

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM THALMHAÍOCHT, BIA AGUS MUIR

### JOINT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

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*Dé Máirt, 12 Meitheamh 2018*

*Tuesday, 12 June 2018*

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Tháinig an Comhchoiste le chéile ag 3.30 p.m.

The Joint Committee met at 3.30 p.m.

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Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Jackie Cahill,	Paul Daly,
Marcella Corcoran Kennedy,	Pádraig Mac Lochlainn.
Martin Kenny,	
Charlie McConologue.	

I láthair/In attendance: Deputies Pearse Doherty, Martin Ferris, Éamon Ó Cuív and Eamon Ryan.

Teachta/Deputy Pat Deering sa Chathaoir/in the Chair.

*The joint committee met in private session until 4.20 p.m.*

### **Scrutiny of EU Legislative Proposals**

**Chairman:** We will deal first with a number of EU legislative proposals. Schedule A, COM (2017) 692 is a proposed Council regulation regarding the quantitative limitation on buying-in skimmed milk powder. As a political contribution is now agreed, it is proposed that this proposal, as amended, does not warrant further scrutiny and that a copy be sent to the EU institutions. Is that agreed? Agreed. COM (2018) 179 is a proposed regulation on the transparency and subsidiarity of the EU risk assessment in the food chains. It is proposed that this proposal does not warrant further scrutiny. Is that agreed? Agreed.

Regarding Schedule B, COM (2018) 199 and COM (2018) 229, it is proposed that these proposals do not warrant further scrutiny. Is that agreed? Agreed.

The committee will suspend now for a few minutes to allow our witnesses to take their seats.

*Sitting suspended at 4.24 p.m. and resumed at 4.26 p.m.*

### **Island Fisheries (Heritage Licence) Bill 2017: Discussion (Resumed)**

**Chairman:** I remind members, witnesses and people in the Visitors Gallery to ensure their mobile phones are switched off. The purpose of this session is detailed scrutiny of the Island Fisheries (Heritage Licence) Bill 2017. I welcome Mr. Jeremy Percy, executive director of the Low Impact Fishers of Europe, LIFE; Ms Norah Parke, project co-ordinator, Killybegs Fishermen's Organisation, KFO; Mr. Francis O'Donnell, chief executive officer, Irish Fish Producers Organisation, IFPO; Mr. Hugo Boyle, chief executive officer, Irish South and East Fish Producers Organisation, ISEFPO; Mr. Patrick Murphy, chief executive officer, Irish South West Fish Producers Organisation, ISWFPO, and Mr. Greg Casey, consultant. I also thank them all for their attendance today and their written submissions and opening statements, which were circulated to members. I ask the witnesses to confine their presentations to ten minutes, if possible, please.

Before we begin, I draw the attention of witnesses to the fact that by virtue of section 17(2) (l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

I now invite Mr. Percy to make his opening statement.

**Mr. Jeremy Percy:** I thank the committee for the opportunity to speak to it. Owing to com-

mitments tomorrow I have to leave after I have answered any questions members may have.

My name is Jeremy Percy and I am the executive director of the Low Impact Fishers of Europe platform, LIFE. I am also the chairman of the UK's largest fish producer organisation, PO, by number, the Coastal PO. Prior to moving into representation I was involved in the fishing industry for over 40 years, as crew - including a spell fishing from Castletownbere for a couple of years in my youth - skipper, owner, fisheries manager and regulator, processor and auctioneer. The Coastal PO exists to serve the interests of the UK's smaller-scale fisheries sector and LIFE works on behalf of the European small-scale fleet that makes up 62% of the fleet in Ireland, 77% in the UK and 80%, by number, across the EU.

The EU definition of "small scale" is vessels of less than 12 m, not using towed gear. The LIFE definition reflects the diversity and needs of the small-scale fleet on a more practical basis whereby our membership, which covers 16 member states and over 10,000 fishermen and women, is made up of fishers who undertake day trips, use mainly passive gears, have the owner on board and land fresh fish. The size of their vessels varies according to the safety needs and the sea conditions pertaining in their local areas. Perhaps the best definition of small scale that I have heard is that it is difficult to define but one knows it when one sees it, and that is very much the case for the vast majority of small-scale fishing operations, in Ireland and elsewhere. Until recently, our sector has not had effective and genuine representation at a policy level whereas the larger scale operators, with greater resources, have been able to influence the policy direction of successive Common Fisheries Policies over decades.

It is no coincidence that the current Common Fisheries Policy reform is the first to recognise the value of the small-scale fleet based on the fact that it was the first time that the representatives of our sector were able to contribute to its development, from the Green Paper stage onwards.

The other important change I have witnessed is with regard to the wider recognition of and the need to ensure the survival and prosperity of the coastal islands fleet and especially the communities they support.

The heritage Bill the committee is considering would provide the vital underpinning policy in support of those island communities around the coasts of Ireland. It is clear from experiences elsewhere that unless governments act proactively to provide the necessary recognition and practical support, then these communities struggle and often fail to survive.

It is worth remembering the boats we are talking about are small inshore vessels which would in all honesty struggle to make an impact on fish stocks, however hard they tried. These boats simply do not have the engine power, the size or the ability to carry much gear or, indeed, fish. These boats fall very well within the Low Impact Fishers of Europe, LIFE, definition of small scale and despite vessel and gear improvements over the years can still be regarded as genuinely artisanal in their nature.

While this sector may not often show up on an economist's spreadsheet, its intrinsic value goes far deeper than that. While our small-scale fishermen may not generate excess profits, they are nevertheless making a massive contribution to local employment, the maintenance of families and often vulnerable communities as well as providing meaningful employment in areas where alternative opportunities are lacking. They are not only the providers of the very best quality seafood, and have unexplored opportunities for adding value in that respect, but their mere presence underpins a very significant element of the tourist experience.

There is clear evidence elsewhere in Europe that the loss of even a few small boats can and does have a dramatic impact on the sustainability of tourism locally. They are also the holders of centuries of tradition and culture as well as the maritime knowledge and skills that once lost will never be regained.

The failures of member states to provide the aforementioned recognition and support to their small-scale fleet, while understandable in the past due to the fact that they were not at the table when the benefits were handed out, have been recognised by the current Common Fisheries Policy through numerous references to the small-scale sector, to provide a fair standard of living for the fisheries sector, including small-scale fisheries and endeavouring to give preferential access for small-scale, artisanal or coastal fishermen. This is all wrapped up in recital 20 of the Common Fisheries Policy, which states that small offshore islands which are dependent on fishing should, where appropriate, be especially recognised and supported in order to enable them to survive and prosper. The European Maritime Fisheries Fund also requires member states with over 1,000 small-scale vessels - Ireland has about 1,437 - to develop an action plan for the development, competitiveness and sustainability of small-scale coastal fishing. This is not just about one sector crying out for support; its particular needs have been finally recognised and enshrined in law.

With the greatest respect, the committee has a one-off opportunity to strip away decades of unfair treatment of the small-scale fleet in these islands and rebalance the books in terms of access to the resource without, importantly, unnecessarily impacting on the larger-scale fleet. There is plenty to go around but without laying the foundations through the heritage Bill, I fear, and experience has shown, that there will be little effective change to the downward spiral for these island communities and the fishermen therein. I thank the committee.

**Chairman:** I thank Mr. Percy. I call on Ms Parke to make her opening statement.

**Ms Norah Parke:** I thank the committee for the opportunity to make a presentation on this topic. I make this submission on behalf of the members of Killybegs Fishermen's Organisation, KFO, regarding the current discussions surrounding the Island Fisheries (Heritage Licence) Bill 2017, which is seeking to establish special fishing conditions for fishermen living on Irish offshore islands.

KFO fully supports the concept of a special status for island residents whose livelihood is based on fishing and whose permanent residence is an Irish offshore island. The Irish islands have a proud tradition of fishing and have produced some of our most innovative and successful fishermen for many years. Many of KFO's members come from such a background and, indeed, are still closely connected with their island roots. KFO was fully supportive in promoting the special status of islands when the current Common Fisheries Policy was being drawn up as we are aware of the additional and extreme challenges this environment poses.

However, I must point out the flaws in the current version of the Island Fisheries (Heritage Licence) Bill 2017. The Bill in its current format would be in breach of both European Union and Irish legislation and further promotion without major amendment is pointless and only serves to delay the outcome island fishermen seek.

A fishing licence can only be allocated to a fishing vessel; it cannot be attached to a person or group of people. An island fisherman must meet all the criteria regarding licensing that a fisherman in any other sector does. The promoters of the island fisheries Bill use examples from around Europe where quota has been ring-fenced for specific groups of people but this

cannot be done in Ireland. In other countries, quota is tradeable and often controlled by large commercial interests but in Ireland quota is treated as a national resource and opportunities to fish it are allocated to fleet sectors throughout the 12-month year in such a way as to maximise the benefit to the largest possible number of stakeholders. It is informed by the quota management advisory committee which is drawn from the relevant stakeholders, including representatives of the inshore sector, which includes island fishermen.

Within this quota management system, there is provision for fishing opportunities for small-scale coastal fishers, which includes island fishermen, but there is a problem in that those allocations are never fully exploited. Adding a further layer of bureaucracy to quota allocation by assigning it to a specific group of people - in other words, an island community quota - would not in itself improve the situation for islanders.

In its current form the Island Fisheries (Heritage Licence) Bill 2017 could be very restrictive for future development of an island's fishing industry. There is a specific reference to vessels with overall length of less than 12 m and not using towed gear which could preclude island fishermen from fishing for species hitherto deemed non-commercial, but which may become commercial, or from scaling up to larger vessels in the event of and facilitated by harbour development and land-based facilities, such as processing, packing for export, etc.

It is not clear if this Bill would limit the island fishermen to fishing within the six nautical mile limit of the island where they are resident, that is, the fishermen could not move to other areas or fisheries or use any other gear or avail of seasonal opportunities in other areas if they were constrained by this particular Bill.

It is important that any special status being sought by the Irish offshore islands does not, over time, create constraints which prevent long-term development of the sector and have a negative effect on the value of their very important asset, that is, their licensed fishing vessel.

A more productive way forward for island fishermen would be to make more of what they already have and look for better infrastructure, and this is one of the reasons they are not making as much as they could be making out of their existing opportunities to fish. There is an enormous opportunity here for island branding and development of their own specialised products and for using what is already available without wasting too much energy on trying to get something that might not give them very much more at the end of the day. I thank the committee.

**Chairman:** I call Mr. O'Donnell.

**Mr. Francis O'Donnell:** The Irish Fish Producers Organisation, IFPO, would like to take this opportunity to thank the Chairman and the committee for the opportunity to make this submission on the Island Fisheries (Heritage Licence) Bill 2017. This submission is short in nature, reflecting the consensus of my organisation.

The IFPO was established in 1975 as the first Irish fish producer, and represents 44 Irish-registered fishing vessels. Those vessels range from small inshore vessels to the larger refrigerated salt water, RSW, vessels. Our members are dispersed nationally in that we have members located around the entire coast, some of whom hail from, and are still living on, various coastal islands. We have discussed at length the Island Fisheries (Heritage Licence) Bill and, in particular, we have asked members for their views on same. The consensus is that such a licence would be discriminatory in nature. Persons engaged in inshore fishing who are resident on an island or on the mainland have the same access to fishing opportunities at present. To alter this

in any way could be putting a fisherman or woman resident in Burtonport, for example, at a disadvantage over a fisherman or woman living on Arranmore Island, one mile away. This same scenario exists around the entire coast.

We have a plethora of policy directives around various fisheries to do with track record. The inshore fishing industry is currently very well represented by the National Inshore Fisheries Forum, NIFF, which lobbies and argues on behalf of the wider inshore sector. To afford exclusive rights or otherwise by way of a heritage licence would destabilise the inshore sector's ability to lobby as a coherent cohort within the wider fishing industry and would, in our opinion, cause fragmentation and infighting.

There is a strongly held view among IFPO members who come from or currently live on islands that the drive to obtain a heritage licence may allow access to commercial fishing for Atlantic salmon in the future. This fishery has been closed to drift netting since 2006. The IFPO holds the view that if this fishery reopens, all inshore vessels should be able to enter this fishery and not just those of island residents.

The IFPO cannot support the Bill, as it is our strongly held opinion that it discriminates and goes against Government policy, which aims to manage all fisheries resources in a fair and transparent way. We have always been extremely supportive of inshore fisheries but we do not see a difference between somebody living on an island and somebody living a mile away on the mainland. We would like to see inshore fishers getting a very fair deal on the exploitation of resources and quota. At present, 450 tonnes of mackerel are allocated to line-caught fishing. On average, only 250 tonnes of this is taken up every year. I am not saying there should be more or less, but it is not being exploited fully. We have a strong view on it. We are certainly not against inshore fishers. Many people in the room know the IFPO has done many road trips over the past five or six years arguing that inshore fishers should be better represented. We believe all inshore fishers should be represented fairly and in the same way. If a particular heritage licence affords rights or extra fishing opportunities to one person while denying them to someone else living a mile away, it will be a big problem. I thank the committee for listening.

**Mr. Hugo Boyle:** The Irish South and East Fish Producers Organisation, ISEFPO, thanks the committee for the opportunity to present its views on the Bill. As with all fishermen and women around our coasts, we recognise the difficulties that islanders face on a daily and seasonal basis in making a living from fishing. Islands are the epitome of disadvantaged peripheral areas, but this is also true of areas on the mainland, which in most cases are just a few miles or less from these islands. One could point out that if the six mile zone from the islands described in the Bill were applied in the direction of the mainland, it would encompass and include many more fishing families who depend on the same resource as those on the islands. In light of this, we fail to understand how anyone can support what could really amount to discrimination against those who reside in equally disadvantaged areas ashore in favour of those who live a few miles away on an island.

The introduction of non-transferable island quota is referenced in section 2(6)(e) of the Bill. This is ring-fencing by another name. Our quota is a finite national resource shared as equitably as possible on a monthly or seasonal basis between all Irish fishing vessels that have an entitlement to it. Any ring-fenced allocation has to come out of that national pot, so giving more to an island sector means less for its neighbours across the water who fish in the same area with the same overheads. While we would wish more fish and quota for everyone, we cannot support ring-fencing or giving extra fish quota to any one group over another. Hence, in the interest of a level playing field for fishing families all along our coastline, we are not in a position to sup-

port the Bill.

**Chairman:** I call Mr. Murphy of the Irish South and West Fish Producers Organisation.

**Mr. Patrick Murphy:** I will defer to my colleague, Mr. Casey.

**Mr. Greg Casey:** I wish to place on record the appreciation of the Irish South and West Fish Producers Organisation, ISWFPO, that the Bill has been introduced by Deputies Martin Kenny, Martin Ferris and Pearse Doherty and that the committee has taken up the Bill with a view to detailed scrutiny of its provisions. Insofar as the ISWFPO welcomes the Bill, we believe that significant amendment to it may be required to comply with Ireland's obligations pursuant to the EU's Common Fisheries Policy, CFP, and to enable island and coastal fishers, who generally reside in very remote communities, to avail of the very considerable discretion afforded to the Minister and Legislature in regulating small-scale island and inshore fisheries, within and outside the structures of the CFP, and within the Irish constitutional and legislative provisions outside of the ambit of the CFP. I want to make clear it is possible for the committee and the Houses to construct a Bill that would enable island fishers to be granted specific rights to fish outside the ambit of the CFP and in waters that are not European waters, that is, in the inshore waters of the State inside the baseline.

To properly scrutinise the 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. The nature and extent of Ireland's maritime jurisdiction, specifically the extent to which Ireland ceded jurisdiction to the EU on sea fisheries within its maritime jurisdiction pursuant to the Treaty of Accession with the EU, must be understood to craft an Act that will underpin economic activity derived from the ocean and confer a modicum of prosperity upon the people who live along our coastline and on our islands.

In my written submission I set out in specific detail how it would be possible to construct a Bill in which the House could designate waters within which island and inshore fishermen could derive entitlements to fish that would be outside of the EU quota system. Once fish are inside a certain line, they are not European fish. When they are outside the baseline and in the exclusive fishery limits of the State, they are European fish. In the same way, if we go 200 miles offshore, fish inside the baseline are European fish and fish in the Atlantic are internationally owned fish. This is crucial for Members of the Houses to understand in constructing a Bill that confers a benefit on island fishers and, I hope, on coastal fishers also, some of whom live in equally remote communities as those on many of our islands. We also submitted an amended version of our submission, setting out the background and law as to how Ireland's maritime jurisdiction is constructed. I will deal with what we are asking the committee to consider in the context of the Bill.

In the event the committee proceeds with the Bill, regard should be had to the following matters. All of Ireland's populated offshore islands lie in waters within the baseline and within the internal waters of the State with the sole exception, but I am open to correction, of Oileán Thoraí, which lies more than ten nautical miles off the north-west coast of Donegal, with all waters surrounding the island lying within the 12-mile zone limit and within the exclusive fishery limits of the State, subject to the Common Fisheries Policy of the European Union. We believe that specific provision should be made for Oileán Thoraí in this Bill, and if necessary that the baseline outlined in the map we have attached to our written submission, and underpinned by the provisions of the Maritime Jurisdiction (Straight Baselines) Order 2016, which repeated

the straight baselines order of 1959, would be amended by means of changing the baseline as it passes along the coast of Donegal, so it would pass outside the outer limits of Oileán Thoraí and bring the island into the inland waters of the State. This would place Oileán Thoraí within Ireland's inland waters and grant to the people of Oileán Thoraí very considerable waters within which to fish, with the distinct advantage that the fish caught and landed from within that zone would not be subject to the provisions of the Common Fisheries Policy, nor would these waters be subject to the movement of enormous foreign-registered sea-fishing boats while conducting fishing operations. In certain circumstances, island fishermen would be entitled to avail of a special portion of Ireland's EU fishing quotas for catches made outside of the baseline and within the six-mile limit while concurrently being entitled to an almost unlimited access to fish resources in waters within the baseline, none of which will be subject to EU quotas.

Many fishermen living in remote villages and towns along the south-western seaboard, some in places more remote than the inhabited islands, will find themselves at a disadvantage insofar as, while they too will be entitled to fish for catch and land fish resources from waters within the baseline, they will be unable to avail of any special quotas for catches made for EU quota species in waters outside of the baseline and within the six-mile zone. If this committee is in any doubt it should seek independent legal advice with regard to the status of fish resources within the inland waters of the State and lying inside of the baseline. Having independent legal advice might be helpful to the committee.

I have set out a note in our written submission that in October and November 1976, during the so-called "Cod Wars" between Icelandic fishermen and the British, Danish, Dutch and German fishermen, following Iceland's unilateral extension of the limits of its exclusive fishing limits to 200 miles, and in advance of and during a summit of EEC leaders at the Hague, Ireland - together with France, Denmark, the UK and Germany - extended the outer limit of their exclusive fishing limits to 200 miles from 12 miles in a joint unilateral claim to the fish resources within the 200-mile zones, with a view to putting an end to Icelandic and Faroese pilfering of fish stocks in British waters. This event occurred six years before the entire international community finally agreed and signed up to the United Nations Convention on the Law of the Sea, at Montego Bay. Ireland and the European Union purported to exercise exclusive rights to all fisheries resources within the waters between 12 miles from the baseline and 200 miles from the baseline on foot of this statutory instrument from November 1976 until 2016, when the then Taoiseach, Deputy Enda Kenny, revoked the 1976 statutory instrument and replaced it with another.

At all times since 1976, control over fisheries resources lying in Irish waters between 12 miles and 200 miles from the baseline has been exercised by the European Union on the basis of these two statutory instruments. This was applicable up until the Treaty of Maastricht when Ireland ceded control to the European Union in relation to conservation, but not in respect of anything else.

We in the Irish South and West Fish Producers Organisation question the legal and constitutional basis for the transfer of jurisdiction over these fish resources and those waters to the EU through the sole means of a statutory instrument and the consequent grant to give enormous wealth from our waters to the peoples of other EU member states. I cannot emphasise this enough. I do not know what is the total value of the fish resources caught within Ireland's marginal jurisdiction but it certainly is a multiple of the value of the fish resources that Irish fishermen derive from those waters. It could be less than one tenth of the total value of the fish resources that are taken out of our waters every year. In light of what I have outlined to the

committee I ask that members consider the fact that since 1976, the European Union has exercised control over waters from 12 miles to 200 miles but the people of Ireland never voted on this and the Members of Dáil Éireann and Seanad Éireann have never voted on this. Nobody has voted on it. It was simply a statutory instrument done with the stroke of a pen, in a hurry, and in advance of the summit held in the Hague when Ireland, the UK, Germany, France and the rest of them wanted to shove out their borders to 200 miles to stop the Icelanders and the Faroese taking the fish. I respectfully submit to the committee that this single hole in Irish fisheries law has not been repaired.

With regard to the fish that is within the baseline that island fishermen and inshore fishermen catch, and continue to catch every day, most of this fish is declared against Irish quotas and is subtracted from Irish quotas. It is taken into account when quotas are being granted to fishing boats. The fish caught inside the baseline is not European fish. It is not quota fish. At the very least, the Irish South and West Fish Producers Organisation calls for Ireland to seek a rebate from the European Union in respect of over-declaration of fish resources taken from these inland waters.

The other issue around the waters from 12 miles to 200 miles is a far larger question that requires considerable, serious thought on a different day.

**Chairman:** I thank Mr. Casey.

**Deputy Martin Kenny:** I thank all of the witnesses for their contributions and submissions. I will briefly go through each one. Mr. Percy's organisation Low Impact Fishers of Europe, LIFE, represents a large volume of fishing organisations across Europe and we are very grateful that he has appeared before the committee today. Mr. Percy outlined to the committee that the small-scale fishing sector, which his organisation represents, makes up approximately 42% of the fleet in Ireland, 77% of the fleet in the UK and 80% across the EU. I assume by this sector that Mr. Percy refers to boats of less than 12 m, when not using towed fishing gear, which is the provision as set out in this Bill.

An issue that has come up against us - and it is a legitimate criticism - is that the quota in Ireland is divided differently from how it is divided in other countries. In a lot of other countries the quota becomes almost a private entity and it is divided out as a product that is bought, sold and traded. In Ireland the quota is different in that it is owned in a communal way, by everybody, and that the nation owns it and divides it out as best it can equally among the various fishing organisations and the fishermen and fisherwomen themselves. What is Mr. Percy's view on how the quota is divided in Ireland compared with how it is done in other countries? Is there a huge difference when considering whose hands it ends up in?

I am interested in how the new Common Fisheries Policy has been more supportive in recent times. There are various aspects of it that suggest the small-scale fishing sector needs to get greater support. On the CFP, how do the witnesses feel that is being achieved? That is an intention that is set out. Is that outcome being achieved? Is this Bill going in the direction of achieving it? In regard to the-----

**Chairman:** Could I stop Deputy Martin Kenny for a second? Mr. Percy indicated that he has to leave early. I suggest we ask whether any other members have questions for him. We will take those questions and can then go back to the Deputy. Is that okay?

**Deputy Martin Kenny:** Perfect.

**Deputy Eamon Ryan:** I have just one very brief question. An issue came up towards the end of Mr. Percy's presentation. He expressed the view that the new or evolving CFP is more supportive of small-scale fisheries. From a European perspective, is that now specifically geared towards the nature or intention of the Bill?

**Deputy Martin Ferris:** I thank Mr. Percy for his presentation, particularly his reference to 62% of the fleet being inshore or on the smaller scale, with vessels being less than 12 m. Would Mr. Percy agree with what we would argue, which is that if the inequality within the fishing quotas and the fishing sector keeps going the way it is going, unless we do something constructive, in a very short period there will be fewer and fewer people involved, which will be detrimental to coastal communities, and island communities in particular?

**Mr. Jeremy Percy:** There was a range of questions. Quota management certainly varies across member states. When discussion verges on what is or is not permitted under the CFP in terms of the allocation of resources, it is worth remembering that Article 16 of the policy says very clearly that how it allocates its quota is the choice of the member state. It can be allocated in whatever way the state wishes. The only requirement is that the European Union is told what is being done. It does not need to be told why, but it must be told how it is being done. There is a wide choice of methods for the allocation of quota. In fact, in a judicial review in the High Court in London, the judge made it very clear that under the CFP if a member state chose, for instance, not to allocate any quota to anyone in the course of a year it would be entitled to do so, although we are not suggesting for a moment that should be the case. There are a number of methods and it varies significantly.

On the difference the Deputy referred to in terms of effective privatisation, in the UK, for example, we suffer significantly from the fact that, because of a variety of reasons I will not go into here, Westminster Governments have allowed the real privatisation of quota, which has resulted in well over 50% of the UK's quota being in foreign corporate hands. The Deputy can imagine the impact of and the issues which arise from that. However, my understanding of the Irish quota system, which I will admit is not an in-depth one, is that Ireland has de facto privatisation because the quota is effectively allocated to the same people year-on-year.

To follow up on the Deputy's second question on the recognition of the importance and requirements of the inshore and small-scale fleet by the CFP, there are specific references in the policy - to one of which I referred - to the recognition of Ireland's small-scale, artisanal or coastal fisheries and it endeavours to give preferential access to that sector. The CFP also makes clear in its introduction that the 12 miles are effectively reserved for the small-scale fleet, although if one asked small-scale fishermen almost anywhere in Europe they would find that particularly difficult to believe as large vessels are allowed, in some cases, right up to the shore.

On the other hand, I have also seen some causes for concern in the Irish management policy. The Department of Agriculture, Food and the Marine published Ireland's quota management policy, dated 2016. There seem to be a couple of issues with it. In terms of environmental objectives, Article 17 of the CFP states very clearly that "Member States shall [and it says "shall", not "may" or "if they want to"] use transparent and objective criteria including those of an environmental, social and economic nature" when allocating the resource. Within the Department's quota management policy, there does not seem to be any mention at all of any requirement on its part or on that of the producer organisations, POs, to address the environmental objectives of the CFP or the common management organisation. There is no mention at all of any requirement to carry out regular checks on PO compliance. Although I stress that I am not for one moment suggesting that the POs in this country have anything other than an honest and

upright approach to quota management, this has not been the case when there has been a lack of oversight of PO compliance. In Denmark, there are criminal investigations ongoing as a result of the handling and management of international swaps that reduced the amount of quota that appeared to be available to the fleet.

It is equally the case with economic and social objectives. There are four producer organisations that have approximately 90%, the vast majority, of both quota and landings. The four POs here have a majority built into the quota management advisory committee, which effectively hands these national quotas to large fishing companies for free for the most part. If Ireland does not have direct privatisation, perhaps it has de facto privatisation. One of our main aims as an organisation across Europe is to support equality of opportunity in this respect, as Deputy Martin Ferris suggested, not just by recognising the requirements of Article 17 and the various comments within the CFP in support of the provision of a fair standard of living for small-scale fishers and others, but also in the implementation of those legal requirements. I think I have probably covered the questions I was asked.

**Deputy Eamon Ryan:** I have one quick supplementary question. Towards the end of his opening remarks, Mr. Percy said that there was enough quota for everyone, both larger offshore fleets and inshore fleets. I come from an environmental perspective and I am concerned that our fishery stocks in general are under stress. Could Mr. Percy explain the rationale behind the argument that there is sufficient quota both for larger corporate privatised fleets, as he said, and smaller inshore fleets?

**Mr. Jeremy Percy:** I take the Deputy's point entirely in terms of the overarching concerns about quotas. If one looks at the landings of quota species in the north-east Atlantic over the last 30 or 40 years, there has been an alarming decrease in landings. We are now using 19 times the effort to catch the same amount of fish as we did 100 years ago, so of course we have very significant concerns. As I mentioned in my preamble, we have a situation in which the quotas of the small-scale fleet have been unnecessarily restricted, through no fault of its own, by over-fishing in past decades. The answer to the Deputy's question on the big picture is that we do have very significant concerns about the amount of fish and, therefore, quota available. However, within that quota system, there is sufficient fish to go around. If one takes into account the requirements of Article 17 to consider social, economic and environmental criteria within whatever quota member states have, it might perhaps suggest to them whether they want to allocate quota to make relatively few people very rich or to provide a good living for very many more.

**Chairman:** Do any other members have any questions for Mr. Percy? He has to leave now. Would Mr. Boyle like to make a contribution?

**Mr. Hugo Boyle:** I just want to clarify something.

**Chairman:** That is fine. Mr. O'Donnell would also like to speak briefly.

**Mr. Hugo Boyle:** I would like to clarify remarks that Mr. Percy made about the producer organisations. He mentioned the producer organisations' compliance in regard to allocation of quotas and that the producer organisations have the majority of quotas. They do not have quotas. In the UK, the producer organisations have quotas whereas here it is a national quota divided equally among all the Irish vessels by the Department. The Department holds the quota here. The producer organisations have no input into the quota other than to advise the Department monthly as to what they would like the quotas to be, but it is divided equally among all vessels in order that no cohort of vessels gets more quota than anyone else.

**Mr. Francis O'Donnell:** What happens here is the opposite of what happens in other member states such as the UK, Spain and France. The Department and the Government has been at pains to state that there will not be an individual transferable quotas, ITQs, system in Ireland. The four producer organisations sit on the quota management committee but I can assure the committee that we do not get our way much of the time on significant issues. It is always a matter of consensus.

This process is running in parallel to another process, which we just concluded yesterday, related to trawling inside the six-mile limit. For example, our organisation made it clear in the public consultation process that we support conservation areas for spawning aggregations of fish and nursery areas. There is so much that Government could do in the inshore sector to benefit both the inshore fishing vessels and vessels that fish further out and we have identified that. To be fair and not to be in any way disrespectful, some of the information around quota de facto being owned by companies and people is not true. For instance, if I own a fishing vessel for 20 years and I sell it, any citizen can buy it, the capacity and fish, and, therefore, I do not think that what was said is the case. It is difficult to get into the industry because it is expensive but people are not isolated. Families do not own the quota. The State is clear on that. Any time this is discussed in the Dáil, one of the first points that is made by the Minister of the day is that the quota belongs to the State.

**Ms Norah Parke:** Mr. Percy referred to the quota belonging to large fishing companies. In Ireland, the fishing industry belongs, by and large, to family businesses. There are no big companies overriding everybody. It is almost all individual small family-owned businesses.

**Mr. Greg Casey:** The 2013 CFP, the applicable policy, states, "Sustainable exploitation of marine biological resources should be based on the precautionary approach, which is to be derived from the precautionary principle." It states, "The common fisheries policy (CFP) should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status ... by 2020 in accordance with Article 1(1) of Directive 2008/56/EC. It goes on to state, in recitals, "(18) Union fishing vessels should have equal access to Union waters and resources subject to the rules of the CFP." It then has a paragraph on existing rules restricting access to resources within the 12 nautical mile zone. Essentially, they are saying that the rules have operated well and should be maintained. Recital No. 20 states, "Small offshore islands which are dependent on fishing should, where appropriate, be especially recognised and supported in order to enable them to survive and prosper." We in the Irish South and West Fish Producers Organisation support this policy.

Although, technically, the State owns the fishing quota, in certain fisheries, the vast bulk of the quota entitlements are owned by, and restricted to, a small number of vessels. That may breach at least the spirit of the CFP.

**Chairman:** Which is a different matter.

**Ms Norah Parke:** I had one further point on the environmental issue. The largest fishery in Ireland, which is the pelagic one, works on Marine Stewardship Council, MSC, certified stocks. It is the best available certification. Mr. Percy will have to acknowledge that.

**Mr. Jeremy Percy:** I thank the Chairman for the opportunity to respond. I never said that the quota was owned in Ireland or that there were ITQs in Ireland. However, I said that 90% of the landings are landed by the four PO vessels and that, to me, looks like a de facto ownership

system. I will not get into whether the MSC accreditation is good, bad or indifferent. It has been challenged on a number of occasions.

I stress this is not about them and us *per se*; this is about providing a fair allocation of a national resource to those who are particularly in need of it in view of their geographical, social and economic situation.

**Chairman:** I thank Mr. Percy for his contribution.

**Mr. Patrick Murphy:** To clarify, the four POs have open membership. Anybody can join any of the POs. It is a right to join. The vessels control the POs, not the other way round, and any vessel specifically in our PO, from the smallest vessel to the largest vessel, has equal rights when it comes to discussing any issue whatsoever with us.

**Chairman:** Does Deputy Ferris wish to come in on this issue?

**Deputy Martin Ferris:** It is on the issue regarding-----

**Chairman:** We are finished with Mr. Percy now. I cut Deputy Martin Kenny off in mid-stream earlier. If Deputy Ferris wants to address the other witnesses, I will let him back in then. Is that all right?

**Deputy Martin Kenny:** I thank the Chairman and I thank Mr. Percy.

I thank the Killybegs Fishermen's Organisation for its submission. I acknowledge the organisation raised some valid points. We understand that a fishing licence is allocated to a fishing vessel. The fishing vessel is owned by an individual and, therefore, in essence, while the vessel owns the licence, the person who owns the vessel also owns the licence. One way or the other, we are splitting hairs.

This Bill is about providing fishing opportunity. Every Bill needs amendments. One of those amendments may be to bring clarity to this term. The Title of the Bill, the Island Fisheries (Heritage Licence) Bill 2017, comes from a committee report in 2014, which stated there should be a heritage fishing licence. I acknowledge the word "licence" may confuse people because a boat has a licence but this is about creating fishing opportunity and the term "licence" has been applied because it was applied in the past to it. We do not wish to mix that up.

The point has been made by several contributors that those on the islands who depend on fishing are in a difficult position and many of those living on the shoreline near them are in a similar difficult position. We all acknowledge that. We are not trying to give an advantage to one over another. We intend to recognise that there is a significant disadvantage to living on an island. The person who lives on an island does not have the same opportunities to access other employment as someone who lives on the shoreline. I spoke to a man the other day in Donegal town who told me he had grown up on an island and had fished on it as a young man. He left the island and lived on the mainland where he ended up working in a textile factory. He stated that if he lived on the island, he would still have to fish because there would be no textile factory on the island. That is the reality for those who live on the islands. They are at a geographical disadvantage because of where they live and, therefore, the only economic opportunity that they have, by and large, is fishing because it is the only natural resource that surrounds them. That is the essence of this Bill. This Bill is about recognising that. Not only do we recognise it here, it is recognised internationally and in the Common Fisheries Policy. It is there in black and white. We are not trying to disadvantage anyone. We are trying to recognise the disadvan-

tage at which island people already are and in so doing, to allow them the opportunity to get fishing. To get the opportunity to fish, the first thing they need is a quota. My understanding is that to get a quota, they have to have a track record. For a great many of the people living on the islands, getting a track record is something that happened in the past. For those of us in this committee who are more used to farming, it is almost like the requirement for reference years. When people wanted to get the entitlement to farm, they had to have certain reference years. If someone was not farming in those reference years, they did not get entitlements. It is almost the same in the fishing sector. What we want to do is create a situation where there is the opportunity to fish and there is a piece of quota set out for the island fishermen. It will be organised similarly to the way the producer organisations already organise it for their own members, but giving that opportunity to island fishermen. The points raised are valid. We will look at that, and we will certainly look at clarifying the issues around licensing. We can also look at the issue of quota management.

The Killybegs Fishermen's Organisation, KFO, is one of the largest fishing organisations. It is probably recognised as being the best organised and it has done a great job for its members. Everyone understands that. I would like to get a little bit of information on the KFO. How many members does it currently have? How many tonnes of pelagic species does it have quota for? Information like that would be useful to put what we are talking about here into context.

**Ms Norah Parke:** Can I come back in on that point?

**Deputy Martin Kenny:** I have other questions for the other witnesses.

**Chairman:** We will put all our questions together. The other witness had to leave early, which is why we got his contribution out of the way.

**Deputy Martin Kenny:** Mr. O'Donnell makes a point about attributing advantage to the island fisherman. Yes, we want to give an advantage to the island fisherman. That is what we want to do. It is the essence of what we are doing. It is not designed to disadvantage others who live on the shoreline in any way. It was argued that if a person had access to fishing opportunities on the island, it could somehow run into unforeseen problems down the line. In other words, they would somehow be prevented from receiving quota in the normal circumstances. That is not the intention of the Bill. Everyone who would have access to the heritage fishing licence would already have to have a licence to fish. They probably would not have quota, and they would seek the heritage licence in order to gain quota. That is really what this is about.

It was said that giving an advantage to one somehow disadvantages the other. We all recognise and it is internationally recognised, even within the Common Fisheries Policy, that people who live on islands are already at a disadvantage. Giving them a particular advantage is about trying to restore some form of equity around their opportunity to create economic viability for themselves and their families to continue living on the islands. That is what we want to do. I absolutely believe that the members of the organisations present would understand that. Many of them live on islands. Moreover, I am sure that the members who live on the mainland would not begrudge those living on the islands that small opportunity. I do not think they would, nor should they.

Mr. Boyle referred to the south and the east and the ring-fencing of quota. One could call it ring-fencing if that is the term one wanted to use, and that is what we want to do. We want to give an advantage to the people who live on the island because their very existence on an offshore island is a disadvantage that needs to be addressed. That is what we want to do and we

make no apology for wanting to do that. Again, the same point is to be made. I do not believe that those in the inshore sector who live on the mainland would begrudge that small advantage being given to people who are already living in disadvantaged circumstances. I do not think that the idea that it somehow creates an uneven playing field is a fair criticism of the Bill. I do not think it creates an uneven playing field. It attempts to level the playing field for those who are at a disadvantage already.

I absolutely take the point about the baseline and where it runs. There is an argument to be made around the idea that everything landward of the baseline running around the various headlands around the island of Ireland is not EU waters.

**Mr. Greg Casey:** Sorry-----

**Chairman:** I will let Mr. Casey back in a minute.

**Deputy Martin Kenny:** There is an argument to be made around that. I absolutely accept that. We could go down that track in the context of this Bill but with due respect I do not think it is an appropriate track to go down. I absolutely agree with the point but in the context of this Bill, what we need to do is get this over the line, put something in place that deals with the disadvantage that island fishermen have suffered for too long, and find a piece of quota, tiny in comparison with the overall figure, which will work for them under their circumstances. I do believe it is something the committee needs to examine at a later stage, in the wider context of the EU's authority over our national waters and the waters that lie inside the baseline. We are talking about the waters that lie outside the baseline and the six-mile zone, by and large. If we get into something very technical around that, we could go down a cul-de-sac that could delay the speedy and proper process of this Bill. With due respect, while I absolutely understand and appreciate the point the witness makes, I do not think it is a place we can go at this point in time. I absolutely understand that the witness is supporting the Bill and its concept, and we appreciate that. I will leave it at that.

**Deputy Charlie McConalogue:** I thank all the representatives for coming in today to give their perspective on this Bill. I will raise a general question at the outset, one that follows from what Deputy Martin Kenny has been saying. A number of witnesses have argued that while they recognise the needs and difficulties of island fishermen, there are similar difficulties for fishermen, particularly smaller fishermen, who are on land and fish inshore. As such, to give particular leeway and specific allocation to island fishermen would be to discriminate against those who are on the mainland but also fishing in the same waters. I understand the point the witnesses are making. However, this comes down to the key principle and core of this Bill. Would the witnesses not agree that there are additional challenges and particular difficulties for those who are based on the islands and fishing from them, and that the opportunities are even more limited there? Is there not therefore a case for bringing in specific allocations as provided for in this Bill? I think that goes to the core of many of the points which were made in submissions today.

I wish to make a couple of specific points in reference to the presentations of Ms Norah Parke and the KFO. In her presentation, Ms Parke argued that there are flaws in the current version of the Island Fisheries (Heritage Licence) Bill 2017, that in its current form it would be a breach of both European Union and Irish legislation and that further promotion without major amendment would be pointless and serve to delay an outcome for island fishermen. Ms Parke says that on the basis that a fishing licence can only be allocated to a fishing vessel and cannot be attached to a person or a specific group of people. She says that although there are examples

of quotas being ring-fenced for specific groups of people at European level, this cannot be done in Ireland. Is it not possible that this Irish law could be changed, were there to be a will for that to happen? I acknowledge it is not the way it is done at the moment. I seek clarification on whether that could change, should the will be there.

Mr. Francis Donnellan said there is a strongly held view by IFPO members who come from or currently live on islands that the drive to obtain a heritage licence may in fact allow for access to commercial fishing for Atlantic salmon in the future. He indicated that should it be opened again it should be open to mainland-based fishermen working the inshore as well as to island-based fishermen. Will he elaborate on why he made that point and where his members are coming from on that?

**Deputy Martin Ferris:** I thank all the witnesses for their presentations. Correct me if I am wrong but did Mr. Francis O'Donnell say his organisation represents 44 boats?

**Mr. Francis O'Donnell:** Yes.

**Deputy Martin Ferris:** Does the KFO represent 23 boats?

**Ms Norah Parke:** No, it is more than 23. It is approximately 40. The 23 would be our RSW pelagic fleet.

**Deputy Martin Ferris:** Okay. The big thing here, or what is being conveyed to me, is that there appears to be a reluctance to give any of the quota to the island fishermen or the small operator. I am sure that if everybody got together and looked at the benefits this would bring to a disadvantaged area, most people would consider it a good thing to do. We have to find a mechanism here. I understand the concerns and so forth but we could draft amendments to this Bill that, perhaps, would get people over the line on it. At the end of the day what we are trying to do here is right a wrong. Deputy Martin Kenny put it very well. People living on islands are doubly discriminated against because they do not have access to onshore jobs and so forth and are, therefore, very dependent.

I was involved in commercial fishing and if my memory serves many of the allocations of quota were based on track record. Everybody here knows what I am talking about when I refer to track record. Most people I know who were involved in fishing did not have a track record because they did not declare it. That is the reality. They did not declare it for obvious reasons. They were struggling to make a few bob and if they declared what they were catching they would have had the taxman knocking on the door. The witnesses know that. They also know that there was a nod and a wink to people to declare a track record so they could be beneficiaries down the road. I know all the coastline from Malin Head down to Hook Head. I fished all those areas so I know the fishing community. That is what happened. Some people are very wealthy as a result of fishing. They are making an absolute fortune from it and good luck to them. They are multimillionaires. What we are trying to do here is look after the small operator, and I would like to see another Bill to look after the inshore fishers. They are equally discriminated against and have found themselves with no quota and no chance of quota.

I was very impressed by what Mr. Greg Casey said about the baseline and the fish inside the baseline. These are not EU fish but fish that belong to the Irish nation and should be for the benefit of the Irish nation. However, much of that fish is finding its way into being part of the EU quota. That is a matter for another day, but this committee should certainly consider having a separate meeting to discuss the fish caught from the baseline to the shore.

**Chairman:** That is for another day, Deputy.

**Deputy Martin Ferris:** Yes, but I am making the point that it should-----

**Chairman:** Yes. The point is taken.

**Deputy Martin Ferris:** Another issue is the point made by Mr. Boyle about the Government allocating quota. It can reallocate quota. It can do things for the common good if it so wishes. Perhaps that is a way we could find a little bit to give to island communities, perhaps 1% out of a multimillion-euro industry for the 40 people, 50 at most, involved on the islands. What would be wrong with that? The witnesses need to explain to us what is wrong with giving a small part of the quota to the people who need it. They are excellent representatives and fair play to them. They look after their own sector. However, they must have a vision for the people who are discriminated against and less well off.

**Deputy Éamon Ó Cuív:** I am not a member of the committee but I wish to make a few points. Deputy Ferris touched on the main issue here, which is what is called the track record. It was only in the 2000s that good ferry services were extended to all the islands, so at that time the chances of anyone living on an island working from a base on the mainland were virtually nil. The second reality is that many of the islands did not have sheltered harbours. In the case of County Galway there was nowhere on the two smaller Aran Islands where one could leave a boat. Certainly, most people on the mainland would not call Céibh an Rannaigh, the main fishing pier in Arranmore in County Donegal, a fishing pier. Tory Island did not have a sheltered harbour historically. Basing fishing on track record in the islands, with the exception to a certain extent of Inishmore in the Aran Islands, therefore just does not work. On the other hand, an island is surrounded by the sea.

We all agree that the Bill can be amended technically. I do not believe the proposer of the Bill, Deputy Martin Kenny, has an argument with that. Basically, the big scene ticket in the Bill is that a very small amount of fishing quota would be made available specifically for people living on islands so they do not end up living in a place that is surrounded by water which they cannot access in a way that is reasonable in the modern world. It is not on a large scale - the very large fishermen can compete commercially - but on a far more modest scale, although not to limit it to what a currach can do with the very limited permissions currach operators have. Like everybody else, people wish to move forward a little and have slightly bigger boats and so forth. Under the Bill a limited length of boat would be eligible, so if someone who happens to be on an island has a very big boat, there would be no benefit from the proposal before us. That was purposely done. I was a member of the committee that drew up the initial proposal. What I have heard today, and having looked at the submissions, is that people do not have a problem with this and then they add "but". I always get worried when I hear the word "but". What it means is: "We would not like to tell you that we do not want you to get a share of it, but on the other hand we are going to make damned certain you do not."

I wish to make a final point. In many cases exceptions are made for the islands. The State recognises the unique position of islanders. For example, the pupil-teacher ratio for retention of teachers is much lower on an island than on the mainland because there is no option to go to the next school. Car tax on an island is much smaller in recognition of the fact that most islands only have up to three or four miles of road. There is an extra social welfare payment on the islands for people on invalidity pension, disability allowance and the State pension. Again, that recognises that the islanders must bring all their goods to the island and pay VAT on transferring them to it. The precedent of ring-fencing specifically for islands has been well established

for the past ten or 15 years. To be fair, having travelled throughout this island I have never met anybody who begrimed any steps the Oireachtas has taken to try to preserve viable populations on our islands. Ordinary people in cities, towns and the countryside understand that if one wishes to preserve the island one must do something special.

It used to frustrate me when I heard so much talk about the Blasket Islands and the fantastic culture that was there, as recounted by Tomás Ó Criomhthain in *An tOileánach* and by Peig Sayers. What was there was unique. It is a pity it has gone. Some days we do not seem to be half as concerned, however, that this same culture, language and literary bent is still alive in places like the Aran Islands, Toraigh and elsewhere. When these islands are decimated, the indigenous populations have left them and the language is gone, will we be crying and asking why did we not do something small to keep them viable? That is all we are asking for.

**Mr. Francis O'Donnell:** Deputies Martin Kenny and Martin Ferris nailed their colours clearly to the mast. While I respect them for that, my difficulty is, as my colleague said, that we represent people who come from disadvantaged areas, as well as those who have done well in the fishing industry. How does one disentangle somebody from an island and somebody fishing right beside them in the same area who is extremely disadvantaged? If one is from south-west Donegal, one will have nothing in terms of employment other than fishing or a little bit of subsistence farming.

There is no question about it. The Government can change policy. Lately, it changed policy in respect of mackerel sharing. Several years ago, it changed policy on blue whiting, Celtic Sea herring and north-west herring. In recent years, there has been a scientific fishery plan for north-west herring. Last year, the inshore vessels got approximately 15% of that. Not all of these vessels were under 12 m. Some of them were between 14 m and 16 m and some of those fishermen were from islands too. There is a policy recognition at PO and national level that more has to be done. Wearing my PO hat or even politically, I do not know how one can differentiate between people in this regard. I respect what the Deputies said. There is no doubt that people from islands cannot simply step off and get a job. In some coastal communities, however, they cannot go elsewhere either.

The CFP recognised island communities and small-scale fisheries more so this time than it ever did before. However, it did not direct how that was to be played out. The European Maritime and Fisheries Fund, EMFF, is in place. Much more money needs to go into small-scale fisheries in general, not just necessarily island communities. By small-scale fisheries, I mean everyone fishing inside the baselines in terms of fisheries management, science, nursery areas, marketing and infrastructure on islands and piers. While the Deputies and I may not be in the same place, I recognise things must be done and the Government can change policy.

Deputy McConalogue referred to salmon fishing. In a previous life, I was a fisheries inspector. Drift netting for salmon ceased in 2006 after a task force report on it. At that point, it was perceived that drift netting was the reason for the decline of Atlantic salmon. It is now accepted that was not the case. Atlantic salmon continues to decline and it is believed now that it is a marine survival issue. It is important that for traditional fisheries, such as drift netting and draft netting for salmon, it is recognised environmental and ecological conditions can change. In Greenland and Iceland, where salmon go to feed, ten or 15 years from now the salmon stocks might start to recover. It is important for coastal communities to exploit them. I know salmon is an iconic species. However, if managed properly and if that fishery comes back on stream, the opportunity should be there for everybody. Families have traditionally fished salmon from islands and coastal communities. My members asked me would a heritage licence confer rights

if salmon fishing comes back. That is why I put it into our submission. I would be open to it. As someone who comes from the coast myself, we should monitor that fishery in the future. I hope that there would be willingness at government level that if these stocks did recover, we would open up those fisheries again.

Deputy Ó Cuív spoke about track record. That is the case in some fisheries. However, it is up to the Government and elected representatives to change that. That is very much in flux. It has not always changed in the favour of the inshore sector but it has changed in the past two to three years. The Government's policy is to give more to the inshore sector in terms of pelagic stocks. It may not be happening fast enough, but it is happening. That is up to elected representatives.

**Ms Norah Parke:** Regarding what Deputies Martin Kenny and Martin Ferris said, we are arguing for the same but from different perspectives. I am very much against putting something in place that will not make any difference or improve the lot of people living on islands. That is my impression of the outcome of this Bill as it stands. One could create a quota for islands in excess of any fishing opportunities they have. If those islands have not got the infrastructure to translate that into sound economics, they will not be better off, however. What will the extra quota do? Why are the islands already not able to avail of existing quotas for mackerel, blue whiting and herring? It is because there is no infrastructure for the islands to do it. I see Deputy Martin Kenny shaking his head.

**Deputy Martin Kenny:** As far as we are concerned, the reason they cannot get the quotas is because they do not have the track record. In turn, they do not have the track record because they cannot fish. It is a catch-22 situation.

**Chairman:** Deputy Martin Kenny can come back in later.

**Ms Norah Parke:** There are fishing opportunities to which there is no track record attached. For example, only 50% of the tonnage for inshore fisheries for mackerel is availed of. I know that the island fishermen, to a certain extent, probably would not be interested in it because there is little they can do with it. If landed on an island, at best, it will perhaps be used as bait for crustacean fisheries. These are the issues underpinning the sustainability of fisheries for islanders.

The Killybegs Fishermen's Organisation supports the concept of special status for island residents. We would give every bit of support and help we could in that regard. It has to make economic sense, however. I would feel we would be doing a disservice to islanders if we did not underpin it with proper infrastructure and whatever else is needed, even in the way of information as to what is available. I spoke to some Donegal islanders before I came to this meeting and was astounded at the number of them who did not even realise they could fish mackerel. There is a big information gap that needs to be addressed. We have no problem with boosting the amount of fishing the islands do. We would be delighted and they would be more than welcome to join a PO and avail of its services. Everybody seems to think POs have a magic wand for getting quotas for their members. I wish that was the case. We would be more than happy to represent the islanders on those fishing issues. As Mr. O'Donnell said, in recent years, the opportunities for the inshore sector, including islanders, have improved enormously. That process has started and will continue and evolve.

The suggestion that we are here as producer organisations protecting the quota that we own is nonsense. That is not the case at all.

**Mr. Hugo Boyle:** We have spoken about islands and the opportunities we might have to give islanders over their relatives and neighbours ashore who are fishing in the same area because of this Bill. I return to what Deputy Martin Kenny said about an unlevel playing field. I worked and fished around every island of Ireland, in small boats and larger ones. I know all the islanders and many of the island communities and have worked in partnership with boats from the Aran Islands for almost 30 years. I have knowledge and insight into what happens there. Most islanders whom I know and have met over the years are very proud people. They are very independent, progressive people and they are competitive. Many islanders came out and did what they had to. There was a level playing field then - I will not speak about the track record but I refer to the period before that - and they were pioneers in the fishing industry. It was an islander who had the first dedicated pelagic vessel in Ireland, which they worked their way up to, and the first factory ship in Ireland. The owner of the biggest trawler in the world in its time was from an island. One can go to the Aran Islands or Cruit Island, or speak to some of the skippers from Inisbofin who have worked on large vessels and have done extraordinarily well, as have those from Bere Island or the west Cork islands. We are talking about people who themselves have a proud tradition. I am surprised that they would seek anything other than a level playing field. It is true that fishing communities around the coast need some sort of help, possibly through quotas, for instance, but I do not think that they would want a quota that their neighbour two miles away could not access.

I agree with Ms Parke. What quota could one give them? There is very little cod around the islands and no haddock inside the six-mile zone. I would be surprised if they wanted to confine themselves to that particular area of the six-mile zone around the islands. The islanders that I know would not want that. When I speak of islands, I live on an island and reared a family on one, who are rearing their families on one, so I have some insight, although it is not an offshore island. That is where I come from regarding a level playing field. I do not expect someone to lose out from the islanders getting something extra. If we could go with what Mr. Casey suggested, that would be perfect. I have many friends on islands and do not want to lose them, nor will I, as a result of what I am saying here because I am being totally objective.

On Deputy Martin Kenny's other point on ring-fencing, that is a dirty word in the fishing industry. I am glad that the Deputy agrees with my observation that this is ring-fencing. Deputy Ó Cuív said things have been ring-fenced for islands before, and obviously that is correct.

Deputy Ferris said that the Government can change its rules and allocate quota. It probably can and if it does so, we will not stand on a barrel saying "Do not do that". The way things are now, it cannot actually do that and that process is not available to us. On the track record, I admit that it is a difficulty.

That is where we are coming from. As I said, as the Bill stands, we cannot support it.

**Deputy Martin Kenny:** May I come back for clarification?

**Chairman:** I will let Deputy Kenny in shortly but I want to ask Mr. Patrick Murphy in first. He has been waiting a long time.

**Mr. Patrick Murphy:** I thank the Chairman. I would classify myself as an islander. We come from Heir island and our family home is still there. I started fishing out of Baltimore around the islands. Like my colleague, I have a great interest in the island communities. I was one of the pioneers of setting up a V-notching programme around the south-west coast. The problem, as my colleagues have articulated, is that at present the law will not allow us to give

an individual quota to anyone. I learned this the hard way. When we established the lobster V-notching programme and looked for protection for people who had put a lot of time, money and effort into protecting their own fishery, even though many of them were not participating in it, when we looked for a licence for those individuals we were told that unless they had a fishing boat licence, they would not give a second licence, which was the case with salmon licensing. This is the crux of the problem.

As my colleague, Mr. Casey, has explained, there is a solution to this. We, as a country, did not protect our inland waters inside the baseline. We did not give away the fish that swim inside in that baseline to Europe, it is our fish. However, Ireland counts it against Ireland's quota which we get from Europe, which is about 10% of the quota. I see this as a solution. As an island person I see it as a fantastic way of looking at this. We can calculate the amount of fish that has been caught inside the baseline in previous years, then tell Europe that this is fish that was logged and caught inside the baseline but should not have come off Ireland's quota because it was Ireland's fish. We want to do something with that fish now. The principle of this is to allow the people of the islands to remain on their island homes and access the resource that is around them. As Mr. Boyle pointed out, there is very now very little of that resource inside the area with different types of fish, so one has to look at the economic sense of what the fishermen in an island community can and will use. I am confused by the term of giving them 1% off the top. If they cannot access that 1%, is it theirs to trade or use as a commodity elsewhere? If, as Ms Parke said, they do not catch it, will they lose the right to that fish because of the fish that swim in the inshore waters around these islands? That is why I have let this educated man make the proposal to this committee. Legislators have a very important job of looking after all the communities of this country, including the coastal communities. I stress that there is an opportunity to examine the legalities of whether we can get back the fish within our baseline for Ireland and change the laws to accommodate the purpose of this Bill.

**Mr. Greg Casey:** I wish to say two things with regard to splitting islands and remote coastal communities. Recital 19 of the Common Fisheries Policy states "Member states should endeavour to give preferential access for small scale, artisanal or coastal fishermen" within the 12-mile coastal limit, that is, between the baseline and 12 miles out. The policy then goes on to state "Small offshore islands which are dependent on fishing should, where appropriate, be especially recognised and supported in order to enable them to survive and prosper." However, that says nothing about giving them preferential access as has been set out in recital 19, whose reference to "preferential access for small scale, artisanal or coastal fishermen" would include island fishermen, I would imagine. My organisation very strongly supports the principle of what the committee is trying to achieve. Whiddy Island in Bantry Bay is 45 miles from the baseline and the exclusive fishery limits of the State. Bere Island, just outside Castletownbere, is almost 20 miles from the baseline of the State. There is an enormous amount of sea area along the south-west coast and from Galway to the top of Erris. We submit that fish caught in those waters are not European fish at all. They are not subject to any quota restrictions, management restrictions or EU logging rules. It is time for this committee to assert the importance of these waters in trying to fashion legislation that will seek to confer some preferential treatment to small-scale, artisan, coastal and island fishermen. We need to make use of these waters and their fish, which we did not give to the EU.

We think we have mapped out a way the committee can achieve what it is trying to achieve without impinging on the principles of the Common Fisheries Policy or fisheries law. We could create an entirely new system, separate and apart from what is there.

**Chairman:** After consideration of today's proceedings we will prepare a report and we will take on board Mr. Casey's suggestions when giving feedback on the Bill itself.

**Ms Norah Parke:** Some of us have another meeting we have to go to. We did not realise this meeting would go on so late.

**Chairman:** We will let the witnesses go in one minute.

**Deputy Martin Kenny:** Mr. Boyle mentioned an island fisherman who had the biggest boat in the country. How did he get it onto the island if there are no piers and how did he get home at night?

**Mr. Hugo Boyle:** Like all the islanders who pioneered fishing, he lived ashore.

**Deputy Martin Kenny:** Sorry. I thought he was fishing off the island. It was suggested that there were no facilities on the island for larger boats. Mr. Murphy referred to the 1% issue as regards the trading quota. We need to look at this because some people would only need a percentage of the 1%, on account of the amount of fish there is around the island. They might need a little bit more for other species at other times but the 1% is a ballpark figure and not a real figure as such. Mr. Murphy spoke about it being traded. How can it be traded if nobody owns it?

**Mr. Patrick Murphy:** If it is allocated to the islands, it is their commodity so they could trade it off with other fishermen, as happens in other countries.

**Deputy Martin Kenny:** Do we do that in Ireland?

**Mr. Patrick Murphy:** If an island population cannot fish it, they can let it go dead so that it goes back into the pot as, Ms Parke said earlier. There were 450 tonnes of mackerel allocated to smaller boats, which they can catch by line or by jigging, but only half is used in the year. I am asking if the 1% can be dedicated to the island. If the fish do not swim in the area, it is no good if 1% of fish can be caught around the islands. Does one swap it for 1% of the fish inside and where one can fish 2%?

There are huge complications and there is a misconception about how fish are allocated in this country. It is allocated by boat size and once a person has a licence and is under 55%, that person can get one third or a half of what the boats in the larger section catch. We go through all the stocks each month and see what fish were caught in the previous two years and we use knowledge of our own vessels to work out how many will participate in a fishery in the next month. We try to allocate the crumbs on that basis so that the boats can stay fishing. That is how hard it is for Ireland to give out fishing allocations to different vessels. If vessels do not catch their allocation, it goes back into the pot for the following month and we go through the same process again.

I have a fishing licence and a small boat and I can catch up to 55% of my category, the same as everybody else. I choose which fish I catch and where and how I catch and land them. The licence for lobster is a P licence because we had no track record when we looked for a licence for lobster fishing. Back in 1985, there was no drive to license vessels under 12 m so there was an awful lot of boats which were fishing but were never licensed by the State and never logged onto the European register. Some 410 of these boats are in existence today with only a non-quota species licence, that is, for crab and lobster. There is no management structure for the licence so a person who lives on an island can put out 200 pots, catch that species of fish and

land them. If a lobster boat licence or a licence for inshore potting is restricted, the fishermen may then be excluded from that fishery. My boat can catch any species of fish that is allocated based on the monthly allocations up to a maximum of 50% of that caught by the boats in the larger segment.

**Mr. Hugo Boyle:** That may be something for the future, but we are talking about the Bill. Ring-fencing was acknowledged in the Bill, where section 2(6)(e) refers to “the introduction of a non-transferable community island quota”. This means that what Mr. Murphy is suggesting cannot be done at this time.

**Chairman:** I thank witnesses for their attendance, patience and submissions We will report on this in due course.

**Mr. Greg Casey:** Can I add one sentence?

**Chairman:** Very briefly.

**Mr. Greg Casey:** I ask the committee to take into account also the submissions we have made.

**Chairman:** I have said we will do that.

**Mr. Greg Casey:** I refer not just to the inland waters of the State. The waters between 12 and 200 miles were never voted on in the transfer to the EU, so I ask the committee to look at that in the future.

**Deputy Martin Ferris:** I thank everybody for their contributions. There are concerns and queries but we are open to people sending in amendments. We want to get this Bill passed so that people who are badly disadvantaged will be in a better place.

**Chairman:** We will suspend briefly to allow the next witnesses to take their seats.

*Sitting suspended at 6.10 p.m. and resumed at 6.15 p.m.*

**Chairman:** I remind members and witnesses to make sure their mobile phones are completely turned off. This is section B. I welcome Mr. Simon Murray, chairman of Comhdháil Oileáin na hÉireann, Mr. Jerry Early, chairman of the Irish Islands Marine Resource Organisation, Mr. Enda Conneely, a committee member of same, and from Trinity College Dublin, Dr. Ruth Brennan, a marine social scientist at Trinity Centre for Environmental Humanities. I thank them for coming before the committee today and for sending their submissions to the committee. These, along with their opening statements, have been circulated to members. I remind witnesses that presentations should not take longer than ten minutes, if at all possible, to try to speed up the process.

I draw the attention of witnesses to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Members are reminded of the long-standing parliamentary practice to the effect that they should

not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

I call Mr. Murray to make his opening statement.

**Mr. Simon Murray:** We thank the committee for the opportunity to comment on this very important Island Fisheries (Heritage Licence) Bill.

In 1984, 16 islands formed Comhdháil Oileáin na hÉireann. As the representative organisation for the offshore islands, our aim is to draw attention to the difficulties facing islanders in all areas of island life which were not, and are not being dealt with effectively either at regional or national level. Our aim is to work to find solutions which are island proofed. As an example of protecting this way of life, Comhdháil Oileáin na hÉireann, along with its sister organisation, Comhar na nOileán, has worked with the Department of Agriculture, Food and the Marine to help island farmers engage constructively with island issues. This work recently led to improved payments under the areas of natural constraints, which now has an islands category, as well as working with island farmers on result-based, locally led schemes for European innovation partnerships. This is an example of island-proofed policies that have helped secure our island way of life.

As part of that ongoing work, we are here today to promote the Island Fisheries (Heritage Licence) Bill. Comhdháil Oileáin na hÉireann, along with Comhar na nOileán, has consistently asked Government to have fishing designated as a pillar of job creation on the islands, and appeared before this committee in 2013. Island communities welcomed the 2014 Oireachtas joint committee report on sustaining coastal and island communities. We see the Island Fisheries (Heritage Licence) Bill as a logical follow-on to the recommendations of the committee, especially recommendation 10, heritage licences. This is a simple and effective mechanism to ensure that fishing opportunities are accessible to small fishing boat owners on islands.

Islanders are by nature resourceful and, if allowed to, can make the best use of available opportunities. Small-scale fishing, which is of the greatest benefit to the island communities, is most at risk from policies that promote large-scale industrial fishing. Those who remained fishing in their island communities have been forced to make a living mainly off non-quota species. This is not sustainable for our communities or the fish stocks. The current Common Fisheries Policy recognises the special requirements of small offshore islands and they are specifically referred to in the Common Fisheries Policy, paragraph 20, that controls European fisheries.

Comhdháil is one of the founding members of the European Small Islands Network, ESIN, and we work closely with islands across Europe. Through our work with ESIN, we keep informed of the special position of islands all over Europe and of the varied solutions applied to address unique problems. We have the full support of ESIN in the ongoing work to get this Bill passed into law.

To survive, fishing on the islands needs to revert back to a system of seasonal fishing and local management where managed quantities are taken from the various quota stocks at different times of the year. Having our small-scale island fleet return to seasonal fishing practices will add significantly to the tourism industry, which has become an increasingly important part of the economies of the islands. The solution advocated in the Island Fisheries (Heritage Licence) Bill will allow fishing opportunities in the form of quotas to be allocated by the Minister to maximise the benefit of the resource to the maximum number of people. Allocating the necessary amount to the island fisheries communities will help to redress the decline.

Islands work in a different way from the mainland, a point not lost on the islanders who are lectured to by the mainlanders who have left the room. The current system is simply not working for the islands. We need to act before it is too late. Comhdháil Oileáin na hÉireann strongly supports the introduction of the Bill.

**Chairman:** I thank Mr. Murray and I call Mr. Early.

**Mr. Jerry Early:** I am joined by my colleague, Mr. Enda Conneely. The Irish Islands Marine Resource Organisation, IIMRO, thanks the Chair and the committee for the invitation to appear and discuss the vitally important Island Fisheries (Heritage Licence) Bill. IIMRO is a member-based organisation with fishers from the islands of Donegal, Mayo, Galway and Cork. Run by and for fishers, it is a member of the Irish Islands Federation and affiliated to the Low Impact Fishers of Europe, LIFE, which represents around 10,000 small-scale fishers across Europe. Islanders have worked at national and EU level since 2006 to regain traditional seasonal fishing opportunities around our islands.

IIMRO would like to direct the committee to our recent submission on the Island Fisheries (Heritage Licence) Bill for more detailed background and reasoning behind the Bill, and we would also like to emphasise aspects of the Bill here today.

The Bill is a direct response by lawmakers to a recommendation from the cross-party report on promoting sustainable rural coastal and island communities published in 2014. IIMRO would like to publicly acknowledge and commend the work of the previous joint committee and this committee in working to make the Bill a reality.

The purpose of the Bill is to reallocate a small portion of publicly owned quota to boats on the island polyvalent register to allow island communities to co-manage their fisheries and resume a low impact seasonal fishery from small boats. By allocating public quota in this way, different fish species can be caught at different times of the year as they move closer to the islands and as weather allows. Boats are under 12 m and use low impact, non-towed gear keeping to the principle of “the right gear in the right place at the right time”.

IIMRO is working with a number of partners such as Trinity College Dublin’s centre for environmental humanities to co-design and test new approaches that address the needs of fisheries dependent island communities and meet national and European marine objectives. It is expected that this work will complement the upcoming legislation around the EU marine strategy framework directive and the national marine spatial plan.

The Island Fisheries (Heritage Licence) Bill offers a chance to change a fisheries policy system that has allowed the nation’s publicly owned fishery resource to be concentrated in the hands of a few, at the expense of island and other communities, whose populations continue to decline. The European Maritime and Fisheries Fund operational programme summary states that the Irish fishing fleet is characterised by a high share of small-scale vessels and notes that 64% of the total number of vessels are less than 12 m in length, but that these vessels account for only 2% of the total value landed in 2013.

Currently, small-scale vessels on the islands are impeded from accessing the publicly owned quota resource by fleet segmentation and layers of rules that include the requirement to have “track record” in a specific fishery before they can access quota for that species. If a fishing boat did not have catch recorded in certain index years for a quota species, it does not receive quota thereafter, despite the fact that boats under 10 m in length are not required to log

their catches. Typically, these are the most valuable species and would give island fishers a more diverse and sustainable income source instead of the non-quota crab and lobster that make up the bulk of catches at present. A list of quota species relevant to the islands makes up part of IIMRO's submission, and the committee will note that it does not include salmon, which is not a quota species under the Common Fisheries Policy.

IIMRO has worked hard with public representatives across Europe and here at home over a long period to ensure the provisions of the Bill comply with the letter and spirit of the Common Fisheries Policy and other relevant legislation. The EU Director General for Maritime Affairs and Fisheries, Mr. Machado, confirmed at a meeting with IIMRO members in 2015 that quota assignment was a matter for the national authority and any allocation for islands within the national quota was not contrary to the Common Fisheries Policy. The Common Fisheries Policy regulation recognises that islands need to be "especially recognised and supported in order to enable them to survive and prosper." Our neighbours across the water in Scotland passed historic legislation, the Islands (Scotland) Bill, at the end of May and islanders here are encouraged by the cross-party support which our Island Fisheries (Heritage Licence) Bill is receiving.

IIMRO is committed to continue working with the Government, other political parties and the Department of Agriculture, Food and the Marine to make sure the Island Fisheries (Heritage Licence) Bill is the best possible legislation for our island communities. We ask committee members to keep the momentum going so that the Bill can become law. I thank members for their time.

**Chairman:** I thank Mr. Early and invite Dr. Brennan to make her statement.

**Dr. Ruth Brennan:** Thank you, Chairman, for the invitation to address the committee today. I am a marine social scientist from the centre for environmental humanities, Trinity College Dublin. For the past 12 years, my research field has been marine environmental governance. My approach is to identify, support and encourage marine stewardship and co-management within local communities as a means of ensuring effective governance of the marine environment. I support consideration of the Island Fisheries (Heritage Licence) Bill as I believe it has the potential to contribute to meeting our national, European and international conservation objectives for the marine environment, while at the same time providing much needed support for our island based inshore fishing communities for whom fishing is important not just economically and socially, but also culturally.

I will highlight a number of points. First, the Bill responds to and aligns with calls from a variety of committees and policymakers at national, European and international levels to support resource dependent island communities. These include the Oireachtas Joint Sub-Committee on Fisheries in 2014, to which reference has already been made, specifically recommendation 10 of the sub-committee's report. At a European level, we have the Common Fisheries Policy and internationally we have the voluntary guidelines for securing sustainable small-scale fisheries issued by the Food and Agriculture Organization of the United Nations, FAO.

Second, the European Commission has expressly called for Europe's small-scale fishers to take the initiative. Only last month, on 15 May, I attended a fisheries committee meeting in the European Parliament. At that meeting, Commissioner Vella expressly stated that supporting and helping small-scale fishers is a priority for the Commission. He observed that member state quotas tend to end up in the "same hands" each year at national level and not in the hands of small-scale fishers. He emphasised that the Commission has no influence over how member states distribute their quota at national level and stressed that small-scale fishers needed to help

themselves. As an example of an initiative whereby Ireland's island based fishers are proactively doing just that, the Bill should be supported.

Third, the Bill is an important step towards better marine governance. It has the potential to complement conservation measures that are currently in place to protect the long-term sustainability of stocks for the inshore sector, such as V-notching of lobsters and minimum landing sizes for crab, as the introduction of island community quota access proposed by the Bill would enable island fishers to return to a low-impact practice of fishing quota species seasonally, rather than fishing non-quota species all year around.

Fourth, and finally, the cultural importance of a vibrant fishing industry to our island based communities needs to be recognised and supported. The Bill recognises and supports islanders' strong sense of belonging to the sea. I would like to share some research on what I mean when I talk about belonging to the sea. In 2011 and 2012, together with colleagues, I carried out research on the shared maritime traditions and beliefs in two island communities with a strong fishing heritage - one was the island of Barra in the Outer Hebrides in Scotland and the other was the Donegal island of Arranmore. Our research suggested that at the heart of these beliefs and traditions was a feeling that is universally potential in human beings, namely, the sense of belonging to a home place and, importantly, a sense of responsibility for that place. The great Scottish Gaelic scholar, John MacInnes, has described this feeling of belonging as a form of emotional energy, encapsulated by the not easily translatable word "dúchas" in Irish, also "dùthchas" in Scottish Gaelic. Our research described this sense of belonging to the sea, or "dúchas na mara", that we found in these island communities and which is evident from their living knowledge of the sea, its place in their stories, histories and legends, how they have made a living from the sea, how it has helped to shape their conduct and beliefs and from the changes that technologies have brought to their relationships with it. Our research made visible an older and deeper way of knowing the sea which is distinct from but complementary to a way of knowing that is largely informed by book learning and formal education processes.

Further research that I carried out on the Scottish island of Barra demonstrated that this intangible cultural heritage and local ways of knowing and doing are key to informing co-management approaches with policymakers that meet national and European conservation objectives. During the many years of this research, I spent considerable time and energy encouraging community members on Barra to engage constructively with the policy environment rather than pushing it away and, likewise, encouraging Scottish policymakers to recognise the policy value of the island's intangible cultural heritage and local ways of knowing and doing. It is a breath of fresh air to see Irish island based fishing communities being so proactive and constructive in their engagement with the policy environment here, most recently through the proposal of this Bill. I thank the committee and urge members to grasp this opportunity and not to squander it.

**Chairman:** I thank Dr. Brennan.

**Deputy Martin Kenny:** I thank the witnesses for their presentations. I want to get to the heart of a few issues. On one, I will pose a question to all of the witnesses. How have the fishing restrictions affected the island communities? Other witnesses have told us that fishing opportunities exist but are not being taken up. If so, the report of the previous committee would not have suggested the need for an island heritage Bill and we would not be here today. I would like to flesh this matter out. What has been the impact of the quota system on people who live on the islands as opposed to those who represent the producer organisations? Has that been negative or positive? Are opportunities being missed? As has been suggested, is this about the need for investment, better marketing and better landing facilities? Alternatively, is it simply

that the opportunity to fish does not exist because, for example, the fish in respect of which there is a quota do not swim around the islands?

IIMRO has pushed this matter considerably and I applaud its work in that regard. We would not be debating this Bill if not for the pressure from IIMRO. What is its response to the committee's discussion that it heard earlier? When everything is weighed up, the producer organisations claim that this is not about quota, as quota is available, but about people on the islands needing better infrastructure and not taking advantage of what is available to them, and that this will only add another layer of bureaucracy.

**Deputy Charlie McConologue:** I thank the witnesses for their clear presentations and for giving of their time. I also thank them for their advocacy with the previous Oireachtas committee on getting the Bill to this stage and for driving this legislation forward. They heard the presentations given during the previous session. A number of those witnesses indicated opposition to the Bill on the basis that they felt it was unfair to inshore fishermen who were mainland-based rather than island-based. I put it to them that the particular difficulties facing the islands underpinned the rationale behind this legislation. In responding, the witnesses before us should take the opportunity to outline their view on what was put forward at our earlier session and how this legislation differentiates between island fishermen and inshore fishermen who are mainland-based.

Dr. Brennan's presentation was insightful. She has spent a great deal of time working on the issue. Her comparison between her research in Scotland and Arranmore and her comments on the non-academic heritage of those islands, which does not always necessarily come through in policy, provided us with good insights. Her point about her support for the Bill in that context was interesting.

If this legislation is passed, how do the witnesses believe it will impact on the islands, for example, in terms of employment, and how will it be applied at a practical level? I would also be interested to hear their responses to Deputy Kenny's questions about the uptake in current fishing opportunities. One of our previous witnesses indicated that only 50% to 60% of the quota on line fishing for mackerel was used annually. What is the rationale for that?

**Deputy Marcella Corcoran Kennedy:** I thank the witnesses for their presentations, which will be a great help in our consideration of the Bill.

I have a question for Dr. Brennan. She stated: "... the Bill would enable island fishers to return to a low-impact practice of fishing quota species seasonally, rather than fishing non-quota species all year around." Is that a problem currently and what are the figures? Are some non-quota species being overfished?

She has been engaging with islanders on Arranmore and Barra in the Outer Hebrides. How far did she get with her proposal that they should engage with policy makers and how did she propose they do that? Has she measured any success in her research?

She referred to the European Commission's statement about small-scale fishers taking the initiative. Has it made other such comments or suggestions about small-scale fishers helping themselves? It is a David and Goliath situation as far as I can see.

**Deputy Martin Ferris:** The lack of a track record is evident and has discriminated against people who did not have the opportunity, in particular owners of boats of less than 10 m. For example, how could there be a track record when fishermen did not have to log catches and so

forth? This has inhibited any type of fairness in the sector's quotas.

Mr. Murray stated: "To survive, fishing on the islands needs to revert back to a system of seasonal fishing and local management". One of the most damaging changes made to seasonal fishing was the termination of salmon fishing. All the pressure then fell on non-quota species like lobster, crayfish, crab, etc. Down my way, people are fishing lobsters for 11 or, sometimes, 12 months of the year. That is doing long-term damage, but they have to fish to make a living. If there was an alternative quota species, that pressure could be relieved and the quota distributed more equitably.

Dr. Brennan referred to a "sense of belonging to the sea". There are three people present like that. I live on a peninsula and those are the truest words Dr. Brennan has ever said. We grew up and worked on the sea, and it became us. When the livelihoods of inshore fishermen and, in particular, islanders are taken away, a part of themselves is taken away. This issue needs to be addressed.

The island communities played a large role in developing this Bill. Listening to some of the contributions at our earlier session, though, one would get the sense that the island communities were against it but that is not the case. Those among the witnesses who are from the island communities need to say clearly whether there is support for this on the islands.

**Chairman:** Some specific questions were asked, but would Deputy Doherty like to contribute first?

**Deputy Pearse Doherty:** I am interested in the response to Deputy Kenny's question on the concern of some producers for the future of fishermen on the islands and how this legislation could prevent or curtail opportunities for them. What potential could this Bill being signed into law by the President unlock for the witnesses' islands? I am not just talking about a couple of people setting off from the pier but I am talking about the wider potential in terms of an island which is a small community and the lack of employment opportunities there. How important do the witnesses think this is in terms of the future of the island and the type of direction they want to see the islands going?

**Dr. Ruth Brennan:** I will start with the question that was asked by Deputy Kenny. I will provide a response to the first question about fishing the non-quota species all year around but I also invite responses from my colleagues. My understanding is that the traditional practice is to fish non-quota species seasonally when one can fish other fish stocks. From the point of view of sustainability, logic dictates that seasonal fishing does impose less pressure on stocks, so if one is fishing species that are traditionally fished seasonally and one fishes them non-seasonally, which is all year around, there is going to be more pressure on the stocks, which could lead to overfishing. I cannot give figures on that but that is the case in terms of seasonal and non-seasonal fishing.

Deputy Kenny also asked me about more detail on the engagement between local communities and policymakers in Barra. First, it was a different context in Barra so, yes, there was a very concrete outcome to that. The context I was working on in Barra was a conflict over the creation of a marine protected area under the habitats directive. Many people within the local community were really pushing the policy environment away because they did not want this additional layer of bureaucracy on their already well cared for marine environment. Six years of research was involved, so to cut a long story short, a very unusual co-management process developed from the dialogue between Marine Scotland and key people on the island, which gave

local islanders the opportunity to lead the management of the marine resources in terms of that marine protected area. They were funded by Marine Scotland to advise it on the best way to manage that marine protected area, which had been designated on the basis of a scientific case. They looked at how best to manage the marine protected area through the eyes of local people so that the ways they had of managing the marine environment that were not necessarily visible within the policy environment could be brought in and made visible within the policy environment. It was a way of bringing the policy environment and local people's ways of knowing and doing together. Marine Scotland proposed that it would be at the table as a co-management partner, if invited, and that its role would be on tap rather than on top. It really valued the local community's knowledge and ways of doing things. In the meantime, Brexit has intervened so it is a very different story now.

Deputy Kenny's third question was whether Commissioner Vella had made further suggestions on how island communities could help themselves. He did not. He was talking more generally and he was responding to suggestions that the European Commission should be doing something in order to get more quota into the hands of small-scale fishers. He was making the point that it is within the competence of the member states rather than the European Commission to decide who the quota is allocated to, and in that vein, small-scale fishers should be taking the initiative to help themselves as well.

I wish to respond to one other point, which was from Deputy McConalogue, on the opposition to the Bill on the grounds of it being unfair to inshore fishers who are based on the mainland. I noticed from all the presentations in the first session that there was much bandying around of the terms "equality", "equity" and "discrimination". We need to be very precise about the terms that we are using. First, we need to go back to paragraph 20 of the Common Fisheries Policy and think about why it is there. It specifically recognises island communities, their different circumstances and their need to be especially recognised and supported. The reason that is there is because they are in a different position and they do need special support. We also need to think about the difference between equal treatment and equitable treatment. Equal treatment means that we treat different people equally. We give them the same thing. Equitable treatment means that we provide a level playing field, which I believe is what this Bill is trying to do.

It would be easier to explain this using a visual. I saw a very good visual a few weeks ago explaining the difference between equal and equitable. Two people were trying to see a football match over a wall that blocked their view. Those two people were of different heights. One was tall and one was short but neither could see over the wall. They were given equal treatment and they were given two stools to stand on that were exactly the same height so they were raised up by the same amount. One person could now see over the wall but the other person could not. That is equal treatment. Equitable treatment means that the person who is shorter is given a slightly taller stool, and now they are both able to see over the wall. That is why it is so important to use those terms precisely. What the Island Fisheries (Heritage Licence) Bill is trying to do is to establish an equitable playing field, and that is why it is speaking directly to paragraph 20 of the Common Fisheries Policy, which recognises the special support that is needed for island communities.

**Chairman:** I thank Dr. Brennan. That was a very good description of equitable and equal. I call Mr. Early to respond next.

**Mr. Jerry Early:** We will share the questions asked by Deputies McConalogue, Ferris, Martin Kenny and Pearse Doherty. The one that gets me is the impact that the current situation

has had on the islands since 2006. I have been attending this committee and the previous one which was chaired by the current Minister of State, Deputy Andrew Doyle. This is the fourth or fifth time I have been present and Deputy Ferris is the most consistent person because he was a member of the previous committee.

It started with the salmon ban in 2006. I reiterate this is not about salmon but this is where it started and the subsequent restrictions that happened very quickly after that. I can only speak about my island, Arranmore, but since 2006 there has been a 40% reduction in population. The school numbers have dropped from 60 to 26. The youngest person on Arranmore Island, which is the second highest populated island off the island of Ireland-----

**Chairman:** What is the population?

**Mr. Jerry Early:** At the moment it is under 400 for the first time in its history, but what is more frightening is that the youngest child on Arranmore Island is three years old. I do a bit of choir work as well with the national school. I missed the communion this year. I apologised to the principal and said I would make it doubly good next year. She said there is no next year because there is no child of first communion age. The impact on that side of it is one thing but when one takes into account the impact on morale that follows on from that, it is a massive issue emotionally for me personally because I have been doing this since 2006.

I have been talking in this forum and we have been fighting this campaign. It is bigger than the Bill. The Bill is a chance to bring back a little part of what we had. One could ask whether we will ever get back to the levels of the past. Absolutely not, but it is a start. We must stop the trend of where we are going. That is why the Bill is not just important, it is about the life of the islands. I implore the committee members to do something. It is in their hands whether the islands live or die. I will fight the fight until I can no longer breathe but it is such a massive issue for us. We have lost a generation of young fishermen. My grandfather, my father and I were given a simple way of life. We learned how to row a boat, fish, crew the lifeboat and be an islander. I have a son who is 19 years of age and he cannot row a boat. He cannot tie the rope of a boat. That is not his fault. It is not my fault. It is not my grandfather's fault or my father's fault, that is the fault, unfortunately, of the legislators, the Government and the previous Governments of this country. We were accused of being discriminatory. That was a new one on me. That blew me out of my seat: that island people would be discriminating against mainlanders. I am sorry but that was a ridiculous and irresponsible thing to say. I cannot say strongly enough how important it is to put that on the record. I know the will is here in the committee and it is imperative that this Bill, even though it is flawed in many ways, gives us a chance to start building again in some shape or form.

**Mr. Enda Conneely:** My name is Enda Conneely. I am based on Inis Oirr in the Aran Islands. I will address some of the points that came up and on which I made notes.

I started fishing in a currach in the 1970s. There were approximately 30 people fishing on the island then. A community lived off that. At that time, we could catch cod, haddock, ling, sole and all the flatfish. You name it, it was there. That is not the case any more. We certainly did not kill them all because we did not have the capacity to do that. Something has happened. The point came up earlier that the landings have gone down consistently since the CFP came in and competency passed to the Commission. I have fished in the United States too where there is a different regime in place. The area I fished in was very well regulated and people with very big sticks came along to tell us we could not do and what we should not do, and, generally, we did not do it.

The quota is available but islanders do not take advantage of them, specifically that relating to mackerel. Theoretically, 450 tonnes of line-caught mackerel were available to the inshore sector. If we looked into the white fish quota and how much of that has been taken up by the bigger fleet we would see issues there too.

Some of the people who fish on the islands are not fully aware of the existence of this quota and we are restricted by weather and the market. Once we have access to a quota, this cannot be redressed overnight. This Bill is a step. There may be flaws in it that have been pointed out, for example, how quota is a public facility to be distributed by the Minister, for the maximum good of most people. To judge from what our colleagues who spoke earlier said, that does not seem to be the case. The quota seems to find its way to the bigger operators. We are stuck in this area on islands with this idea of scale, which is another problem.

The question of the islanders who had the first refrigerated seawater, RSW, boat and got the biggest boat on the fleet came up earlier too. One factor they all had in common was that when the 50 footers came in during the 1950s and 1960s, they had to leave the islands. If people got big boats, they had to leave the island. People chose not to go in that direction and fished the smaller boats. That is generally the form. If people scale up, they leave. We do not want to do that. We are trying to keep an island community. The fishing opportunities are allocated by the Minister. They are not ours but are granted to us. We have structures in place to deal with this because ours is a member-based organisation. We have input into the advisory councils that are part of the CFP system because we are on the transparency register. If we do get access to this we are in the process of setting up a producer organisation for our system. This is a question of scale and we are small. If people scale up, they leave the island. We do not want to do that.

In response to the question about unfairness to our neighbours, I am from Inis Oírr, which is very close to Inis Meáin and Inis Mór and to the people in Doolin in County Clare. We have worked with them and find that the inshore sector in Doolin is also restricted to non-quota species. That is the way it seems to have developed. This would go a step towards reversing that. The suggestion of an equitable system sounds very good.

In our interaction with it, the Commission pointed out that the allocation of quota was an issue for the member state. In Ireland, it is up to the Minister. He could decide this year to allocate X amount of quota to the island fishing boats. The boats we are talking about are generally small, under 12 m, many are 5 m, 6 m or 7 m. They would be in the polyvalent general register in any event. They are on the islands. This would facilitate their getting involved in a managed fishery and area because if everyone is stuck with crab and lobster it will not support everybody. There are no restrictions coming in on non-quota species.

We are also looking at the marine strategy framework directive which is coming down the line, and at spatial planning. We would be very interested in co-management. On Inis Oírr we work with Queen's University Belfast and the Marine Institute. We have worked with the Galway-Mayo Institute of Technology, GMIT. We are doing a v-notching scheme for lobster that traces the genetics of the lobster. We are into the seventh or eighth year of that scheme. It is important for managing the lobster fishery but we need to have some kind of management structure in place for that. The islands and the people living there have to have an input into that. One of the points made earlier was that some members of the big organisations were from islands but while they are still connected to their roots on the islands they are not living on the islands because once they scale up they have to leave. Inis Mór was slightly different in that it had better harbour facilities.

Concern was expressed that this would prevent the development of the industry on islands in some way but this Bill has created so many red herrings from everybody that we will need a special quota allowance if many more of them come into the Chamber. This is an allocation of fishing opportunity. If people scale up, they leave the island. We are not interested in scaling up. We are interested in managing the fishery around the island so that the fish and spawning areas, all those things, will be there. We would work with anybody to make that happen. We are also considering something that came up about the 6-mile limit. We work within the 6-mile limit because that is a competency of Ireland under the current CFP, which we have to work with unless this new scheme about the baseline is investigated further. However, that essentially has nothing to do with us. It has to do with where we are at the moment. We are within the six-mile limit, which is an Irish competence, which means that the Minister or this committee can decide. This piece of work has been approved. It has gone through all the relevant legal people and Departments. Everyone signed off on this before it came in. When we saw that, we teamed up with our neighbour islands in Donegal and Kerry. We felt that this was great and that we could now start promoting this for our islands, and we continued with that.

Somebody may remind me whether I have forgotten something.

**Chairman:** We can come back again.

**Mr. Simon Murray:** The role of Comhdháil Oileáin na hÉireann is that of a representative organisation. To touch on what Mr. Early said previously, we are responsible for many issues related to island life, as members can imagine. However, they are all pointless if we do not have a population. I note that 100 years ago there were about 15,000 people living on the Irish islands, across about 60 islands. There are now fewer than 3,000 people living on fewer than 20 islands. The rug has been lifted on Irish society a lot over the past 20 years, especially in the past couple of weeks, but over the past hundred years there has been a consistent failure on the protection of islanders. We are talking about species, but the people the committee members are looking at could be a very rare species if something does not happen in the not too distant future. This is part of all of the work we are about - that is, to try to convince this committee and others, respective Governments and elected representatives that this country has islands. It is an island nation. One would think it would be one of the few places in the European Union that would actually be happy to have offshore islands. However, we have found living on islands to be a struggle. That is the long and the short of it. It is a constant struggle. Remember what islands are off Donegal, Galway, Mayo and Cork. They are serious economic drivers in each of those counties and for Revenue in general, especially through tourism.

If this Bill, which I hope becomes law in the not too distant future, anchors just a handful of communities across the islands, it will make a huge difference, as Mr. Early said about the declining numbers. We are trying to hold onto what we have and not allow it to get worse. We are interested in anything that we can achieve through this committee or through this Department. The Department of Agriculture, Food and the Marine did something which was very effective across the islands, namely it increased the areas of natural constraint, ANC, payment and this was of major benefit to island farmers.

We are here to continue to save our islands, and the Island Fisheries (Heritage Licence) Bill 2017 is a huge spoke in that wheel. That is the overarching concept of everything we are about. Mr. Early and Mr. Conneely can handle all the technical details if members have any more questions on them. The bottom line is that either we want our islands and want to cherish them or we want them to continue to disappear. That is what has been happening over the past 100 years. At this stage we need a huge effort. We need recognition and a change in the psyche

of Government Buildings about the place of islands in our heritage, in our culture and in this country's history.

**Deputy Martin Kenny:** I thank all the witnesses for answering the questions. Even now I am learning about this. One of the things I am still confused about, and about which I asked Mr. Patrick Murphy, is the trading of quota. There was talk of trade. Before Mr. Murphy left, I spoke to him again about it. He said that if a producers' organisation, PO, has a share of quota that its fishers are not able to use, the PO somehow trades it with another PO. We talked about the 1% of the quota which would be needed by the islanders - 1% of mackerel, of herring or of something else. On a particular island, it may not be used or needed. Can that be traded off? Does that happen? Is there some kind of quota trading going on?

I think the EU has 17 sustainable development goals. Sustainable development goal 14 is about protecting our waters as a natural environment. While this Bill provides an opportunity for fishermen to make a living, it has another aspect. It is also about protecting that environment. The custodians of that environment will be the fishermen, both the small-scale fishermen who live on the shoreline and those who live on the islands. I fully take on board the producer organisations' argument that the small-scale fishers who live on the mainland face similar issues. If we can do this, if we can produce this piece of legislation to work for the islanders, some version of this may work for those other producers later on. First, we have to try to do something for the most clean-cut sector that we can find, as a model. The most clean-cut sector we can find is the fishermen who live on the islands.

When we get through this, we will have to look at tabling a number of amendments to clarify issues in the Bill. We will have to clarify that the heritage licence is about getting a portion of quota, and that the only people who will be entitled to get a portion of quota are people who already have a fishing licence for a fishing vessel. We also need to make provisions for the rules on how to qualify for a heritage fishing licence and how to maintain it. Sanctions may need to be put in place. My understanding is that the producer organisations have some of the capacity to implement or set some of those rules at present. Mr. Murray mentioned that the Irish Islands Marine Resource Organisation, IIMRO, is trying to develop into a producer organisation in its own right. Is it the intention of IIMRO to be the agency that would distribute and manage this quota and ensure that it is done in the best interests of the island fishermen? Is that the IIMRO's intention if we get this Bill through, or would Mr. Murray see that as something that will be done by others? That is a simple question. I always feel that where possible we should try to put the power to help people in the hands of those in need of the help, rather than somewhere else. I would like to hear the witnesses' views in respect of that.

The big stumbling block here seems to be that some sectors feel that by doing this we set a bad precedent, that we are in some way moving a piece of quota into private hands. Mr. Murray said that there are fewer than 3,000 people living on the islands at the moment. Is it felt that the island community somehow does not deserve some special consideration to reflect the way the environment around it puts it in the position it is in?

**Deputy Martin Ferris:** The general public is not aware of the huge decline of the population on our islands, the hardships associated with trying to scrape out a living there and the very fact that they are probably the most discriminated against sector in our society. That will go some way to focusing attention on the future of our islands. It is not going to turn things back to how they were but it will certainly focus attention on it. It will also give a sense of confidence to those who reside on the islands that at least they are being heard and they are no longer alone. I cannot understand it when I hear other organisations going on about problems with distribu-

tors and all these obstacles that are being put up. Some of them probably lived on the islands themselves. I cannot understand how they could have any objection to doing something right for our island communities. I was slightly encouraged at the end of the meeting when many of them said they agreed in principle. They need to give us the amendments to deal with the problems they have. Then we can debate the amendments and if there is merit to them they should be included.

It is good to be here listening to the witnesses. It is a pity the rest of our nation is not listening to them because they have been done a terrible wrong. They have been neglected, abandoned and forgotten. Maybe today and as we progress this further, there will be some awakening for the great culture, heritage and people who come from our islands.

**Deputy Eamon Ryan:** I very much appreciate being invited to contribute as I am not a member of this committee. That is why I have been in and out. I commend the committee. The length of today's hearing and the opportunity to hear the issues shows that the new politics sometimes does work. The Green Party supported the Bill on Second Stage and will support trying to get it through the Dáil in the remaining time of this Parliament.

I heard the contributions of Mr. Conneely and Mr. Early as well as that of Mr. Murray whom I know from Inishbofin, which I know very well. Mr. Conneely stated that his organisation is looking to set up a producer group. The key issue is route to market. I know from experience how the fisheries are dominated by non-quota species such as crab or lobster. If we are moving back to quota species for the likes of the island fisheries, have the witnesses looked at the business model? It is not going to be the big-scale model they are doing in Killybegs. There are some examples in Cornwall and other places of other small-scale fisheries for quota species that have a clear route to market and a good price. For the likes of Inis Oirr, it is important that we get it right and doing so will also help Doolin, which in a sense is peripheral, too. Similarly, if we got it right in Inishbofin I cannot see how it would not help Cleggan as well. They have a similar difficulty in terms of lack of distance. They do not have the resources of the likes of Castletownbere or Killybegs. If there is a business model that works for Inishbofin I do not see why it should not help Cleggan too.

I missed Dr. Ruth Brennan's presentation earlier but will watch it back on the recording. When it comes down to dealing with quota species, there are some pelagic shoals coming in and out but in the waters around Inishbofin they are also starting to see pockets of local cod species that could be the sources of a sustainable fishery. Does Dr. Brennan have any model for a local fishery on an island in that regard? How do we stop it wiping out a local cod stock or whatever on the first day? Is there a good example of husbandry of such stocks? There was for hundreds of years, probably, on Inis Oirr when they were fishing but the tackle and the equipment was different then. There is such power on boats nowadays that some small boats I have seen coming out of small harbours, even of less than 12 m, could still wipe out a stock that in the past might have supported 30 fishermen on Inis Oirr. It could probably be done now with the fishing effort of one or two vessels. How do we develop a sustainable model for some of those quota catches so that they can support probably not 30 but ten or six fishermen? That would have tremendous effect.

What Mr. Murray says is so true. The knock-on effects in terms of the tourism benefit for the whole county or area are massive. Even having an indigenous industry changes the nature of tourism. The area is not just a tourist destination but a place that is carrying on a tradition and developing a new sustainable tradition. It becomes an interesting place to go to in its own right as well as being special for a range of other reasons.

I apologise for jumping in on the discussion having been out. I have a particular personal interest. I agree with Deputy Ferris that this is important for everyone. I am a Dublin Bay South Deputy but if one scratches a Dub one will find someone who is interested in the west coast of Ireland and the islands in particular.

**Deputy Éamon Ó Cuív:** I apologise that I was in the Dáil Chamber for part of the meeting. Tá fáilte roimh muintir na n-oileáin. I reiterate what I said earlier. They are sitting on an island with very limited resources. They have land and tourism and the sea. I accept what Deputy Ryan has said about controlled fishing. It has to be controlled. The boat might be small but it could still have a powerful ability to hoover up fish. There is a huge industry to be built out of this. With food, we are seeing more and more that people want to know where it comes from and that it is genuinely local. A lot of restaurants claim that all the food is local but sometimes I wonder. In this case, we can really connect it, certify it and get the extra cost.

I have been reading Dr. Brennan's statement. She hits the nail on the head about something that is often forgotten about human beings. There are things in people's heritage; some people love fishing, some love horse racing etc. In rural communities there are people who are attracted to farming, cattle or whatever was in the family even though they have other, better ways of earning a living in the objective sense of money. Not everything in life is money. One thing that is inbuilt in many islanders - not all - is a love of fishing and the sea and a very deep knowledge that cannot be acquired from a book. As Dr. Brennan said, they have *dúchas*. It is important to recognise that yearning in people to access what was accessed by those before them in a sustainable way. We have to factor that into our thinking. Not everything in life is pure economics.

When I went to the west of Ireland back in 1974, I was meant to be a farmers' co-op manager. I quickly came to the realisation that the kind of land we had in the west of Ireland would not sustain vibrant, young communities purely on the land. We developed a different model whereby every household had various sources of income. That also meant they were less vulnerable to changes, short-term unemployment and so on, because there was something to fall back on. Someone might have a day job, a farm and some tourist income. Combined together, the three made a very sustainable family income, if I may use that old-fashioned term, although none would have given the equivalent of a modern income on its own. We often overlook the importance of small-scale fishing, even though 80% of our fishermen are in that category and of small-scale farming. Both provide supplemental income which makes the difference between being on the bread line and having a reasonable standard of living. Obviously, building a house on one's own land is cheaper than having to buy a house on the open market. In that context, viable communities can be created but that will not be possible if we try to limit each household to one source of income. These areas are particularly open to the possibility of three or four sources of income per household, thus creating a sustainable family unit. If we do not give them access to the sea, however, that is not possible.

**Chairman:** I thank Deputy Ó Cuív. I ask Mr. Early to respond to the specific questions on managing the quota and setting precedents. Following that, Mr. Murray and Dr. Brennan will conclude.

**Mr. Jerry Early:** Obviously managing a quota is dependent on getting a quota. Running in conjunction with the heritage licence we are looking to set up a producer organisation which would manage the quota. That is pretty standard. It is a work in progress and is something upon which we must build ourselves and learn again, to some extent. We are going back to the start, taking a step back in order to take a step forward. Dr. Brennan's experience and what she

did in Barra in particular is invaluable. Her level of expertise is huge and we must use people like Dr. Brennan to help us to find our feet again and to advise us all. She has been there and bought the ticket.

I thank Deputy Ferris for his kind remarks. However, we are where we are not by choice but because of legislation. We have a fantastic opportunity here. I believe the committee believes in this and wants to help. I hope that we can find a way to get back part of what we lost, in order to stop the bleeding and move forward.

**Mr. Enda Conneely:** There are a few issues that keep cropping up, the first of which is the idea of a private quota. That is not in the frame at all and I do not know from where it came. Perhaps it arose as a result of the name of the Bill or the licence. The quota is allocated by the Minister to the fishing fleet. The quota that would be allocated to us would be to the polyvalent fleet on the islands that already exists. We have co-operative structures in place at the moment through which we would be able to manage that but we hope to have a producer organisation set up fairly soon to deal with that as well as with issues like markets and so forth.

The second issue is scale. Deputy Eamon Ryan mentioned the route to market. The business model that bigger operators like Killybegs Fishermen's Organisation, KFO, would be using would be a scale model. We are looking at a smaller scale scenario involving short routes to market. We are aware of people in Galicia, for instance, who have worked with fishers to put together marketing systems at a local level. We are also familiar with people in Cornwall who are doing the same. There are applications available now which enable fishers to sell the fish they catch. They stop fishing when they cannot sell their catch. They leave fish in the sea and only take what they need. These things are possible with technology. That is what we are working towards. If Inis Oírr pulls ahead with this and puts a good system in place, that can be replicated in Doolin and elsewhere. An island is a very contained unit and so provides an ideal environment for testing this model. We are looking at a scale that is small and manageable. If we make any mistakes or errors or if we figure out a better way of doing things, we will do so at a manageable scale.

It has taken us 30 years to get here, in the sense of going down. We are not going to get back up by magically being given access to fish. That said, we need access to start building up gradually. We need to build a marketing system. Everything that Deputy Ó Cuív said about how island, coastal and rural communities work is true in that everything is interlinked. Tourism needs fishing to happen, otherwise we will be importing Pangasius from somewhere else and serving it on Inishbofin or the Aran islands. That is not what we want to do. Everything is interlinked, including the small bits of farming, fishing and tourism. Scale is an issue. There seems to be a mad rush within the system to scale up everything. On the world stage, Ireland is not a scale economy as such. As a country we should be looking at where we get value as opposed to rushing to the simple marketing notion of scaling everything up, making products in China and selling them to somebody else.

We are dealing with a resource here that is diminishing. It is a finite resource. Technology is such now, especially at the industrial level, that we can actually kill every fish in the sea. In that context, we must scale back. All of the inshore area is mainly spawning ground. I am aware of one fishery in the late 1980s and early 1990s that got a market for herring roe. It targeted the spawning herring to such an extent that the species has still not recovered. We cannot do that kind of thing anymore. The scale at which we are working is not market led. If one gets into big boats, one gets into all sorts of problems. One has to kill more fish but there are no more fish so one has to manage it. That is where we have gone but we want to crawl our way slowly

back. We can do that with this Bill. There will be amendments, I assume, in terms of legalities and things that can be done. The witnesses that were here today were all in favour, in principle, of doing something for the islands. However, their interpretation seemed to be that this would involve privatising quota but that is impossible. The Minister allocates quota to certain groups, as he or she does with everything else. We on the islands recognise paragraph 20 and Article 17.

I am conscious that we have been here all day and that the committee has given us an awful lot of time. I thank members for that. If we missed any questions, members know where we are - we are stuck on islands.

**Chairman:** Thank you. I will now ask Mr. Murray and Dr. Brennan to sum up.

**Mr. Simon Murray:** To sum up, as islanders we are here and none of us will be going home tonight, to state the obvious. We are completely different from our mainland counterparts in many ways. This Bill will help us to secure the future of our islands. The obvious thing, from the point of view of our representative organisations, is that everyone in attendance here can name a depopulated island, some of which are very famous but no one can name a repopulated one. None exists and that is the problem. Once the lights go out, they will not go back on. That is where we are at this moment in history. Ironically, I can sit on Inishbofin with 30 Mg and the world at my fingertips. People have lived on Inishbofin for 5,000 or 6,000 years but the next 50 years is probably the most knife edge time for the island's future. In that context, I ask members to strongly support this Bill.

**Dr. Ruth Brennan:** I refer to Deputy Ryan's very good question. He asked if quota species are to be fished under the Bill, how we would stop a local cod fishery being wiped out and whether there are models that could do this. He also raised the point that modern fishing gear, even on small boats, has a much greater capacity to catch fish. Just because fishing gear is modern does not preclude it from being used to achieve more sustainability. Fishing gear adaptations such as escape hatches and creels are good examples of this. The Deputy's questions should force us to reflect on what assumptions we make that underlie how we frame fishers. He asked whether specific models are in existence that could address this. I can look into the literature and find umpteen models that would address it, but my approach is always to work with local communities and to listen to them and ask them what their approaches are because they are the people who have this knowledge.

Coming back to the point on framing and the question on how we stop it wiping out a local cod fishery, we are automatically framing fishers with only one identity, which is as individual competing fishers who are damaging a resource. The approach I come from is to recognise that all of us have varying identities, and the important identity I work with always is to support an ethos of marine stewardship, and working with fishers, in particular, as marine stewards. If we come from this platform of viewing fishers as stewards of the marine resource, which islanders want to do because they want to keep the resource, and work with them to use their local knowledge to develop models that make sense from a local point of view and that are informed by their knowledge, which has been garnered over generations, then we can come up with viable models that will guard against the Deputy's concerns.

I was recently awarded funding by the European Commission to do the work I am describing with IIMRO. It has funded me to work with IIMRO for two years to develop innovative governance initiatives that meet conservation objectives at national and European levels. We will work to develop this marine stewardship ethos and bring together the policy environment and objectives that need to be met with this local knowledge, which we need to value, harness

and make visible in the policy environment.

**Chairman:** I thank Dr. Brennan and all the other witnesses for attending. It has been long day for them and I apologise for keeping them so late. Today is the second day of our consultations on this matter. We have given it a good hearing, as we did the previous day. Over the coming weeks, the committee will decide on the next course of action with the Bill. As has been mentioned, there may be amendments or legal issues to address. The committee will address them over the coming weeks and we will move onto the next Stage. I thank the witnesses for their participation today and the submissions they made before the meeting.

The joint committee adjourned at 7.35 p.m. until 3.30 p.m. on Tuesday, 19 June 2018.