

**AN BILLE UM IASCACH OILEÁIN (CEADÚNAS OIÐHREACHTA), 2017**  
**ISLAND FISHERIES (HERITAGE LICENCE) BILL 2017**

**Introduced by Deputies Martin Kenny, Martin J. Ferris and Pearse Doherty**

**SUBMISSION OF IS&WFPO TO JOINT OIREACHTAS COMMITTEE**  
**ON AGRICULTURE & FOOD & MARINE**

**Opening Statement on behalf of Irish South & West FPO**

On behalf of the Irish South & West Fish Producer Organization, I wish to extend our appreciation to you, Chairman and to all Members of the Committee for extending your Invitation to us to address the Committee on the content and direction of this Bill.

We specifically wish to express our appreciation of the fact that this Private Members Bill has been introduced by Deputies Martin Kenny TD, Martin Ferris TD and Pearse Doherty TD and that the Committee has taken up the Bill with a view to 'Detailed Scrutiny' of its provisions.

Insofar as the IS&WFPO welcomes this Bill, we believe that significant Amendment may be required of the Bill as presently constituted in order both to comply with Ireland's Obligations pursuant to the Common Fisheries Policy of the EU and to enable Island and Coastal Fishermen, who generally reside in very remote Communities to avail of the very considerable discretion afforded to the Minister and to this Legislature in regulating small-scale Island and Inshore Fisheries both within and outside of the structures of the CFP and within the Irish Constitutional and Legislative framework outside of the CFP.

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We hope that following on consideration by you, the Members of this Committee of the detailed Submissions we make relating to this Bill, you will be surprised, if not amazed at the possibilities for regulating Fishing activities in the Waters surrounding our Offshore Islands and in the Bays and Inlets all along our Southern, South-Western, Western and North-Western Coastline within a purely Irish Legislative Framework and all of this without having to worry about there being any adverse impacts arising consequent upon our Membership of the European Union and the provisions of the Common Fisheries Policy.

We submit that in order to properly scrutinize this Bill, it is first necessary to understand the exact nature of what we, the Irish People voted to pass regulatory control over to the (then) European Economic Community through Referendum and Ireland's Treaty of Accession of 1972. We believe that the nature and extent of Ireland's Maritime Jurisdiction, specifically the extent to which Ireland ceded Jurisdiction to the EU in relation to Sea Fisheries within its

Maritime Jurisdiction pursuant to the Treaty of Accession with the EU of 1972 must be understood in order to craft an Act that will underpin Economic Activity derived from the Ocean and thereby confer a modicum of prosperity upon the People who live along our coastline and on our Islands.

We believe that the most important documents any of you will read in the context of consideration of this Bill is the Maritime Jurisdiction Act of 1959 together with the Sea-Fisheries & Maritime Jurisdiction Act of 2006 and Statutory Instruments made thereunder including, specifically, the Maritime Jurisdiction (Straight Baselines) Order 2016 S.I. No 22 of 2016. This latter Statutory Instrument has a map attached to it which shows the coastline of Ireland and, in the Seas along the South, South-West, West and North-West Coastline, a series of straight lines joining points that are situate on various headlands on the Mainland or on offshore Islands or rock outcrops.

This series of Straight Lines constitute what is known as the Baseline and this Baseline delineates where the Inland Waters of the State meet with the Exclusive Fishery Limits of the State.

Almost all of Ireland's inhabited Islands lie in the Seas inside of this Baseline; in other words, within the Inland Waters of the State. We intend to show how we believe it not just possible but mandatory for these Houses, some 45 years after we joined the European Economic Community to finally confer adequate economic opportunity in the area of Sea Fisheries on our Island Communities and on those who reside all along our remote South-West, West and North-West Coastline without interfering in any way with our Membership of the European Union. We are happy to say this insofar as we believe and maintain that none of the Waters inside the Baseline constitute European Waters but, rather, are peculiarly Irish Inland Waters not subject to the CFP.

Accordingly, we believe it wholly possible to grant Fishing Opportunities within these Waters to Resident Fishermen all along our Coast without impinging on European Union Fishing Quotas and Total Allowable Catches (TAC) as Fish Stocks resident within the Baseline and caught in the Waters inside of the Baseline cannot be set against Ireland's EU Fish Quotas. Fishing Opportunities for Island Fishermen and/or Coastal Fishermen within Ireland's 6-mile and 12-mile Zone constitute opportunities in Waters lying within the Exclusive Fishery Limits of the State and accordingly, we believe that the granting of specific and exclusive Rights within these Waters may have inherent difficulties associated with the Application of the CFP to these Waters and to Fish Stocks lying within these Waters.

Unfortunately, we believe there has been gross mismanagement of Ireland's Sea Fisheries both within and without the Baseline ever since we joined the EEC in 1973. An assumption has been made by the State and by State Agencies that all Fish Stocks fished for and caught within the Baseline are European Union Fish and not purely Irish Domestic Fish Stocks. We

hope that our Submission to this Committee will help to crystallize issues for the Members and we are more than happy to assist in answering any Questions arising.

Having regard to the content of our Submission, we are quite sure that you will have many Questions for us but, we would ask the Committee to note that concurrent with this Legislative process is a Consultation process initiated by Minister Creed at end April with a closing date for Submissions of yesterday, Monday 11<sup>th</sup> June 2018 relating to Fishing activity and Fishing opportunity through Trawling activity in the European Union Sea Area within 6 Miles of the Baseline.

We believe that the Consultation process initiated by Minister Creed should be dealt with in conjunction with the consideration by this Committee of this Bill and that rather than dealing solely with the issue of Trawling, that Consultation process should also consider both Gill-Netting, Seining, Potting and use of Long-Lines and that the Consultation process should also deal with the very delicate balance to be achieved between European Union Waters and Fish Stocks outside of the Baseline and Irish Domestic Inland Waters and Fish Stocks inside of the Baseline.

Finally, the Committee will note from the detailed Submission we have made that we have raised the possibility that Ireland and the People of Ireland never Lawfully and Constitutionally conferred Jurisdiction over Fish Stocks within Irish Waters between the 12-Mile Zone and the outer limits of the Exclusive Fishery Limits of 200-Miles to the European Union.

We believe that this issue, alone, merits very detailed scrutiny by this Committee, by the Minister, by the Houses of the Oireachtas, by the Attorney General and by the Government.

Having regard to the wealth of the Fish Stocks within Ireland's Waters extending to 200 Miles, we believe that the People of Ireland and specifically Coastal Communities will thank our Legislators for detailed scrutiny of these issues at this time of Brexit.

End.