other than that illustrated at (Tab1D2) & Text version (Tab2 D6).

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1380&qid=1489678052972&from=en>

All other agreements are specifically restricted to prevent abuse. Typical restrictions include limits on species and locations. Where is Ireland’s “Voisinage” recorded in this annex? The Minister alludes to this Voisinage being in place since (January) 1960. However the London Fisheries Convention was completed on 9th March 1964 yet the so called Voisinage letters were dated September and December 1965(Tab2 D1,2&3).

So how does the proposed unrestricted access sit in this context?

MSC Certification (Referenced by Minister Creed Seanad 8/3/17).

Evidence from Ms. Julie Maguire, a Marine Biologist who has written extensively on Ireland's bottom mussel fishery states that the stock is in serious trouble. This evidence was unchallenged in the High Court. The MSC label seems to be immune from this. Production has collapsed from c. 29,500 tonnes in 2006, to c. 6,400 tonnes in 2016. This catastrophic decline was forecast to then Minister Gallagher in 2005 by ourselves and industry representation. Sample representations, Gerard Kelly letter to Minister Pat the Cope Gallagher Feb.2005 (TAB3 D1), Mr. Richie Flynn (IFA) to Minister Pat the Cope Gallagher, 27th May 2005. (TAB3 D2).

In 2006, the UK DEFRA commissioned Stirling University to study best practice in this shellfish sector and studied the "Irish" regime. The "Conclusions in respect to Irish situation and relevance to UK. Discussions with regulators and producers have all produced similar comments on the reality of the failed efforts to regulate the sector through SMAC, with the most regular descriptors being "chaos" and "shambles". Nevertheless, or indeed perhaps because of this, lessons can be learned from the 'Irish experience' in attempting to manage translocation of shellfish, specifically seed mussels for relaying and on-growing for commercial benefit"

The Irish mussel industry is now in severe crisis yet the Minister suggests all is great. The Minister is the regulator of this industry and resource.

Does the Minister not realise he is the regulator in this industry?

Implications of the Minister's proposed Legislation

Fisheries legislation is complex. It is important that we have a full understanding of the implications of legislation before it is passed. Our mussel sector depends solely on the inner 6 mile zone and we will be affected disproportionately by this legislation. We will most likely have to shut down our business forever if this Bill is passed.

We argue that this Legislation has legal loopholes that will be exploited. The best way to consider this is to examine what happened in the past. Here are some examples of past behaviour under the arrangement that was found by the Supreme Court to be illegal.

1. Use of the arrangement by Dutch multinationals

There is incontrovertible evidence that Dutch mussel producers/processors simply registered a vessel in Northern Ireland, sometimes just registered a holding company, then claimed a legal entitlement to fish inside our Irish 0-6 mile zone on behalf of a UK shellfish farm and/or a Dutch based mussel processor. What part of the Good Friday Agreement validated that?

There is incontrovertible evidence of Dutch owned vessels "owned and operated" elsewhere in the UK moving to Northern Ireland and then claiming a legal right to fish inside our Irish 0-6 mile zone.

2. Access to the mussel seed resource not by boats but by shellfish farms under “joint management”

There is incontrovertible evidence that Northern Ireland shellfish farms (i.e. plots of land on the sea bed in Northern Ireland) were allocated thousands of tonnes of mussel seed in the Republic of Ireland. **Some of these farms did not even own a fishing boat!** A Voisinage for fish farms! Nevertheless, “joint management” under the “legal umbrella/foundation” of the voisinage “arrangement” somehow allowed for allocation/quota of a precious Irish natural resource to the UK shellfish farms. These quotas or entitlements have since been traded but more importantly, Irish business has to suffer the loss of these resources and Irish processing plants have closed down. Our Irish department will not consider permitting Irish fishing vessels having Individual Transferrable Quotas (ITQs) but were willing to permit a UK shellfish farm an ITQ of mussel seed in the Irish Sea and the farm need not have a boat!

- 1. Has the Minister been made aware of such activities by his officials?**
- 2. How does the Minister propose to prevent such behaviour happening again in the future? Does the Minister give foreign interests priority over Irish communities with this Bill?**
- 3. Where is the legal, moral or economic justification for this?**
- 4. Will the minister rule out categorically that the ancillary legislation envisaged will provide for similar abusive regimes as previously described as “joint management”, “SMAC” etc?**

Good relations and the “All Island” Agenda.

If the Minister wishes to give access to Northern Irish vessels on the basis of some higher political goal, he should say so explicitly.

If he chooses to legislate to give free access to our Irish 0 – 6 mile zone, then he cannot simply ignore the legal rights of Irish fishermen, including their right to earn a living and the Constitutional protections that exist in relation to this and other rights. When Taoiseach Lemass met with Captain O Neill in the early 1960s they did discuss agriculture and fisheries. On fisheries they discussed prosecutions for illegal fishing. Today there are examples co-operation on agriculture on an All-Island basis. There is an all-island animal disease control plan but this doesn't permit farmers from one jurisdiction or a dairy processor to milk the cows from the neighbouring jurisdiction. They can buy the milk though. This Voisinage arrangement we have experienced, is the only example of a transfer of assets. What Taoiseach Lemass discussed with Captain O Neill is documented in the National Archives and reported to the Oireachtas accordingly. There is no mention of any “Voisinage Arrangement” and the reason is obvious as can be seen in the difference between Taoiseach Lemass's Si 173/1959 and Taoiseach Kenny's Si 22/2016.

Further clarification on Voisinage is available to the elected members when the London Fisheries Convention is discussed in the Dail (Maritime Jurisdiction

(Amendment) Bill 1964(5th November 1964 Dail Debates). Voisinage is not mentioned at all. The Voisinage dialogue letters do not occur until September and December 1965 (more than a year later). My colleague Mr Crowley will later give a position offered by DAFM on Voisinage in 2012. Minister Creed's answer to Deputy McConalogue in Dail Eireann on 24th November 2016 (36723/16) is somewhat misleading in so far as the Supreme Court judgement related to the 0-12 mile zone and not the 0-6 mile zone as referred to in the Minister's reply. Perhaps the record of the Dail should be amended accordingly for obvious reasons. In this Dail exchange Minister Creed refers to Article 5 of EU Regulation 1380/2013. The context of this is included in Annex1 of the regulation which in Ireland's case is illustrated by the map at (Tab1 D2). Please note the so called "Voisinage arrangement" was an afterthought to the 1964 Convention and Ireland's cost of maintaining a constitutional claim over the 6 counties, the waters around the six counties and it's fishermen. At that time the Irish Government maintained for example that Belfast Lough was Irish territorial waters. The Good Friday agreement means this constitutional claim is gone and so is this associated fisheries cost. With Brexit imminent, and the UK's intention to withdraw from the London Fisheries Convention, proposing this Bill is a serious mistake. The Minister has stated the reason for progressing the Bill is to keep on Britain's good side during the Brexit negotiations. Minister Creed states,

"Why would it be prudent today, as we seek to negotiate the best possible outcome for the Irish fishing industry in the context of Brexit, effectively to give two fingers to our neighbours in Northern Ireland and say they are not coming into our nought to six nautical mile zone, though we can still go North and would like to hold on to what we catch in their UK waters?"

Although incorrect on this matter, this strategy seriously questions the Minister's reading of the situation. The Minister intends to take away the exclusive rights enjoyed by Irish Fishermen within Irish inshore waters to then make some gesture to the UK in the hope the UK will give some benefit to the general EU Brexit negotiators. What Minister are the Irish fishermen depending on to represent them. Is the Irish fisheries Minister not giving the "two fingers" to his own Irish fishermen and Irish fishing communities?

The positions on fisheries and natural resources presented in Dail Eireann (13/4/17) on the Inland Fisheries (Amendment) Bill 2017 by Deputies Sean Kyne TD and Timmy Dooley TD more accurately represent the National Interest than the Sea Fisheries (Amendment) Bill 2017 proposed by Minister Creed.

Summary and Proposed Way Forward

Minister Creed appears to have lost sight of the fact that he is dealing with illegal fishing in this Legislation. Fishing takes place in an environment where rules are numerous and strictly enforced, typically "to the letter of the law". What the Minister is actually proposing is to set aside the law for a specific group of British flagged vessels to operate inside the Irish 0-6 mile coastal zone and not to be prosecuted. Next the Minister is proposing to allow another State decide which vessels will

qualify to be classed in that (not for prosecution) group. The term “Northern Ireland Owned and Operated” and “Voisinage” is vague, uncertain and so incapable of enforcement that it is void because of uncertainty. Is this intentional by the Minister? Which part applies? Owned? Operated? Even the text of the Bill is a contradiction of itself. Does the Minister realise that while the Irish vessel registration system proves ownership, the UK registration system does not.

The mussel fishery is entirely dependent on the 0 – 6 mile Irish zone and the proposed Legislation will have a profound negative impact on us. This in turn will result in further job losses across our communities and losses to the taxpayers etc. of many millions of Euros. We estimate a loss of exports of around €25million annually over the past decade. The Irish mussel industry will not be sustainable with this Bill.

It is our honestly held view that this Legislation is nothing more than a vindictive attempt to punish the fishermen and the industry who took the Supreme Court case. The intent of the Minister is in all likelihood incapable of legislation but the ideology behind the Bill raises serious concerns.

Our summary of the proposed Legislation is as follows:

- 1. The arrangement to set aside the law was never legal, so should never earn any sort of legal recognition.**
- 2. It was continually opposed by Irish fishermen since the first attempt to impose it on us.**
- 3. It was resurrected to facilitate access to our mussel resource for large Dutch corporations, using Northern Ireland as a flag of convenience³.**
- 4. The Legislation is not supported by any “moral” obligation given that no other Country has ever given such access. Nor does the UK give anyone else such access. We are swopping a horse for a rabbit.**
- 5. UK fishermen will continue to enjoy privileged access to our East Coast 6-12 mile zone without this Legislation.**
- 6. The Legislation offers nothing for the fishermen or taxpayers of the Republic of Ireland.**
- 7. It will result in loss of income, jobs, taxes and people from Irish coastal communities.**
- 8. Experience suggests that it will be abused in a similar manner as occurred in the bottom mussel industry historically. It is already drafted for abuse.**

³ Some Dutch Companies invested directly in the Republic of Ireland and worked together with fishermen here. They acquired vessels and fish farming sites and shared technology, knowhow and markets. This sort of “front door” cooperation with our European partners is welcomed.

9. The main beneficiaries will be large foreign corporations initially, followed by those who will exploit the loopholes now being created in the regulatory regimes by this Bill.
10. It may create major legal difficulties for Ireland elsewhere.
11. With Brexit, and the apparent intent of the UK to withdraw from the London Fisheries Convention, the minister shouldn't be making any new fisheries legislation.

Our position is that the way forward on this is for the Minister to:

- Engage fully with the representative bodies for the fishing industry, including the mussel fishermen who took the High and Supreme Court cases, **before** this Legislation is progressed. This must not be a “fig leaf” consultation process.
- Provide evidence of his assertions that the fishing by UK vessels has continued for 50 years, including a detailed overview of the locations, species and scale of this fishing activity. This information is available to the Minister already.
- Explain the legal implications of this bill in relation to our obligations under the London Fisheries Convention and our membership of the European Union.
- Explain in detail how the industry will be protected from the sort of practices experienced in the mussel industry where foreign flagged vessels somehow were given rights to exploit an Irish natural resource.
- **Explain how the Minister intends to legislate for the alienation of a natural resource to UK shellfish farms under Article 10.3 of the Constitution by those fishing under this new Bill. The Law can only do what the constitution allows.**

In Conclusion

We acknowledge the importance of good relations across these Islands. We do not believe that our counterparts from Northern Ireland can realistically expect this to extend to unlimited access to the 0 - 6 mile or to any historical quotas earned in these areas during the relevant “reference periods” or by mistaken use of Irish legislation for mussel activity pre 2003.

Ireland has a Sea territory 10 times it's land area. This vast resource only produces around €500 million euro worth of fisheries material per year for Ireland. We would like to take this opportunity to begin new thinking for this massive resource and what

it could mean for the coastal communities of Ireland. We need new thinking whereby Ireland's leaders value our marine resources and develop an industry as large as farming. The resources are there and other countries are harnessing them.(Tab1 D5).

Minister Creed's speech(October 2016) at the 8th meeting of NIFF stated, "The inshore sector (comprising fishing boats of less than 12 metres in overall length) make up more than 80% of the fishing fleet and are predominately active within six nautical miles of the Irish shore". Now that's over 1600 Irish vessels depending on the area the Minister is canvassing you to give access to for UK vessels to fish in. Note the Minister isn't saying the Irish fleet need the coast of the six counties.

We do not propose to end the UK's privileged access to the 6-12 mile zone. However the UK may end this access by withdrawing from the London Fisheries Convention and Ireland must withdraw at the same time.

We respectfully request that members of the Oireachtas from all parties insist that the bill is abandoned or at a minimum paused until the issues highlighted herein have been fully addressed.

Gerard Kelly, Paul Barlow, Michael Crowley and Alex Mc Carthy